



PE/PS Newsletter 10/03

CONTINUING PROFESSIONAL DEVELOPMENT

Proposed CPD requirements

THE OHIO SOCIETY OF PROFESSIONAL ENGINEERS (OSPE) will soon request legislation to require 15 professional development hours (PDH) per calendar year — beginning in 2007 — for a PE, PS or PE/PS to maintain registration.

This is the result of several years of cooperative efforts between the OSPE, the American Council of Engineering Companies, the County Engineers Association of Ohio, the Professional Land Surveyors of Ohio and the Board to agree upon the details for continuing profession development (CPD) requirements.

Ohio has required a bachelor's degree for PEs since 1975 and for PSs since 1993, yet there currently are no requirements that registrants increase their knowledge or stay up to date with new technology after college graduation.

The only professions in Ohio that don't require CPD are Professional Engineers, Professional Surveyors, Architects and Landscape Architects. Ohio's engineering and surveying societies have been discussing mandatory CPD since 1986, and consensus has now been reached.

THE CPD REQUIREMENTS will be virtually identical to the National Council of Exam-

Shah appointed to third term

On September 27, 2002 Governor Taft reappointed Chandra R. Shah, P.E. to a third term ending on September 24, 2007. This is the first time a member has been appointed to a third term since the reappointment of Robert Waid in 1952.

iners for Engineering and Surveying national model law, so PEs and PSs licensed in Ohio and also other states that require CPD will find it easy to obtain CPD credit in almost every state. Ohio will not require any "state specific" courses or activities.

It will be quite easy to obtain the needed 15 PDH per year and the law will allow a registrant to carry forward up to 15 PDH into the next year. The law will require "courses or activities in technical, ethical or managerial topics relevant to the practice of engineering or surveying."

This will allow all registrants to attend seminars and activities that will benefit them in their particular area of practice during the various stages of their careers. The Board will not approve the courses and activities; each registrant will be responsible for choosing courses or activities that fall within the broad range of courses and activities described above.

Registrants will maintain their own records for three years. The required records need only include a log showing the type, date, duration, number of PDHs claimed, instructors' names for the courses or activities, and certificates of completion or other such evidence of attendance.

PDHs MAY BE EARNED by any combination of the following methods:

- Attending or teaching relevant courses, seminars or workshops (1 PDH per hour attended)
- Authoring relevant published papers, articles or books (10 PDH each)
- Being an officer or active committee member of an engineering or surveying society (2 PDH per year per society)
- Completion of relevant college

courses (1 quarter hour = 30 PDH, 1 semester hour = 45 PDH)

- Obtaining a patent (10 PDH each)

The CPD records of each registrant will be subject to audit by the Board. If the Board discovers that the required CPD has not been completed, the registrant will be so informed and allowed up to six months to remedy the deficiency. If the deficiency is not remedied, the Board may revoke or suspend the registrant's license after offering an adjudication hearing.

IN SUMMARY, the proposed CPD requirements are supported by all of the statewide engineering and surveying societies, will not be difficult for the registrants to comply with or for the Board to enforce, and, most importantly, will provide additional protection to the citizens of Ohio.

Pocket cards discontinued

Beginning in November 2003, the Board will no longer issue pocket cards for new and renewed PE or PS licenses.

To determine if the Board received your payment and renewed your license, we encourage you to check your license status online at <http://ohiopeps.org>.

Not printing and mailing pocket cards will save the Board more than \$15,000 each year.

DON'T FORGET TO RENEW YOUR OHIO PE/PS ANNUAL REGISTRATION BY DECEMBER 31!

2002-2003 Disciplinary Actions

The Board's primary goal in our enforcement program is to bring registrants into compliance with our laws and rules. The Board resolves the majority of the complaints we receive by warning letters, educational conferences and when the offenders voluntarily come into compliance. Below is a list of the cases that required formal disciplinary action by the Board.

SEPTEMBER 2002

**Gary Schulze (unlicensed)
Cincinnati, Ohio**

VIOLATION: Prepared a site plan for a residence located in Dayton, Ohio, and affixed a copy of a professional surveyor seal belonging to a deceased surveyor to the site plan in order to obtain permit approval in violation of Ohio Revised Code Sections 4733.02 and 4733.22.

BOARD ACTION: Settlement Agreement to cease and desist.

**Gerald E. Smart, P.E.
Middletown, Ohio**

VIOLATION: Sealed engineering documents and plans that were not prepared with his personal professional knowledge and under his direct supervisory control and responsibility in violation of Ohio Revised Code Section 4733.20 (A) (2) and (5) and Ohio Administrative Code 4733-35-07 (A).

BOARD ACTION: Reprimand and Settlement Agreement to cease and desist.

