



Board members appointed by Governor

▶ **David L. Cox, P.S.** On October 13, 1999 Governor Taft appointed David L. Cox, P.S., of Middletown, Ohio to a term on the Board expiring on September 24, 2004; replacing Raymond J. Buddie, P.S., whose term expired. Mr. Cox is employed by Kleingers & Associates, Inc. and is also an adjunct faculty member at Cincinnati State Technical and Community College.

▶ **Alan J. Olson, P.E.** On June 1, 2000 Governor Taft appointed Alan J. Olson, P.E., from Bay Village, Ohio to a term on the Board expiring on September 24, 2003; replacing Lawrence C. Chamberlain, P.E., P.S., who resigned from the Board effective February 29, 2000. Mr. Olson is the head of Westlake Science & Technology, received his B.S. degree in chemical engineering from the Tufts University and received his M.B.A. degree from the University of Connecticut.

Experience verification process changed

The Board has revised its Application for Registration to require the name, address, signature and date for each supervisor shown on the experience portion of the application or letters submitted by applicants in which their experience is claimed. The revisions went into effect in August 2000 for the April 2001 and subsequent examinations and will improve the application by providing additional verification of claimed experience.

Expedited licensure expands beyond Ohio

Mark T. Jones, P.S., the Board's Executive Secretary and former Chair of the NCEES Mobility Task Force (MTF) reported that the MTF met in St. Louis, Missouri in December, 1999 and decided that the Model Law Engineer (MLE) process for expedited comity licensure — which Ohio began in 1998 — has been adopted by several states. NCEES encouraged this process for other states at the NCEES Zone Meetings in the spring of 2000 and the NCEES Annual Meeting in Chicago in August 2000. At these meetings, the MLE process was explained by those states which have adopted the process so that other states could ask questions in order to determine if the process could be adopted by most states. In general, the MLE process significantly shortens the time and paperwork required for comity licensure and has been determined to be a viable alternative to proposals for national registration/licensure.

OSPE to present certificates at awards ceremony

Prior to 1995, the Ohio Society of Professional Engineers (OSPE) presented P.E. and E.I. certificates at certificate presentation ceremonies. This practice was discontinued by the Board in October 1995 due to declining attendance — about 30% participation — and a delay of up to three months after release of the results until the certificates were presented. Consequently, those who did not attend the ceremonies did not receive their certificates for months.

In March 2000, the Board, at the request of OSPE, decided to again allow OSPE to hold one presentation ceremony after each examination for a trial period following the April 2000, October 2000 and April 2001 examinations. During the trial period, the Board will evaluate the process to determine if the percentage of attendance has dramatically increased and if the presentations are held as soon as practicable after the release of P.E. and E.I. grades.

The first of the certificates presentation ceremonies occurred on Saturday, September 2, 2000 at the State House Atrium in downtown Columbus.

Don't forget to renew your registration each year by December 31!

House Bill 560 initiated by the Board

On January 26, 2000, Representative Kevin Coughlin (R-Cuyahoga Falls) introduced H.B. 560. This legislation was requested by the Board and is "consensus legislation" due to the Board having worked with the statewide engineering and surveying associations (CECO, OSPE, CECO and PLSO) for two years in order to achieve consensus on the proposed revisions to the registration act (Ohio Revised Code Chapter 4733). The primary proposed revisions included in H.B. 560 can be summarized as follows:

1. To provide that a Board member will continue his or her term of office until a successor takes office (ORC 4733.03).

2. To revise requirements for "after college graduation" experience for engineers and surveyors to allow a maximum of two years of experience credit prior to college graduation, but after completion of the second year of college [ORC 4733.11(A, B)]. Speaker Davidson's office requested this type of revision to accommodate "co-op" and "non-traditional" college students.

3. To delete the provisions allowing registration by "eminence" for Professional Engineers or Professional Surveyors [ORC 4733.11 (A) (3), (B) (5)].

4. To delete the provision allowing persons with "related science" degrees to become registered as Professional Engineers [ORC 4733.11(A) (2)].

5. To require a signature and date, in addition to a seal, by registrants on their work products and to regulate the use of

"electronic seals" (ORC 4733.14).

6. To revise the requirements for a "Certificate of Authorization" for companies which provide or offer to provide engineering and/or surveying services (ORC 4733.16). This will eliminate the current "owner head count" while retaining the current requirement that a majority of the ownership interests are owned by licensed professionals.

7. To provide the Board the authority to issue a "Cease and Desist" order and to impose a fine of up to \$500 per day to individuals who are not registrants but who are illegally providing or offering to provide engineering or surveying services (ORC 4733.201).

8. To provide the Board authority to impose a fine upon a registrant of not more than \$1000 for each offense for which the registrant is found to be guilty [ORC 4733.20(F)].

9. To prohibit a public authority from accepting or using engineering or surveying plans prepared by a person who is not registered as a Professional Engineer or Professional Surveyor (ORC 4733.23).

