



PE/PS Newsletter 10/05

CPD can be obtained in 2006, 2007 for Ohio's 2008 P.E., P.S. annual renewals

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State Board of Registration for
Professional Engineers and
Surveyors

ON FEBRUARY 15, 2005, Governor Taft signed Ohio House Bill (H.B.) 322 into law requiring each Ohio P.E., P.S. or P.E. and P.S. (dual registrant) to obtain 15 professional development hours (PDH) per year beginning in 2007 (or can be earned in 2006 due to an allowable carryover of a maximum of 15 PDH per year) in order to renew registration for 2008 and subsequent years.

The passage of H.B. 322 was the result of many years of cooperative efforts among the Ohio Society of Professional Engineers (OSPE), the American Council of Engineering Companies, the County Engineers Association of Ohio, the Professional Land Surveyors of Ohio and the Board. OSPE took the lead in obtaining sponsors and pursuing passage of the legislation.

Ohio has required a bachelor's degree for P.E.'s since 1975 and for P.S.'s since 1993, yet there were no requirements that registrants increase their knowledge or stay up-to-date with new technology after college graduation and initial registration.

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 — should be able to obtain CPD credit in almost every state. Ohio will not require any state-specific

courses or activities. The law requires "courses or activities in technical, ethical or managerial topics relevant to the practice of engineering or surveying." This allows 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 pre-approve the courses and activities; each registrant will be responsible for choosing courses or activities that fall within the board range of courses and activities described above.

Registrants must maintain their own records for three years. The required records need only include a log showing the type, date, duration, numbers of PDH claimed, instructor's name for the courses or activities and certificates of completion or other evidence of attendance.

PDH 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 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.

For more information, see the continuing professional development frequently asked questions on page 3 of this newsletter.

BOARD REAPPOINTMENT

David L. Cox, P.S.

ON OCTOBER 22, 2004, Ohio Governor Bob Taft reappointed David L. Cox, P.S., to a second term to Ohio's State Board of Registration for Professional Engineers and Surveyors ending on September 24, 2009.

Mr. Cox is a graduate of Cincinnati Technical College and is Survey Director for Kleingers & Associates, Inc. and an Adjunct Faculty Member for Cincinnati State Technical and Community College.

BOARD PROMOTIONS

Greenhalge, Schick

AT ITS MEETING ON JUNE 2, 2005, the Board unanimously voted to promote two employees. John Greenhalge is the Board's new Assistant Executive Director and will supervise our enforcement, CPD and fiscal activities. Karen Schick is the Board's new Investigator and will administer our CPD program.

DON'T FORGET TO RENEW YOUR OHIO P.E., P.S. ANNUAL REGISTRATION, \$20 EACH, BY DECEMBER 31!

2004-2005 Disciplinary Actions

Ohio's State Board of Registration for Professional Engineers and Surveyors mission is to protect the welfare and safety of Ohioans as it relates to our charter in Ohio Revised Code Chapter 4733 and Ohio Administrative Code Chapter 4733. The primary goal of our enforcement program is to bring registrants into compliance with Ohio's laws and rules regarding the practice of professional engineering and professional surveying as defined within these chapters. We resolve the majority of complaints we receive by warning letters, educational conferences — and when the offenders voluntarily come into compliance. Below are cases that required formal disciplinary action by the Board from September 2004 through July 2005.

SEPTEMBER 2004

04-032 Douglas P. Martin, P.S., Toledo OH

04-044 American Land Surveying & Engineering, Inc., Toledo OH

VIOLATION: Through fraud and deceit, Mr. Martin obtained a Certificate of Authorization for his firm to provide engineering services by listing three professional engineers as Directors of the corporation without the engineers' knowledge or consent.

BOARD ACTION: Issued a Final Order suspending Mr. Martin's P.S. registration for two years. Revoked the company's Certificate of Authorization. Mr. Martin appealed the Board's order to the Lucas County Common Pleas Court which upheld the Board's order.

04-088 David L. Kempka, P.E., Kernersville NC

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

BOARD ACTION: Issued a Final Order to revoke Mr. Kempka's certificate of registration to practice engineering in Ohio.

OCTOBER 2004

04-069 Kenneth Wildt, P.S., Cincinnati OH

VIOLATION: Sealed survey plats that were not prepared with his personal professional knowledge and under his direct supervisory control and responsibility in violation of ORC 4733.20 (A) (2) and (5); OAC 4733-35-07 (A).

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

04-070 Michael Daulton, S.I., Ripley OH

VIOLATION: Engaged in the practice of surveying by preparing survey plats and accepting payments for surveying services in violation of ORC 4733.02, 4733.22.

