



Ohio P.E./P.S. Newsletter 10/2008

Excerpts from the 2008 'Report to the Governor'

During fiscal year 2008 the Board registered 27,361 individuals as professional engineers or professional surveyors. There was an 18% decrease in individual registration renewals this year attributed to the continuing professional development requirement that went into effect.

Certificates of Authorization were issued to 1,970 firms licensed to offer and provide engineering or surveying services in Ohio.

EXAMINATIONS

During fiscal year 2008 the Board reviewed 2,764 applications to take the engineering and surveying examinations. 1,340 persons took the fundamentals examinations, of which 934 (70%) received passing scores. 671 persons took the principles and practice examinations, of which 480 (72%) received passing scores.

COMITY

During fiscal year 2008 506 individuals became registered in Ohio as professional engineers or professional surveyors by comity.

ENFORCEMENT

The Board is charged with investigating complaints alleging violations of Ohio Revised Code 4733 and Ohio Administrative Code 4733. During fiscal year 2008 the Board received and investigated 80 complaints. Fifty-one complaints were engineering related; 29 were surveying related. The Board held seven disciplinary hearings during fiscal year 2008.

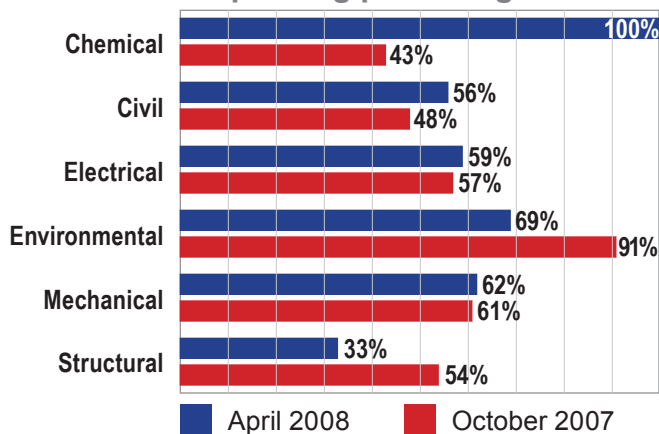
During fiscal year 2008 the Board closed 98 complaints. Forty-three complaints were closed because no violations were found or the complaint was outside of the Board's jurisdiction; 36 complaints were closed after the individual or firm voluntarily came into compliance; warning letters were sent in 13 cases; one complaint was referred to another agency for investigation; and six complaints were closed due to completion of Board actions. At the end of fiscal year 2008 the Board had 74 pending complaints.

During fiscal year 2008 the Board opened 11 formal investigations. Five were engineering related and six were surveying related. Nine were opened from complaints received during fiscal year 2008 and two were opened

from complaints received prior to fiscal year 2008.

During fiscal year 2008 the Board closed 19 formal investigations. Of the 19 formal investigations closed, the following actions were taken: five investigations were closed after the individual or firm entered into a settlement agreement; seven were closed after the Board conducted an adjudication hearing or issued disciplinary action; six were closed due to completion of Board actions; and one was closed due to no apparent violation. At the end of fiscal year 2008 the Board had 16 pending formal investigations.

PE passing percentages



OHIO HOUSE BILL 295 ENACTED

Sealing 'energy conservation reports'

In March 2008 the American Council of Engineering Companies of Ohio contacted the Board because of concerns they had with wording contained in House Bill 295, which deals with county energy conservation projects and the way they are financed. The bill requires that energy conservation reports must include "A certification under the seal of a registered professional engineer that the energy conservation report uses reasonable methods of analysis and estimation."

The concern was that the wording in the bill implies that a professional engineer, whether or not he or she was involved in preparing the report, may certify the validity of the report.

After reviewing the letter from ACEC of Ohio and the bill itself, the Board agreed that a professional engineer that certifies the validity of the energy conservation report without having been involved in the development of the report itself may potentially be in violation of the Code of Ethics. Ohio Administrative Code 4733-35-07 provides that an engineer shall not sign or seal professional work for

which he or she does not have personal professional knowledge and direct supervisory control and responsibility.

The Board interprets this to mean that a professional engineer may not sign or seal professional work unless that work was prepared under his/her supervision and direction. In order for a professional engineer to certify the validity of a report such as the one described in H.B. 295, the professional engineer should be involved from the project's inception to its completion and must be closely involved in the preparation of the report.

