

# Ohio PE/PS Newsletter 10/2009

## 2009 ANNUAL REPORT

# Highlights from the Board's Annual Report

### Mission

Ohio's State Board of Registration for Professional Engineers and Surveyors' mission is to protect the safety and welfare of the citizens of Ohio by evaluating credentials and administering examinations for registration, renewing licenses, investigating complaints; and providing applicants, registrants, and the public with the most up-to-date information.

Our registrants are the professionals that design Ohio's roads, bridges and highways; design our homes, skyscrapers, schools, churches and commercial buildings; establish our property boundaries and GIS data, inspect our waterways and ensure the safety of our drinking water.

### Staffing, Structure

Board members are appointed by the Governor and serve five-year terms. Current members are Bert Dawson, P.E., P.S., Chair, East Liverpool; David L. Cox, P.S., Vice Chair, West Chester; Theodore B. Hubbard, P.E., P.S., Secretary, Cincinnati; Chandra R. Shah, P.E., Cincinnati. There is one vacant position.

The Board has an administrative staff of eight full-time employees that handle the daily operations of the board, and sev-

eral consultants that assist the Board in evaluating applications for registration and developing the Ohio surveying exam.

The Board has the lowest staff-to-licensure ratio of any of Ohio's licensure boards.

### Registrants

During fiscal year 2009 the Board had 26,853 individuals registered as professional engineers and professional surveyors. Certificates of Authorization were issued to 2,002 firms licensed to offer and provide engineering and surveying services in the Ohio. In addition, the Board registered 768 new professional engineers and professional surveyors by examination and comity.

### Examinations

The Board's examination process is quite thorough and our licensing process ensures that only qualified individuals are admitted to the practices of engineering and surveying.

In order to become registered as a professional engineer or professional surveyor, Ohio law requires that applicants pass a fundamentals examination and a principles and practice examination.

The Board administers exams in the following engineering disciplines: agricultural, architectural, chemical, civil, control systems, electrical and computer, environmental, fire protection, industrial, mechanical, metallurgical and materials, mining and mineral processing, naval architecture, nuclear, petroleum, structural; and surveying.

During fiscal year 2009, the Board reviewed 2,815 applications to take the engineering and surveying examinations. 1,243 persons took the fundamentals examinations and 867 (70%) received passing scores. 676 persons took the principles and practice examinations and 366 (54%) received passing scores.

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## Ohio P.E., P.S. online renewal endorsed by more than 53%

### Alfred H. Samborn, P.E. 1917-2009

The Board is saddened to report that Alfred H. Samborn, P.E., passed away March 19, 2009. Mr. Samborn served three terms on the Board, including serving as Chair and Vice Chair. He was the 1979-80 president of the National Council of Examiners for Engineering and Surveying (NCEES) and earned the Distinguished Service Award in 1981 for his contributions to NCEES. Mr. Samborn was the founder of SSOE Inc., one of the nation's largest architectural and engineering firms. Mr. Samborn received many awards and honors during his career and was committed to engineering education, professionalism and ethics. The Board sends its condolences to Mr. Samborn's family and friends.

Last year more than 53% of Ohio professional engineers, professional surveyors, and dually licensed individuals renewed online.

The feedback for online renewal has been very positive with most finding the process fast and convenient. Your renewal notice includes your user ID, password, and instructions on how to renew your license online.

The Board strongly encourages you to use this renewal method because it alleviates incomplete applications, send-backs, and delayed renewals. Not only is online renewal efficient and accurate, you receive an instant email confirmation upon completion.

You can pay the online renewal fee using Master Card or VISA credit or debit cards. To renew online you will need to have the following information ready:

- Your user ID and password, which is printed on your renewal form and enclosed with the annual newsletter.

- An email address in order to receive confirmation and receipt.

- A valid Master Card or VISA credit or debit card.

If you choose to renew your license via mail, please remember to complete all questions on side 2 of the renewal application. The Board returns a significant amount of paper renewals due to failure to answer questions and/or provide signature. Your license will not be renewed until the renewal card is completed and returned, and fee received.

Do **not** send your continuing professional development documents with your renewal application. The Board conducts a random audit upon completion of each annual renewal. If you are selected for an audit, you will receive written notice and will be required to submit your proof of continuing professional development at that time. You are required to maintain your continuing professional development documentation for three years.

