



PE/PS Newsletter 10/04

CONTINUING PROFESSIONAL DEVELOPMENT

CPD requirements begin in 2007

At the request of the Ohio Society of Professional Engineers (OSPE), Representative Chris Widener (R-Springfield) introduced H.B. 322 and Senator Kevin Coughlin (R-Cuyahoga Falls) introduced S.B. 150. The two identical bills will require each Ohio P.E., P.S. or P.E./P.S. (dual licensee) to obtain 15 professional development hours (PDH) beginning in 2007 in order to renew registration for 2008 and subsequent years. H.B. 322 passed both the House and the Senate on December 1, 2004.

Future NCEES exam dates

Following are the next three NCEES exam dates.

Important: Ohio law requires that your application request be postmarked no later than 90 days before each exam.

2005 April PE/PS on Friday, 04/15; FE/FS on Saturday, 04/16

2005 October PE/PS on Friday, 10/28; FE/FS on Saturday, 10/29

2006 April PE/PS on Friday, 04/21; FE/FS on Saturday, 04/22

Alan J. Olson, P.E., reappointed

On March 19, 2004 Governor Taft reappointed Alan J. Olson, P.E. to a second term ending on September 24, 2008. Mr. Olson is Director of Technology – Ferro Polymer Additives, for the Ferro Corporation. He received his B.S. degree from Tufts University and his MBA degree from the University of Connecticut.

This is the result of many years of cooperative efforts between the OSPE, the American Council of Engineering Companies (ACEC), the County Engineers Association of Ohio (CEAO), the Professional Land Surveyors of Ohio (PLSO) 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 Examiners for Engineering and Surveying national model law, so P.E.'s and P.S.'s 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 ac-

tivities 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 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, 10 PDH per continuing education unit (CEU) awarded)
- 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.

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

2003-2004 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. Additional information may be obtained at the Board's website at <http://ohiopeps.org>.

SEPTEMBER 2003

Ronald T. Strachan, P.E.
Nags Head, North Carolina

VIOLATION: Professional registration revoked by another jurisdiction in violation of ORC 4733.20 (A) (5) and OAC 4733-35-08.

BOARD ACTION: Settlement Agreement to voluntarily relinquish his certificate of registration to practice engineering in Ohio.

NOVEMBER 2003

Jose U. Barnes, P.E.
Como, Mississippi

VIOLATION: Professional registration revoked by another jurisdiction in violation of ORC 4733.20 (A) (5) and OAC 4733-35-08.

BOARD ACTION: Settlement Agreement to voluntarily relinquish his certificate of registration to practice engineering in Ohio.

JANUARY 2004

Louis A. Green, P.S.
Beavercreek, Ohio

VIOLATION: Misconduct in the practice of professional surveying in violation of Ohio Revised Code Section 4733.20 (A) (2).

BOARD ACTION: Suspended Louis A. Green's registration as a professional surveyor for 6 months. The entire suspension was stayed provided that Mr. Green does not commit any other professional misconduct during the six-month stayed suspension period. Mr. Green was also issued a letter of reprimand. Mr. Green has appealed the Board's order.

MAY 2004

Justin D. O'Keeffe, P.S.
Upper Arlington, Ohio

VIOLATION: Ohio Revised Code Section 4733.20 (A) (2) and (5) and Ohio Administrative Code 4733-37 (Minimum Standards for Boundary Surveys)

BOARD ACTION: Settlement agreement

wherein he agreed to the following: accepted a letter of reprimand that will become part of his permanent file; eight (8) month suspension of his certificate of registration as a professional surveyor; the suspension will be stayed pending completion of one-year probation beginning June 1, 2004. On or before May 31, 2005 Mr. O'Keeffe must successfully complete a college course in boundary surveying approved by the Board.

MAY 2004

Jerry J. Maus
Vandalia, Ohio

VIOLATION: Represented himself as a registered professional engineer and registered professional surveyor at a time when he did not possess a certificate of registration to practice engineering or surveying in Ohio in violation of Ohio Revised Code Sections 4733.02 and 4733.22. Mr. Maus submitted an application for employment to an Ohio engineering firm indicating that he was a registered professional engineer and professional surveyor in the State of Ohio and that he had previous experience managing engineering and surveying projects for various firms.

BOARD ACTION: Settlement agreement wherein he agreed to the following terms:

- Agreed not to engage in the practice of engineering or surveying or hold himself out to the public as qualified to offer and/or provide engineering or surveying services.