The Board agreed to work with ACEC of Ohio to contact the sponsor and the Senate Energy and Public Utilities Committee to advise them of the problematic language contained in the bill. Unfortunately the bill passed before the concerns could be addressed.

The Board advises professional engineers involved in the preparation and certification of energy conservation reports to make sure that they are practicing in accordance with Ohio Revised Code Chapter 4733.

DON'T FORGET TO RENEW YOUR OHIO P.E., P.S. REGISTRATION BY DECEMBER 31!

2007-2008 Disciplinary Actions

The 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 (ORC) Chapter 4733 and Ohio Administrative Code (OAC) 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 and educational conferences.

OCTOBER 2007

Philip Yannacio, P.E. Pepper Pike, Ohio

VIOLATION: Sealed drawings prepared by revoked architect [violation of ORC 4733.20 (A) (2) (3) and (5) and OAC 4733-35-07 (A) and (B)].

BOARD ACTION: Settlement agreement to cease and desist, one year probation and \$500 fine.

JANUARY 2008

Kevin L. Stacy, P.S. Columbus, Ohio

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

BOARD ACTION: Board issued a Final Order imposing 2-year suspension stayed pending compliance with conditions imposed by Board, probation ending in 2011 and a \$1000 fine.

Edwin L. Morris, P.E. Noblesville, Indiana

VIOLATION: Professional registration voluntarily surrendered in another jurisdiction [violation of ORC 4733.20 (A) (5) and OAC 4733-35-08].

BOARD ACTION: Board issued a Final Order revoking registration.

MARCH 2008

Steven Sokol, P.E. Brunswick, Ohio

VIOLATION: Unlicensed practice of surveying and affixing a professional surveyor seal to plats without the surveyor's knowledge [violation of ORC 4733.20 (A) (2) and (5), 4733.22 and OAC 4733-35-02].

BOARD ACTION: Board issued a Final Order revoking registration.

Julie Meyer, P.E. Copley, Ohio

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

BOARD ACTION: Board issued a Final Order imposing 6-month suspension stayed pending compliance with conditions imposed by Board, probation ending in 2010 and a \$1,000 fine.

Eric J. Nelson, P.S. Cleveland, Ohio

VIOLATION: Provided surveying services while registration was expired [violation of ORC 4733.02, 4733.14, 4733.20 (A)(2) and (5), 4733.22 and OAC 4733-23-01 (A)].

BOARD ACTION: Board issued a Final Order refusing to renew Nelson's registration until he completes the CPD requirement, completes an ethics course and pays a \$500 fine and all reinstatement fees.

APRIL 2008

Kevin Blaine, P.S. Newark, Ohio

VIOLATION: Provided surveying services while PS registration was expired [violation of ORC 4733.02, 4733.20 (A)(2) and (5), 4733.22 and OAC 4733-23-01(A)].

BOARD ACTION: Settlement agreement with a reprimand and \$2000 fine.

JUNE 2008

Dan Michael (Unlicensed) Lebanon, Ohio

VIOLATION: Illegal practice by performing topographic survey related to the design of a septic system [violation of ORC 4733.02, 4733.16 and 4733.22].

BOARD ACTION: Settlement agreement to cease and desist.

Michael Kim Smith, P.E. Hamilton, Ohio

VIOLATION: Submitted engineering plans for permit approval while PE registration was expired [violation of ORC 4733.02, 4733.20 (A)(2) and (5), 4733.22 and OAC 4733-23-01(A)].

BOARD ACTION: Settlement agreement and \$250 fine.

JULY 2008

Ashton Land Surveyor, Inc. (Unlicensed) Haldon L. Ashton (Unlicensed) Muncie, Indiana

VIOLATION: Provided engineering services in Ohio without PE registration or Certificate

of Authorization [violation of ORC 4733.02, 4733.16 and 4733.22].

BOARD ACTION: Settlement agreement to cease and desist.

AUGUST 2008

Roy L. Aach, P.E. Bradenton, Florida

VIOLATION: Professional registration revoked and suspended by another jurisdiction [violation of ORC 4733.20 (A) (1) and (5), 4733.22 and OAC 4733-35-07 (D) and 4733-35-08].