**RENEW YOUR REGISTRATION BY DECEMBER 31 • RENEW ONLINE**

# Enforcement • 2008-2009 Disciplinary Actions

The Board is charged with investigating complaints alleging violations of the Ohio Revised and Ohio Administrative codes.

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.

During fiscal year 2009, the Board investigated 85 complaints and closed 58. At the end of the fiscal year the Board had 71 pending complaints. In addition, the Board opened 25 formal investigations and closed 30. At the end of fiscal year 2009 the Board had 11 pending formal investigations.

The following cases are final results of investigative matters resolved between November 2008 and August 2009. Every effort is made to ensure that the following information is correct.

## NOVEMBER 2008

### Donald E. Flynn, P.E. Eustis, Florida

VIOLATION: Professional registration 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 suspending registration.

### Dennis S. Nelson, P.E. Eau Claire, Wisconsin

VIOLATION: Professional registration suspended by another jurisdiction [violation of ORC 4733.20 (A) (4) and (5); and OAC 4733-35-07 (D) and 4733-35-08].

BOARD ACTION: Board issued a Final Order suspending registration.

### Randall R. Myers, P.S. Markleysburg, Pennsylvania

VIOLATION: Professional registration suspended by another jurisdiction [violation of ORC 4733.20 (A) (2) and (5); and OAC 4733-35-07 (D) and 4733-35-08].

BOARD ACTION: Board issued a Final Order indefinitely suspending registration.

## JANUARY 2009

### Chander P. Nangia, P.E. Houston, Texas

VIOLATION: Professional registration voluntarily surrendered in another jurisdiction [violation of ORC 4733.20 (A) (2) and (5); and OAC 4733-35-08].

BOARD ACTION: Board issued a Final Order revoking registration.

### James Linzell, P.E. Columbus, Ohio

VIOLATION: Submitted engineering plans for permit approval while PE 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 revoking registration.

### Allen R. Moore, P.E. Joplin, Missouri

VIOLATION: Convicted of a felony [violation of ORC 4733.20 (A) (4) and (5); and OAC 4733-35-07 (D) and 4733-35-08].

BOARD ACTION: Board issued a Final Order revoking registration.

### Edward Lindholm, P.E., P.S. Cincinnati, Ohio

VIOLATION: Code of Ethics violations and failing to cooperate with the Board's investigation [ORC 4733.20 (A) (2); and OAC 4733-35-07 (D), 4733-35-01, 4733-35-02 and 4733-35-03].

BOARD ACTION: Board issued a Final Order revoking PE registration.

### Michael Hura Vermilion, 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 to cease and desist.

## FEBRUARY 2009

### Engineering Consultants Group, Inc. Akron, Ohio

VIOLATION: Illegal use of the term engineering in the firm's name [violation of ORC 4733.16].

BOARD ACTION: Settlement agreement to permanently remove engineering from firm's name.

### Advanced Contractors & Engineers, Inc. Cincinnati, Ohio

VIOLATION: Illegal use of the term engineers in the firm's name [violation of ORC 4733.16].

BOARD ACTION: Settlement agreement to permanently remove engineers from firm's name.

### Engineered Heating and Cooling, Inc. North Canton, Ohio

VIOLATION: Illegal use of the term engineered in the firm's name [violation of ORC 4733.16].

BOARD ACTION: Settlement agreement to permanently remove engineered from firm's name.

## APRIL 2009

### Jack R. Youngs Derwent, Ohio

VIOLATION: Failed to complete 15 hours of continuing education and falsely reported on his annual renewal that the continuing education requirement had been completed [violation of ORC 4733.151].

BOARD ACTION: Settlement agreement to make registration permanently inactive.

### Clyde Burgess Laurelville, Ohio

VIOLATION: Illegal practice of surveying [violation of ORC 4733.02 and 4733.22].

BOARD ACTION: Settlement agreement to cease and desist.

### Michael Chabes Indianapolis, Indiana

VIOLATION: Attempting to obtain registration by falsifying a grade letter [violation of ORC 4733.20 (A) (1)].

BOARD ACTION: Exam score invalidated, cannot take exam for five years.