- Agreed that he will not apply for registration as a professional engineer or surveyor in the State of Ohio or apply to take the Fundamentals of Engineering or the Principles and Practice of Engineering or the Fundamentals of Surveying or the Principles and Practice of Surveying examinations and that if he does so apply the Board may summarily deny his application.

- Agreed to pay a \$1000 fine.

JULY 2004

James R. Allen, Jr.
Canfield, Ohio

VIOLATION: Engaged in the practice of professional surveying at a time when he did not possess a certificate of registration to practice engineering or surveying in Ohio in violation of Ohio Revised Code Sections 4733.02 and 4733.22.

BOARD ACTION: Settlement agreement to cease and desist.

What is plan stamping?

We have received many inquiries regarding what constitutes plan stamping in Ohio. The following information is provided as a guide.

Ohio Administrative Code Section 4733-35-07 (A), Improper Conduct states: "The Engineer or Surveyor shall not sign and/or seal professional work for which he does not have personal professional knowledge and direct supervisory control and responsibility."

Plan stamping is demonstrated when a professional engineer or professional surveyor places his or her registration seal on any drawings, designs, plats, descriptions and/or specifications that he or she did not author or for which he or she did not have personal professional knowledge and direct supervisory control and responsibility.

Personal professional knowledge is best demonstrated when a professional engineer or professional surveyor has been personally retained by an owner, registered design professional or a design/build contractor and is personally aware of a project's scope, needs, parameters, limitations and special requirements. It is necessary or required that the professional engineer or professional surveyor contract with the owner for all professional services to be rendered and then subcontract out services such as drafting as needed.

Direct supervisory control and responsibility is best demonstrated when a professional engineer or professional surveyor has direct professional knowledge and is the actual author or has been in responsible charge of a design or project from its very inception to its completion. In some cases it may be necessary for unregistered individuals, such as technicians or drafters, to assist the professional engineer or professional surveyor; however, the professional engineer or professional surveyor must maintain responsible charge of the project and total control of all design decisions.

If you have questions, please contact the Board's Enforcement Officer, John Greenhalge.

City and county engineers

The Ohio Ethics Commission (OEC) interprets and enforces Ohio laws relative to the ethics of elected or appointed public officials and all employees of public agencies. After conferring with staff from the OEC, following are the syllabi of three opinions issued by the OEC regarding potential criminal conflicts of interest involving county or city engineers or employees of their offices. If a public agency employee needs advice or formal opinions from the OEC, they should contact the OEC at (614) 466-7090 or www.ethics.ohio.gov. If an engineer or surveyor receives and complies with a written advisory opinion from the Commission, the opinion provides statutory protections to the Professional Engineer or Professional Surveyor.

County Engineer's Office Opinion 76-006

"A county engineer or an employee of the county engineer's office is not prohibited from conducting a land survey within that county unless the survey constitutes or is an element of a case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the county of which he is an officer or employee."

County Engineer's Office Opinion 83-001

"Division (D) of Section 102.03 of the Revised Code prohibits a county engineer from reviewing a survey prepared by him or by other members of his firm that has been filed with an office of the county with which he serves."

"Division (C) of Section 102.04 of the Revised Code does not prohibit a county engineer from receiving compensation for performing survey work for a private client as part of a real estate conveyance that is not part of a case, proceeding, application, or other matter before the county."

Since RC 315.151 requires the county engineer to review and approve all new property descriptions and surveys, it appears to the Board that a county engineer or employee of the county engineer's office can not perform private property sur-

veys or prepare new property descriptions in that county if the surveys or property descriptions are subject to review by any agency of that county.

City Engineer's Office Opinion 82-001

"Division (D) of Section 102.03 of the revised code prohibits a city engineer from reviewing private engineering work prepared by him or by other members of the firm by which he is employed."

"Division (C) of Section 102.04 prohibits an individual or firm serving as a city engineer from receiving compensation from private clients for engineering services provided in a matter before the city engineer's office of any other agency of the city."

Therefore, a firm which is retained by

a city as city engineer, is prohibited from preparing engineering plans for a project within that city for any private client.