**William Durrrough (unlicensed)
Cincinnati, Ohio**

VIOLATION: Engaged in the practice of engineering by preparing engineering plans in violation of Ohio Revised Code Sections 4733.02 and 4733.22.

BOARD ACTION: Settlement Agreement to cease and desist.

MARCH 2003

**William H. Julius (unlicensed)
Materials Design Evaluation, Inc.
Pittsburgh, Pennsylvania**

VIOLATION: Engaged in the illegal practice of engineering by

affixing a fake seal bearing his name that was similar in design to Ohio's professional engineer seal. The seal was affixed to a Professional Engineer's Certification that was submitted to the Ohio EPA for an above ground storage tank in violation of Ohio Revised Code Sections 4733.02 and 4733.22.

BOARD ACTION: Settlement Agreement wherein he agreed to the following: he will not engage in the practice of engineering or hold himself out to the public as a Professional Engineer or represent that he is qualified to offer or provide engineering services; he will not apply for registration as a professional engineer or surveyor in Ohio or apply to take the Fundamentals of Engineering or the Principles and Practice of Engineering examinations; he will not use the initials P.E. in connection with his name; he agreed to pay a \$1,000 fine.

**James R. Allen, Sr., P.S.
Canfield, Ohio**

VIOLATION: Continued to practice surveying after his registration had expired on December 31, 1999 in violation of Ohio Revised Code Sections 4733.02 and 4733.22 and Ohio Administrative Code Section 4733-23-01 (A).

BOARD ACTION: Reprimand and Settlement Agreement wherein he agreed that his registration would not be renewed until June 11, 2003 and he will renew his registration annually before December 31.

**Paul K. Schoenberger, P.E.
Columbus, Ohio**

VIOLATION: Aided and abetted the unlicensed practice of engineering by allowing an unlicensed individual to affix mylar copies of his professional engineer seal to engineering drawings prepared by the unlicensed individual.

The investigation also revealed that the unlicensed individual was contracting to provide engineering services in violation of Ohio Revised Code Section 4733.02.

BOARD ACTION: After conducting an adjudication hearing the Board suspended Mr. Schoenberger's registration as a professional engineer for six months beginning April 1, 2003.

How to file a complaint

Any person may file a complaint. The Board policy is that all complaints must be made in writing and should contain sufficient factual evidence to indicate a clear violation of the registration law. Include with the complaint as much factual evidence as possible, including copies of plans, plats, pictures, maps, documents, contracts and the names, addresses and phone numbers of potential witnesses. Any documents received will not be returned.

Most documents received by our office are public records and subject to Ohio's Public Records Act. This law requires nearly all public records to be available for inspection by anyone, upon request.

Boundary disputes and failure to fulfill contractual obligations are not within the jurisdiction of the Board and require legal resolution. Likewise, the Board has no power to order restitution and does not establish or review costs for professional services.

For more information, see the "enforcement" page on our web site.

Complaints should be mailed or delivered to:

John F. Greenhalge
Board Enforcement Officer
Ohio Engineers and Surveyors Board
77 South High Street, Room 1698
Columbus, Ohio 43215-6108

Ware hired as investigator

On August 25, 2003, the Board hired Amanda Ware as an additional investigator. Amanda has worked for the past four years as an investigator for Ohio's Occupational Therapy, Physical Therapy and Athletic Trainers Board. She is a graduate of the Ohio State University where she earned a degree in Criminology and is a member of the Ohio Investigator's Association.

April exams to be held in Cincinnati, Cleveland, Columbus

Dreading that Thursday night drive and hotel stay to take the PE exam in lovely downtown Columbus?

Well, the Board has good news for you. Starting April 2004, the Board will offer all licensing exams in Cincinnati and Cleveland as well as Columbus.

"This Board is committed to making the licensing exams as convenient as practical for eligible candidates," says Board Chairman Dean Ringle.

Choosing your exam site will be quick and convenient, too. After the Board ap-

proves your application, you may pay for the exam and register for your exam site online.

The Board has been troubled by the varying exam conditions under which the applicants take their exams; each State Board has differing rules for calculators, what references are permitted, etc.

In an effort to promote uniformity of exam conditions, the Board decided to contract the Ohio licensing exam administration to Engineering and Land Surveying Examination Services (ELSES, LLC), an

affiliate of the National Council of Examiners for Engineering and Surveying (NCEES), the body who develops the questions and grades the exam.

Other changes beginning April 2004 will affect students taking the Fundamentals of Engineering (FE) exam. The Board will no longer be able to offer the FE or FS exam at the schools; the students will take the exam at the three major metro areas in Ohio. The student application deadline moves to 90 days before the exam. These changes streamline the application process for all exam candidates.

You will find specific exam instructions on our website at <http://ohiopeps.org>.

Good luck on your exams!