## MAY 2009

### Merlyn J. Jenkins Merlyn J. Jenkins & Associates Pottsville, Pennsylvania

VIOLATION: Illegal practice of surveying [violation of ORC 4733.02 and 4733.22].

BOARD ACTION: Settlement agreement to cease and desist and \$2,500 fine.

## JULY 2009

### Carmen Conglose, Jr., P.S. Youngstown, Ohio

VIOLATION: [redacted] [violation of ORC 4733.20 (A)(2), [redacted] and (5); and OAC 4733-35-01, 4733-[redacted] and 4733.[redacted].

BOARD ACTION: Reprimand and \$2,000.00 fine.

## AUGUST 2009

### Robert P. Chi, P.E. Olympia Fields, Illinois

VIOLATION: Professional registration revoked by another jurisdiction [violation of ORC 4733.20 (A) (2) and (5); and OAC 4733-35-08].

BOARD ACTION: Board issued a Final Order revoking registration.

### Oliver J. Hao, P.E. Silver Springs, Maryland

VIOLATION: Failed to complete 15 hours of continuing education and falsely reported on his annual renewal



# Firm Licensure Q&A

that the continuing education requirement had been completed [violation of ORC 4733.151, 4733.20 (A) (1) and (5), 4733.22; and OAC 4733-19-01].

BOARD ACTION: Board issued a Final Order revoking registration.

**Balajia B. Singh, P.E.**  
**Webster, Texas**

VIOLATION: Failed to complete 15 hours of continuing education and falsely reported on his annual renewal that the continuing education requirement had been completed [violation of ORC 4733.151, 4733.20 (A) (1) and (5), 4733.22; and OAC 4733-19-01].

BOARD ACTION: Board issued a Final Order revoking registration.

## Sealing Your Engineering or Surveying Work Product

Ohio Revised Code section 4733.14 requires that each registrant shall stamp (or seal) all engineering and surveying work product to include plans, specifications, plats, and reports. The work product must also be signed and dated by the registrant. The law does not address whether or not each page of the work product must be sealed or just the cover sheet.

As a general rule, the Board advises that the work product should be sealed in a manner that clearly identifies the preparer of the work product and that it is clear what part of the work product the registrant is responsible for. As long as the work product is sealed in this manner, it is up to the local building department or other agency to determine how they want the work product sealed; for instance each page sealed or just the cover sheet.

The design of the professional engineer and professional surveyor seal can be found on the Board's website. The seal must be the size known as size #1: 1-3/4" in diameter for a rubber stamp or 1-5/8" diameter for an embossing seal. The seal must contain the words "State of Ohio" and the legend "Registered Professional Engineer" or "Registered Professional Surveyor."

This information is provided to make sure that you and your firm are operating in compliance with Ohio Revised Code (R.C.) section 4733.16.

### When is a Certificate of Authorization required?

If your firm is offering or providing engineering or surveying services in Ohio, or holding itself out to the public as being engaged in providing professional engineering or professional surveying services, you must obtain a Certificate of Authorization (COA).

You must also obtain a COA if your firm is using the words engineering or surveying or any modification or derivation of those words in the firm's name.

### Is a Certificate of Good Standing sufficient?

No, a Certificate of Good Standing is issued by the Ohio Secretary of State. You must register your firm with the Ohio Secretary of State before registering with this Board. Once you receive your charter registration number from the Secretary of State you must apply for a COA with this Board.

### Does a firm have to be owned by a professional engineer or professional surveyor?

No, R.C. section 4733.16 requires that a firm shall designate one or more directors, partners, managers, members or officers employed by the firm full time as being responsible for and in responsible charge of the professional engineering or professional surveying activities and decisions of the firm.

### How does the Board define full time and in responsible charge?

Ohio Administrative Code (A.C.) section 4733-39-02 (A) defines responsible charge as being in control of, accountable for and in either direct or indirect supervision of the engineering and/or surveying activities of the business enterprise.

Full time as defined in A.C. section 4733-39-02 (D) means working more than thirty hours per week or working substantially all the engineering or surveying hours for a firm, partnership, association, limited liability company or corporation that holds a certificate of authorization.

It is important to note that the Board's licensing database tracks the individuals listed as responsible for engineering or surveying for a firm.

If a professional engineer or professional surveyor is listed for more than one firm, the Board will require a written explanation of the relationship between the

firms and the professional's responsibilities at each firm.