BOARD ACTION: Board issued a Final Order revoking registration.

Jerry Slay, P.E., P.S. Ashtabula, Ohio

VIOLATION: Provided surveying services while PS registration was expired [violation of ORC 4733.02, 4733.14, 4733.20 (A)(2) and (5), 4733.22 and OAC 4733-23-01(A)].

BOARD ACTION: Settlement agreement with a reprimand and \$1500 fine.

SEPTEMBER 2008

Thomas E. Snyder, P.S. Aliquippa, Pennsylvania

VIOLATION: Incorrectly listing himself as a full-time employee of a firm offering surveying services [violation of ORC 4733.16 (D) and 4733.20 (A)(5)].

BOARD ACTION: Board issued a reprimand.

Albert F. Siemer, P.E. Corning, Ohio

VIOLATION: Incorrectly listing himself as a full-time employee of a firm offering engineering services [violation of ORC 4733.16 (D) and 4733.20 (A)(5)].

BOARD ACTION: Board issued a reprimand.

Craig C. Perry, P.S. Findlay, Ohio

VIOLATION: Provided surveying services while PS registration was expired [violation of ORC 4733.02, 4733.14, 4733.20 (A)(2) and (5), 4733.22 and OAC 4733-23-01(A)].

BOARD ACTION: Settlement agreement with a reprimand and \$2500 fine.

Thomas J. O'Wesney, P.E. Massillon, Ohio

VIOLATION: Code of Ethics [violation of ORC 4733.20 (A) (5) and OAC 4733-35-03 (C)].

BOARD ACTION: Board issued a Final Order imposing 6 month suspension, reprimand and \$1,000 fine.

PRACTICING ENGINEERING AND SURVEYING WITH AN EXPIRED REGISTRATION

Practicing with an expired professional engineer or professional surveyor registration is an issue that has come to the attention of the Board's Enforcement staff too often in the last few years. Many professional engineers and surveyors believe that forgetting to renew their registrations amounts to a "clerical error" and do not realize that by continuing to practice their professions they are not only violating the laws and rules governing the practice of engineering and surveying, but are doing a great disservice to their clients and to the public.

When the registrant provides engineering or surveying services with an expired registration and signs and seals their work, a number of laws and rules may be violated including Ohio Revised Code sections 4733.02, 4733.14, 4733.20 (A) (2) and (5), 4733.22 and Ohio Administrative Code section 4733-23-01 (A). Additionally, if the Board finds the registrant guilty of violating these laws and rules the Board may impose a fine of up to \$1000 for each offense committed.

With regard to the client, any engineering or surveying work performed during the period that a registration is expired is considered invalid. There is no grace period for practice with an expired registration and the Board does not renew the registration retroactively back to January 1. The client has essentially paid for an invalid survey or engineering work which could also result in civil penalties if pursued by the client in court.

The Board encourages you to be proactive when it comes to yearly renewals. Utilize the "License Lookup" feature on the Board's website, www.peps.ohio.gov, to verify your address and be sure to report any changes to the Board in order to receive your renewal notices each year. Also, take advantage of the online option which makes it easier than ever to renew your registration. If you do find that your registration has expired contact the Board office immediately for late renewal information and do not provide any engineering or surveying services until your registration has been renewed.

BOARD UPDATES FORMS PES 1012, 2012

Surveying courses worksheet revised

Effective January 1, 2009, graduates of accredited civil engineering programs applying to take the fundamentals of surveying examination under Ohio Revised Code 4733.11(B)(2)(a) will be required to complete the surveying courses on the updated surveying courses worksheet.

Applicants who took courses under the previous requirement will have their applications reviewed on a case-by-case basis.

The updated surveying course worksheet was prepared by the Professional Land Surveyors of Ohio education committee.

The Board believes that completion of the courses on the updated worksheet will better prepare those entering the profession.

In order to make the application process easier and faster, the Board has requested that all colleges, universities and two-year colleges that offer surveying course work provide a list of courses that will fulfill the educational requirements of the updated worksheet.

Once the Board approves the courses submitted by each college, university and two-year college their course worksheet will be posted on the Board's website for easy access by students.

The Board will also request regular updates and will annually evaluate each program in order to ensure that the course information, such as course titles, numbers and content is current and meets Ohio law.