The bill is currently being considered by the House Commerce and Labor Committee and hopefully will be favorably "voted out" of committee in the fall of 2000. Since the current legislative sessions ends on December 31, 2000, it appears likely that the legislation will need to be reintroduced into the new two year legislative session of the Ohio General Assembly early in 2001.

Ohio Court grants Board's request for injunction against PA surveyor

On January 28, 1999 the Board received the first of many complaints alleging that Russell Elwood Boyd, a resident of Sharpsville, Pennsylvania, was illegally practicing surveying in Ohio, a violation of Ohio Revised Code Section 4733.22.

Mr. Boyd's Ohio registration as a professional surveyor expired on December 31, 1993 and has not been renewed. According to Ohio Administrative Code Section 4733-25-01, in order for Mr. Boyd to renew his registration in Ohio he would be required to take and pass the Principles and Practice of Surveying examination as a condition of reinstatement since more than four consecutive years have elapsed since the date of expiration of his registration.

Despite repeated attempts by the Board to contact Mr. Boyd, he continued to practice illegally. On June 24, 1999 the Board requested, and was granted, a temporary restraining order in Trumbull County Common Pleas Court. The court granted a permanent injunction prohibiting Mr. Boyd from practicing surveying on November 17, 1999.

The Board also filed criminal charges in Niles Municipal Court and Trumbull County Court East against Mr. Boyd for violations of Ohio Revised Code Section 4733.22. Ohio Revised Code Section 4733.99 provides that whoever violates section 4733.22 by practicing, or offering to practice, the professions of engineering or surveying without being registered shall be fined not less than one hundred nor more than five hundred dollars or imprisoned not more than ninety days, or both. Both courts have issued bench warrants for the arrest of Mr. Boyd.

Ohio's Examination Schedules and Deadlines

▶ April 2001

Application deadline is January 22, 2001. Exams will be held on April 20 (PE/PS) and April 21 (FE/FS).

▶ October 2001

Application deadline is July 27, 2001. Exams will be held on October 26 (PE/PS) and October 27 (FE/FS).

▶ April 2002

Application deadline is January 20, 2001. Exams will be held on April 19 (PE/PS) and April 20 (FE/FS).

1999–2000 Board Disciplinary Actions

July 1999

▶ J. Ross Taylor

New Castle, Pennsylvania
Mr. Taylor engaged in the unlicensed practice of surveying by sealing survey plats for a subdivision in Hubbard, Ohio with his Pennsylvania surveyor seal. Mr. Taylor entered into a settlement agreement whereby he agreed to cease and desist from such actions until he obtains a certificate of registration as an Ohio Professional Surveyor from the Board.

October 1999

▶ William P. Fergus

Painesville, Ohio

After an administrative hearing, the Board revoked Mr. Fergus' certificate of registration as a Professional Engineer and Professional Surveyor for violating ORC Section 4733.20 (A) (4) and OAC Section 4733-5-03 which provide that the Board may revoke a certificate of registration if the registrant is found guilty of a felony. In February 1999, Mr. Fergus was found guilty of violating the Federal Racketeer Influenced and Corrupt Organizations Act.

▶ Robert E. Brady

Middleville-Gun Lake, Michigan

After an administrative hearing the Board suspended Mr. Brady's certificate of registration as a Professional Engineer for violating ORC 4733.20(A)(5) and OAC 4733-35-08 which provide that the Board may revoke, suspend, limit, reprimand or place on probation the holder of a certificate of registration for violations in another state if those violations would constitute a violation in Ohio. In March 1999, Mr. Brady's license to practice engineering was suspended indefinitely in North Carolina. Mr. Brady can only reapply for his Ohio registration once he is reinstated in North Carolina.

November 1999

▶ James F. Robinson, P.E.

Ashland, Kentucky

Mr. Robinson entered into a settlement agreement involving a single occurrence of "plan stamping"

and he agreed to cease and desist from such practices.

January 2000

▶ Air Solutions Engineering, Inc. Cincinnati, Ohio

Air Solutions Engineering, Inc. does not possess a Certificate of Authorization from the Board, which is required in order to use the term "Engineering" in a company name. The firm entered into a settlement agreement whereby they agreed to remove the term "Engineering" from their name until they obtain a Certificate of Authorization from the Board.

March 2000

▶ Jim Allen

Allen Consulting, Inc.
McDermott, Ohio

Mr. Allen and his firm were alleged to have engaged in the unlicensed practice of engineering. They entered into a settlement agreement whereby they will cease and desist from such actions until they are properly registered by the Board to provide engineering services.

▶ Dennis Fekete

Elyria, Ohio

Mr. Fekete was alleged to have engaged in the unlicensed practice of surveying. He entered into a settlement agreement whereby he will cease and desist from such actions until he obtains a certificate of registration as a Professional Surveyor from the Board.

May 2000

▶ TAC Systems

Wooster, Ohio

The firm was alleged to have engaged in the unlicensed practice of engineering. The firm entered into a settlement agreement whereby it will cease and desist from such actions until it obtains a certificate of authorization from the Board.