BOARD ACTION: Settlement Agreement to cease and desist; cannot take PS exam until October 2006; **\$500 fine.**

NOVEMBER 2004

04-004 Jack S. Scurlock, P.E., Franklin OH

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 ORC 4733.20 (A) (2), (5); OAC 4733-35-07 (A).

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

JANUARY 2005

04-066 William W. Damron, P.E., Owensboro KY

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

BOARD ACTION: Issued a Final Order to suspend Mr. Damron's certificate of registration to practice engineering in Ohio for eight months (six months stayed); **\$1,000 fine.**

MARCH 2005

05-016 Gregory R. Weis, P.E., Maumee OH

VIOLATION: Convicted of a felony in violation of ORC 4733.20 (A) (4), (5); OAC 4733-35-08.

BOARD ACTION: Issued a Final Order to revoke Mr. Weis's certificate of registration to practice engineering in Ohio.

05-007 Ralph M. Gugar, P.S., Valley View OH

VIOLATION: Convicted of a felony in violation of ORC 4733.20 (A) (4), (5); OAC 4733-35-08.

BOARD ACTION: Issued a Final Order placing Mr. Gugar on two years probation, random drug screening; **\$1,000 fine.**

05-046 Donald G. Vardon, P.S., Akron OH

VIOLATION: Mr. Vardon did not admit any wrongdoing but admitted that he had in his possession a copy of a sample legal description and used that copy to answer the legal description portion of the Principles and Practice of Surveying examination.

BOARD ACTION: Settlement agreement to return the sample legal description, cooperate with the Board's investigation and retake the legal description portion of the exam.

APRIL 2005

04-102 Justin D. O'Keeffe, P.S., Upper Arlington OH

VIOLATION: Convicted of a felony in violation of ORC 4733.20 (A) (4) and (5); OAC 4733-35-08.

BOARD ACTION: Issued a Final Order to suspend Mr. O'Keeffe's certificate of registration to practice surveying in Ohio for two years and eight months.

04-098 Ken Shaffer, Technical Services, Bolivar OH

VIOLATION: Engaged in the practice of surveying by preparing survey plats and mortgage surveys and accepting payments for surveying services in violation of Ohio Revised Code Sections 4733.02 and 4733.22.

BOARD ACTION: Settlement Agreement to cease and desist; **\$500 fine.**

JULY 2005

05-073 Roger W. Woodfill, P.S., Lawrenceburg IN

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

BOARD ACTION: Reprimand and Settlement Agreement to cease and desist and complete sanctions imposed by KY Board.

05-027 David M. Lucas, Martins Ferry OH

VIOLATION: Engaged in the practice of surveying after his registration had expired in December 2002.

BOARD ACTION: Professional Surveyor registration revoked for violations of ORC 4733.02, 4733.14, 4733.20 (A) (2), 4733.22. **\$10,000 fine.**

05-048 Michael D. Johnson, Painesville OH

VIOLATION: Engaged in the practice of engineering by preparing engineering plans in violation of ORC 4733.02, 4733.22.

BOARD ACTION: Settlement Agreement to cease and desist.

05-049 Dennis Herbst, Broadview Heights OH

VIOLATION: Engaged in the practice of engineering by preparing engineering plans in violation of ORC 4733.02, 4733.22.

BOARD ACTION: Settlement Agreement to cease and desist.

05-077 Joseph F. Charlson, P.S., North Lawrence OH

VIOLATION: Engaged in the practice of surveying after his registration had expired in December 2002.

BOARD ACTION: P.S. registration revoked for violations of ORC 4733.02, 4733.20 (A) (2), 4733.22; OAC 4733-23-01 (A). **\$1,000 fine.**

What is plan stamping?

The engineer or surveyor shall not sign and/or seal professional work for which he or she does not have personal professional knowledge and direct supervisory control and responsibility.
— OAC 4733-35-07 (A) **Improper conduct**

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.

More questions? You are invited to email the Board's investigative team at jgreenhalge@mail.peps.state.oh.us.

FAQ • FREQUENTLY ASKED QUESTIONS

Continuing professional development

Who must comply?

Beginning with registration renewals for calendar year 2008, all professional engineers and professional surveyors who want to maintain registration to practice in Ohio will be required to complete 15 continuing professional development (CPD) hours annually.

Who keeps track of the licensee's CPD credits?

Each registrant is responsible for maintaining records to demonstrate completion of CPD requirements. Records must include a log specifying type of coursework or activity, its location and duration — along with the instructor's name and number of hours earned. Certificates of completion, or other evidence verifying attendance, must be kept with the records. Registrants are required to keep CPD documentation for three years. Go to <http://ohiopeps.org/cpd/samplelog.html> on the Board's website for a sample log.

Who approves CPD courses?