BOARD'S FIRST CPD AUDIT SUCCESSFUL

Evaluating acceptable CPD hours

The Board successfully conducted its first continuing professional development audit this year.

Over the last several years the Board has been addressing many questions regarding continuing education. Executive Director John Greenhalge has attended and spoken at many seminars and conferences across Ohio. As with any relatively new law or rule a number of questions still exist. The number one question the Board staff answers on a regular basis is whether or not a certain class, confer-

ence, workshop or seminar would be acceptable to the Board. When evaluating whether you should sign up for a class, conference, workshop or seminar keep in mind the purpose of continuing education — to enhance and expand your skill, knowledge and abilities as a Professional Engineer or a Professional Surveyor.

The Board's website lists a variety of activities that are acceptable and unacceptable for CPD credit. Find the list at www.peps.ohio.gov and click on Continuing Education.

COA DOS AND DON'TS

Filing a Certificate of Authorization app

Ohio Revised Code section 4733.16 requires that any firm that is offering engineering or surveying services or using the term engineer or surveyor or any modification of that term in the firm's name be registered with this Board.

The most current applications can be found and downloaded from our website at www.peps.ohio.gov. Incomplete certificate of authorization (COA) applications will be returned, which could delay the firm's authorization to practice in Ohio.

To help assist you in the process, the proceeding is a list of the dos and don'ts to follow when completing your application.

DO...

- Prior to starting your business, register your firm with the Ohio Secretary of State (SOS). The Charter Registration number issued by the SOS must be listed on the COA application.

- Include the names and addresses of all owners. If a firm is privately owned or publicly traded you must state that.

- When submitting a renewal application, include the firm's credential number that was issued to the firm, the number can be found

on our website under license lookup or on the renewal notice mailed to you.

- Include an Affidavit of Responsibility for each P.E. or P.S. in responsible charge. You may print out extra forms by going to the forms link. The Affidavit of Responsibility must be notarized.

- Answer all the questions on page 4 of the application; this page must also be notarized.

DON'T...

- Provide engineering or surveying services in Ohio without registering the firm with this Board or with the SOS.

- Forget to renew your COA before the expiration date.

- Mail in an application that is missing information.

- Mail in multiple copies of page 4 of the application: only one person needs to answer the questions and have it notarized.

- Forget to include a notarized Affidavit of Responsibility for each person listed as responsible in charge.

- Assume you don't need to register with the Board because the firm has only contracted for one job or you believe it is a small job.

Renewal, rule review, BS+30 updates

2008 P.E., P.S. ONLINE RENEWAL SUCCESSFUL

More than 40% of Ohio's P.E.s and P.S.s renewed online during the 2008 renewal cycle. Renewing online saves postage and waiting time. It also reduces the chance that your renewal will be returned or delayed as a result of common errors such as failing to sign the application or answering the mandatory questions. When you renew online, you can't miss questions and you will receive an immediate receipt upon successful renewal. Following are some comments the Board received regarding online renewal.

"This is a very convenient and easy way in which to renew. I have always mailed in my renewal, but will use this online method in the future. Very easy and direct."

"This site was perfectly clear to navigate and was a huge time saver. Hooray to Ohio PEPS for establishing an electronic version of renewal."

"The Ohio License Center site was extremely easy to use and very straight forward! I hope this option remains available to renew my PE license in the future."

"Thank you. The new web-based renewal procedure is well done and very easy to follow."

Each application for renewal includes confidential online password information that will allow you to complete your online renewal and pay the renewal fee using MasterCard or VISA. These transactions are secure and monitored by Board staff to resolve problems that may arise. Confirmation via email serves as your receipt. If you misplace your renewal form with your online user ID and password, you must contact the Board to request a replacement.

FIVE-YEAR RULE REVIEW COMPLETED

Pursuant to R.C. 119.032, state agencies are required to review their rules every five years and determine whether to continue without change, amend or rescind the rules. This past year the Board accomplished the review of all rules amplifying Chapter 4733 of the Revised Code. The Board also reviewed the rules to ensure conformity with the Common Sense Business Regulation objectives in Executive Order 2008-04S.

Shah reappointed; Ault hired

CHANDRA R. SHAH, P.E.