This article was prepared in March 2004 by Mark T. Jones P.S., Executive Director of Ohio's State Board of Registration for Professional Engineers and Surveyors, with assistance from the Ohio Ethics Commission. It was written for the information of and consideration by Professional Engineers and Professional Surveyors in Ohio, but this article is only a guide. The Ohio Ethics Commission should be contacted directly at (614) 466-7090, www.ethics.ohio.gov, or email ethics@ethics.ohio.gov, to clarify or interpret Ohio's ethics laws as they apply to a specific situation.

Planning on retiring soon?

In response to many inquiries about "retired status," be aware that Ohio's registration law for Professional Engineers and Surveyors (Ohio R.C. Chapter 4733) does not allow any provisions for granting a lifetime license without the payment of renewal fees. The Board does, however, recognize that a registrant may choose not to renew a license, and by so doing be placed in a "retired" status. If retired registrants desire to reactivate their licenses, they must request reinstatement of those licenses. Basically, the reinstatement process consists of the following: submittal of a notarized statement of activities during the inactive or retired period stating how the individual has maintained competency in their discipline, and completion of a code of ethics quiz.

If the registration has been delinquent or inactive for more than four years, the registrant will be required to pass the eight-hour Principles and Practice of Engineering (PE) examination or the Principles and Practice of Surveying (PS) examination as a condition of reinstatement. Upon approval by the Board, the registrant must also pay a renewal fee which equals three times the current annual renewal rate multiplied by the number of years for which the registration has been expired. Therefore, you should make sure you want to be placed in inactive status in order to avoid later "surprises."

The Board will, upon written request, issue a Gold Card to retirees who no longer plan to keep their registration current. The Gold Card certifies the prior dates of registration. It is important to note that the Gold Card does not allow practice of professional engineering or professional surveying. The retiree can also use the titles "P.E. (Retired)" or "P.S. (Retired)."

Administrative rules updated

As required by law, in 2003-2004 the Board reviewed all of its administrative rules (Ohio A.C. Chapter 4733). The proposed revisions were posted on the Ohio Register web site, a public hearing was advertised and held, and the revised rules became effective on November 1, 2003. The only substantive changes were in Rule 4733-37 (Minimum Standards for Boundary Surveys), 4733-9-04 (requiring passage of both the national and state PS exams) and 4733-0-02 (defining acceptable engineering experience). The balance of the revisions were to make the rules agree with recent legislation (S.B. 77, H.B. 337) and to make the rules gender neutral. The revised rules are downloadable from the Board's web site at <http://ohiopeps.org>.

Excerpts from our annual report to the Governor

REGISTRANTS. At the close of fiscal year 2004, the records of the Board listed 34,654 individuals holding current registration as professional engineers and/or professional surveyors. 1,558 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 increased by one to a total of 13 positions consisting of five Board members and eight full-time staff members.

We are very proud that our Board has the lowest staff to licensees of any of Ohio's licensure boards and that our operations are so efficient that we have the fourth lowest license renewal fee — \$16.00 per year — of any engineering or surveying board in the United States.

EXAMINATIONS. Written examinations were conducted by the Board in October 2003 and April 2004. 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 2004, 1,427 persons took the FE or FS exams of which 1,032 received passing grades. A total of 1,069 persons took the PE or PS exams, of which 534 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 intern. 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 2004, 513 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 Ohio 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 Revised Code (ORC). During fiscal year 2004, the Board received and investigated 102 complaints alleging violations of Ohio State law or rules of professional conduct and/or Board rules incorporated in Ohio Administrative Code (OAC). The Board held one disciplinary hearing and 3 licensure hearings in fiscal year 2004.

During fiscal year 2004 the Board closed 83 complaints. In 31 cases no violations were found or the Board did not have jurisdiction over the alleged violation; in 23 cases the individual or company voluntarily came into compliance; warning letters were sent in 22 cases; and seven cases contained insufficient information. At the end of fiscal year 2004 the Board had 61 complaints pending from complaints received during fiscal year 2004 and previous years.

During fiscal year 2004 the Board opened a total of 12 formal investigations. Nine were opened from complaints received during fiscal year 2004 and three were opened from complaints received prior to fiscal year 2004. During fiscal year 2004 the Board closed nine formal investigations. Of the nine formal investigations closed during fiscal year 2004 the following action occurred: six investigations were closed after the individuals or companies signed settlement agreements, coming into compliance with ORC and/or OAC 4733 and three investigations were closed after the Board determined that no further action was necessary. At the close of fiscal year 2004 the Board had 13 pending formal investigations.

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