The Board does not pre-approve CPD courses. Each registrant is responsible to make sure that the courses taken meet the requirements specified in ORC 4733.151. Courses, conferences, seminars and workshops in technical, ethical or managerial topics relevant to the practice of engineering or surveying offered at colleges and universities or provided by the professional associations are acceptable.

Are there other ways to earn CPD credit?

There are several ways to gain CPD credits in addition to attending courses, conferences, seminars and workshops. Credit can be obtained by teaching university or college level engineering or surveying coursework; publishing relevant papers, articles or books; receiving relevant patents; and active participation as an officer or committee member in professional or technical societies serving the engineering or surveying professions.

How will the Board know that a licensee has earned sufficient CPD credits to renew or reactivate registration?

Each licensee must maintain an accurate record to demonstrate completion of the CPD requirements. Licensees will be required to annually certify to the Board as part of the renewal process that they have met the requirements of ORC 4733.151. Registrants will be randomly audited by the Board to assure compliance.

When do I need to start taking courses?

Renewals for calendar year 2008 and thereafter must demonstrate completion of the CPD requirements. Credits for the 2008 renewal must be obtained in 2006 and 2007.

How will the Board ensure the accuracy of the CPD credit?

Licensees will annually certify that the information they report pertaining to attendance at relevant CPD programs and completion of relevant CPD activities is true and accurate. Submitted CPD Credit Reports (and all signed information pertaining to application for licensure and/or registration) are subject to audit, and licensees who make false statements are subject to penalties under law.

What happens if I do not meet the CPD requirements of ORC 4733.151?

When the Board discovers that the required CPD has not been completed, the registrant will be informed and allowed a maximum of six months to remedy the deficiency. If the deficiency is not remedied, the Board can revoke or suspend the registrant's license after an adjudication hearing.

PREVENT DISCIPLINARY ACTION

Keep Ohio P.E., P.S. license current

DURING THE PAST 24 MONTHS, the Board has seen an alarming increase in the number of individuals and companies that have failed to renew their registration or certificate of authorization, yet continued to practice. In some cases the individuals and companies have been delinquent for more than two years while they continued to practice engineering and surveying.

Any registrant whose certificate of registration has expired for non-payment of renewal fees pursuant to division (A) of section 4733.15 of the ORC may apply in writing for reinstatement. In addition, if more than four consecutive years have elapsed since the date of expiration, the applicant shall be required to take and pass the "Principles and Practice of Engineering examination" and/or "Principles and Practice of Surveying examination" as a condition of reinstatement. If a registrant fails to renew by December 31 of the licensing period, the fee to be paid for renewal after December 31, but within the following 12 months, shall be increased by 50 percent. A registrant who fails to renew for a period greater than 12 months shall be assessed a reinstatement fee which shall equal the number of renewal fees that have not been paid multiplied by three times the current renewal fee.

According to Ohio law, any individual or company that practices engineering or surveying, or contracts to provide engineering or surveying services, while their license is delinquent, is practicing illegally and subject to disciplinary action. Likewise, illegal practice may result in legal action from the client who thought they were receiving services legally from a licensed professional. Your license status can be checked on our website at <http://ohiopeps.org>. Please remember to renew your registration or certificate of authorization each year so you do not find yourself on our disciplinary action page.

GI BILL REIMBURSEMENT

VA may reimburse qualified exam fees

THE US VETERANS ADMINISTRATION approved NCEES exams for reimbursement of examination fees to qualified veterans under the GI bill. After taking the exam, send a copy of your test results and the proper form to the VA for fee reimbursement. Information and forms are available at <http://gibill.va.gov/education/Lcweb.htm>. This program can save examinees between \$10 and \$220 per exam, leaving only the \$25 application fee per exam and the \$30 final registration fee paid to the Board.

PASS, FAIL SCORING ONLY

NCEES exams score reporting

BEGINNING WITH THE OCTOBER 2005 EXAMS, NCEES will report all scores as pass or fail with no numerical scores. NCEES will still give a diagnostic report to failing examinees indicating an examinee's performance on all exam subsections.

ELEMENTS OF SURVEYING 3

Online surveying course available

ON NOVEMBER 18, 2004, Cincinnati State Technical and Community College began offering an online course called "Elements of Surveying 3" which is a senior level course in the B.S. in Surveying degree offered by Cincinnati State Technical and Community College in conjunction with the University of Northern Kentucky.

The course deals primarily with boundary resolution for both the Colonial and Public Land Survey systems, platting, and the state laws and rules governing surveys in Ohio, Kentucky and Indiana. For more information or help in enrolling, email George Armstrong, P.E., P.S. at george.armstrong@cincinnatiastate.edu or telephone +1 513 569 1745.

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