Chandra R. Shah began his career in 1961 as a bridge engineer working for Balke Engineers. Projects included design of interstate bridges and large-span structures in five states. In 1977 Mr. Shah assumed the role as president and chairman of the board of Balke Engineers. For the next 25 years, he owned and managed a medium-sized engineering firm specializing in infrastructure design. In 2003 Balke Engineers merged with the present engineering company ENTRAN, PLC, where he continues to serve as a principal and member of the Board of Directors. Mr. Shah served on the Board of Trustees of Miami University, located in Oxford, Ohio, for a nine-year term.

On October 17, 2007 Governor Strickland appointed Mr. Shah to an unprecedented fourth

term to the Board. He will continue to serve through 2012.

Upon review, 33 rules were deemed accurate and remained unchanged. A public hearing was conducted on September 22, 2008 to receive testimony and comment regarding amendments to the remaining 18 rules.

Notification of the Board's intention to amend the rules was published with the Register of Ohio at www.registerofohio.state.oh.us.

The amended rules are expected to be adopted by the Board with an effective date in November 2008.

A complete set of the updated laws and rules is available by accessing the Board's website at www.peps.ohio.gov.

NCEES 'BACHELOR'S + 30' REQUIREMENT

At the 2006 NCEES annual meeting member Boards passed a motion to amend the model law to set new minimum educational requirements as a prerequisite for licensure as a professional engineer.

The new requirement, known as 'bachelor's plus 30,' would require a bachelor's degree in engineering plus 30 additional hours of education for those that seek PE registration in 2015. Since the motion was passed in 2006 the member Boards of NCEES have wrestled with the specifics involved in implementing this requirement at the state level.

During this year's annual meeting in Minneapolis the 2007-2008 Bachelor's Plus 30 Task Force proposed a motion, which the Council approved, to delay the implementation date for the additional education requirement to 2020. The NCEES member Boards also passed a resolution that calls for NCEES to assign a task force to provide the members of the Council with a written analysis to include:

- 1) The potential educational, professional, regulatory and economic impact of the additional education requirement; and
- 2) Any alternative solutions besides the bachelor's plus 30 that could potentially address the challenge of better preparing engineering licensure candidates to enter the profession.

It is expected that this analysis will be completed in time for presentation at the interim zone meetings occurring in Spring 2009.

AMANDA AULT

During November 2007 the Board hired Amanda Ault as office secretary. In April 2008, Amanda was promoted to Certification/Licensure Examiner and now handles all exam and comity applications, new company applications and individual registration renewals.

Amanda has a Bachelor's of Science degree in Business/Marketing and is a current graduate student at Franklin University. Before joining the Board, Amanda was a general service representative for Alliance Data.

Amanda is originally from Marietta and now resides in Pickerington.

LICENSE STATUS DEFINITIONS

ACTIVE Licensee active and permitted to practice

ACTIVE-IN-RENEWAL Licensee active and in process of renewing

ACTIVE-IN-RENEWAL PAID Licensee active; licensee has completed the requirements for renewal

INACTIVE Licensee not renewed and not authorized to practice

Ohio P.E./P.S. Newsletter 10/2008

Published by the state of Ohio

State Board of Registration for Professional Engineers and Surveyors

50 West Broad Street, Suite 1820

Columbus, Ohio 43215-5905

(877) 644-6364 U.S. TOLL FREE

(614) 466-3651 COLUMBUS METRO

(614) 728-3059 FAX

EMAIL pes.board@pes.ohio.gov

WEBSITE www.peps.ohio.gov

The Board

Chair

David Cox, P.S., West Chester

Vice Chair

Bert Dawson, P.E., P.S., East Liverpool

Secretary

Ted Hubbard, P.E., P.S., Cincinnati

Member

Chandra Shah, P.E., Cincinnati

Member

Alan Olson, P.E., Bay Village

Executive Director

John Greenhalge

Assistant Executive Director

Lynn Jones

Investigator

Amanda Ware

Support Staff

Karen Schick

Carol Scott

Dwight Phelps

Amanda Ault

Board Consultants

James Brandeberry, P.E.

John Crawford, P.S.

Robert Klaiber, P.E., P.S.

Bruce Larcomb, P.E., P.S.

William Norris, P.E.

Total copies printed: **29,000**

Unit cost: **\$0.058**

Publication date: **10/2008**