June 2000

▶ Douglas C. Perry

North Bend, Ohio

The Board initiated an investigation when information was received from

the City of Cincinnati, Department of Transportation and Engineering, which indicated that Douglas C. Perry had been representing himself as a Professional Engineer and practicing engineering in his position as "Senior Engineer" with the City of Cincinnati. The information received by the Board included correspondence and an employment application wherein Mr. Perry identified himself as a Professional Engineer. The information contained a transcript of sworn testimony in which Mr. Perry states that he is a "licensed professional engineer in the State of Ohio." In the settlement agreement, Mr. Perry agreed that he would not use the initials P.E. in connection with his name or otherwise represent himself as a Professional Engineer. Mr. Perry also agreed not to engage in the practice of engineering. As a condition of the settlement agreement, Mr. Perry will not be allowed to apply for, or sit for, the Fundamentals of Engineering examination, which one must pass in order to obtain registration as a Professional Engineer in Ohio.

▶ Tom L. Caperton

Caperton & Associates

Apple Creek, Ohio

Mr. Caperton and his firm were alleged to have engaged in the unlicensed practice of surveying. They entered into a settlement agreement whereby Mr. Caperton, and Caperton & Associates, will cease and desist from practicing and offering surveying services until they are registered by the Board to provide surveying services.

▶ Kenneth R. Strahl, P.S.

Carrollton, Ohio

Mr. Strahl entered into a settlement agreement involving the use of his seal to "plan stamp" surveys. Mr. Strahl agreed to cease and desist from signing or sealing any surveys not prepared under his direct supervision and control.

ORC: Ohio Revised Code.
OAC: Ohio Administrative Code.
Contact John F. Greenhalge at
jgreenhalge@mail.peps.state.oh.us
for more information.

Engineering drawings submitted for Ohio EPA approval

Prior to the middle of 1998, the Ohio Environmental Protection Agency (OEPA) had a policy of requiring the signature and seal of a Professional Engineer (PE) on plans submitted to OEPA for approval if the PEs at OEPA determined that the plans were engineering plans.

On September 9, 1998 the Acting Deputy Director of the Division of Surface Water of OEPA issued a memorandum stating that there is no legal basis for OEPA to require that engineering plans for privately funded projects be prepared by a PE. In letters dated September 23 and 28, 1998 to OEPA, the Consulting Engineers Council of Ohio (CECO) expressed their disagreement with OEPA's position. In a letter dated February 1, 1999 to OEPA, the Board also voiced its concerns and disagreement. As a result of these letters, OEPA reinstated its policy of requiring that engineering plans submitted to OEPA be prepared by a PE.

In May 1999, OEPA requested a formal opinion from the Attorney General. OEPA asked if plans for public and private wastewater systems must be prepared by a PE and if OEPA has an obligation to reject such plans if they were not prepared by a PE. On November 17, 1999 Attorney General Montgomery issued her opinion, which states in part, that until OEPA adopts a rule requiring that engineering plans be prepared by a PE, OEPA is without authority to reject engineering plans solely on the basis that the plans were not prepared by a PE. Upon receipt of this opinion, OEPA stopped rejecting engineering plans which were not prepared by a PE.

As requested by OEPA, the Board, at its meeting on December 14, 1999, met with five representatives from OEPA and two representatives from CECO in order to help OEPA to formulate a plan for how to handle this situation.

OEPA representatives indicated that OEPA would soon promulgate rules

to require that engineering plans be prepared, signed and sealed by Professional Engineers. The Board and CECO agreed to assist OEPA in the drafting of rules and suggested emergency rules in order to protect the public safety, health and welfare since OEPA estimated that the normal rule process could take approximately one year to accomplish.

In a letter dated January 5, 2000, Joe Koncelik, an attorney from the office of the Director of OEPA, asked the Board to give direction to OEPA on what type of plans must be prepared and sealed by a PE. The Board considered these issues at its meetings on January 5 and February 4, 2000 and submitted a letter dated February 4, 2000 to OEPA.

At the request of Senator Lynn Watchmann, on March 29, 2000 the Board met with representatives from OEPA, CECO and Senator Watchmann in order to help OEPA begin the process of drafting administrative rules to require that engineering plans submitted to OEPA be prepared, signed and sealed by a PE. It was agreed that OEPA would write a series of letters to the Board in which OEPA would state its opinion on what types of plans must be prepared by a PE and what type of plans do not need to be prepared by a PE.

At its meetings on May 11 and June 15, 2000 the Board and CECO reviewed letters dated April 5 and May 3, 2000 from OEPA regarding "drinking water plans" and "surface water plans." In both instances, the Board and CECO substantially agreed with the OEPA positions and forwarded minor comments to OEPA for their use in formulating administrative rules.

The above process, in which the Board worked closely and cooperatively with CECO and OEPA, resulted in positive results for all parties concerned, thereby protecting the public health, safety and welfare of the citizens of Ohio.

Ohio PE/PS Board News

SEPTEMBER 2000

Published by

State Board of Registration for Professional Engineers and Surveyors

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Total copies printed: 35,000

Unit cost: \$0.0000

Publication date: 09/2000