BEWARE OF ILLEGAL AIDING AND ABETTING

Contracting to provide for professional services

The Board has been made aware of many cases where unregistered individuals or firms are contracting to provide engineering or surveying services. Ohio Revised Code Section 4733.02 provides that only registered professional engineers or registered professional surveyors may contract for engineering and surveying services. The typical violation involves an unregistered draftsman or contractor who is asked by a client to provide engineering design plans on a commercial project. The unregistered individual, after contracting with the client, will then look for a professional engineer to assist in the project, particularly because a professional seal is needed on the plans in order to obtain permit approval.

These types of cases have led to an engineer being found guilty of aiding and abetting the unlicensed practice of engineering [O.R.C. § 4733.20 (A) (3)]. These cases often involve plan stamping since the

engineer is only reviewing the unlicensed individual's work and the engineer often does not have personal professional knowledge and direct supervisory control of the project. This puts the professional engineer's license at great risk and also makes the professional engineer financially liable for a project that he did not design.

The only exception is for design/build projects. A design/build contractor may hire a professional engineer to provide engineering services provided that the contractor is going to **both** design and build the project; however,

in most cases the engineer must contract directly with the project owner and subcontract or hire draftsman, technicians, etc. as needed to work under the professional engineer's supervision.

It is also a good practice for professional engineers and surveyors to have a written contract with the client that outlines the services to be provided and the basis of compensation.

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Future NCEES exam dates

Following are future exam dates. Remember that Ohio requires your application request be postmarked 90 days before the exam.

- **2004 April** PE/PS on Friday, 04/16; FE/FS on Saturday, 04/17
- **2005 October** PE/PS on Friday, 10/29; FE/FS on Saturday, 10/30
- **2005 April** PE/PS on Friday, 04/15; FE/FS on Saturday, 04/16

Board offers structural exams

The Board now offers all NCEES exams plus the Ohio Welding and Ceramic Engineering exams. You can take the Structural I and II exams both spring and fall, while the two new PE exams — Architectural and Naval Marine Engineering — are offered only in the spring. You can find details regarding all the NCEES exams at <http://www.ncees.org>.

Excerpts from our annual report to Ohio's governor

Registrants

At the close of fiscal year 2003, the records of the Board listed 33,794 individuals holding current registration as professional engineers and/or professional surveyors. 1,440 business firms were registered with a Certificate of Authorization to provide engineering and/or surveying services in the state of Ohio.

Our total staffing level has remained constant for several years: a total of 12 positions consisting of five Board members and seven full-time staff members.

We are very proud that our Board has the lowest staff to licenses of any of Ohio's licensure boards and that our operations are so efficient that we have the second lowest license renewal fee — \$16 per year — of any engineering board in the United States.

Examinations

Written examinations were conducted by the Board in October 2002 and April 2003. The Fundamentals of Engineering and (FE) Principles and Practice of Engineering (PE) examinations for registration as professional engineers were eight hours each and covered engineering fundamentals, sciences and professional engineering practice.

The Fundamentals of Surveying (FS) and Principles and Practice of Surveying (PS) examinations for registration as professional surveyors were eight hours each and covered the fundamentals, sciences and professional practices related to surveying in Ohio.

In fiscal year 2003, 1,635 persons took the FE or FS exams of which 1,174 received passing grades. A total of 1,169 persons took the PE or PS exams, of which 632 received passing grades. Passage of both the Fundamentals and Principles and Practice examinations are required for registration as a professional engineer or professional surveyor. Passage of the FE or FS examination qualifies the candidate for certification as an engineer intern or as a surveyor in-

tern. Candidates successfully passing the FE or FS examination will be required to successfully complete the PE or PS examination, after sufficient experience is obtained, in order to complete the requirements for registration as a professional engineer or professional surveyor.

Comity

During fiscal year 2003, 567 individuals became registered in Ohio as professional engineers or professional surveyors by comity. The Board reviews each comity application and denies registration to those individuals whose credentials do not meet the requirements of Ohio law.

Enforcement

Ohio law provides that the State Board of Registration for Professional Engineers and Surveyors receive and investigate complaints as part of its regulatory duties as defined in Chapter 4733 of the Ohio Revised Code.

During fiscal year 2003, the Board received 71 complaints alleging violations of Ohio law or rules of professional conduct and/or Board rules incorporated in the Ohio Administrative Code. The Board held three disciplinary hearings and eight licensure hearings in fiscal year 2003.

Of the 71 complaints the Board received in fiscal year 2003, seven formal investigations were opened. Formal investigations were not opened on 64 complaints. Of those 64 complaints, the following actions occurred: in 15 cases no violations were found or the Board did not have jurisdiction over the alleged violation; in six cases the individual or company voluntarily came into compliance; a warning letter was sent in two cases; and the remaining 41 complaints are currently pending and under review.

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