Typically the Board does not grant a COA to a firm that lists a professional engineer or professional surveyor as responsible for engineering or surveying activities for more than one firm.

### How does a firm apply for a COA and what is the renewal period?

Before applying to the Board you must register your firm with the Ohio Secretary of State.

After receiving an Ohio Charter Registration Number from the Secretary of State you can download a COA application from the Board's website at [www.peps.ohio.gov](http://www.peps.ohio.gov). The completed application and fee must be mailed to the Board. Firms must renew their COA each year before June 30.

Firms that do not renew their COA before June 30 cannot offer or provide engineering or surveying services in Ohio until reinstated.

## Verification Fee Required

### \$24.00 license verification fee required effective July 17, 2009

To officially verify your Ohio license to another state or entity, you must submit a written request that includes the following information.

- Name, current address, Ohio license number and/or last four digits of your social security number
- Addressed and stamped envelope of the entity where the verification is to be sent.

• The \$24.00 verification fee. Check or money order should be made payable to **Treasurer, State of Ohio**.

The official verification includes the licensee name, license number, status, license issuance date, expiration date, method of licensure, and disciplinary action, if applicable. The verification also includes the Board's seal and official signature.

Verification of licensure may also be obtained from the License Lookup page on the Board's website at [www.peps.ohio.gov](http://www.peps.ohio.gov).

This license lookup information includes name, license number, status, city, state, expiration date, and disciplinary action indicator. There is no fee for an Ohio license lookup on the web.

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## Comity

Comity is the process where a professional engineer or professional surveyor is granted an Ohio registration based upon their registration in another state or United States territory.

All comity applicants must pass the fundamentals examination and the principles and practice examination, as well as meet Ohio's registration requirements.

During fiscal year 2009, 433 individuals became registered in Ohio as professional engineers or professional surveyors by comity.

## NCEES

The Board is a member of the National Council of Examiners for Engineers and Surveyors (NCEES) and actively participates and represents Ohio in council activities.

NCEES is comprised of the sixty-five state and territorial licensing boards in the United States that regulate the professions of engineering and surveying. Ohio is one of twelve states that comprise the central zone.

The Board and its staff frequently participate on NCEES committees and attend the annual and central zone meetings.

## Activities

The Board and its staff frequently speak at engineering and surveying association and society meetings and participate in their annual meetings.

The Board and its staff also visit Ohio's universities and colleges that have engineering and surveying programs to speak about the value of licensure and

other topics of interest. The Board also participated in many other activities during fiscal year 2009, some of which are highlighted below.

- Bert Dawson, P.E., P.S. served on the PUCO Nominating Council, and served on the Household Sewage and Small Flow On-Site Sewage Treatment System Study Commission.

- The Board, in conjunction with the Ohio Society of Professional Engineers and the Professional Land Surveyors of Ohio, conducted spring and fall certificate ceremonies in the Statehouse atrium recognizing individuals that passed the fundamentals and principles and practice examinations.

- Executive Director John F. Greenhalge served as Chairman of the NCEES Committee on Law Enforcement for 2008-2009 and was reappointed for 2009-2010.

## Funding

The Board is self-supporting from fees derived from applications and renewals and receives no money from Ohio's General Revenue Fund. Our \$20.00 annual renewal fee is currently the second lowest registration fee of engineering and surveying boards in the U.S.

The Board has operated at a flat funding level since fiscal year 2006 and does not plan any new initiatives for FY 2010 or FY 2011.

During the upcoming biennium, the Board's primary objective will be to provide effective operations and services, and to maintain its commitment to operate within its financial resources.

## Sword, McLean join Board staff

### Jeni Sword

Jeni Sword came to work for the Ohio Board in December 2008. She graduated from Greeneview High School and attended the Greene County Career Center.

Jeni previously worked as a secretary for Ohio Department of Job and Family Services Unemployment Tax Division for six years.

She lives in Grove City with her partner Jody and their son Dylan.

### Jason McLean

Jason McLean is responsible for supervision of our enforcement and investigations unit.

This unit is charged with investigating all complaints against regulated individuals and firms.

Prior to joining the Engineers and Surveyors Board, Jason had been an

investigator with the state of Ohio for over eight years coupled with five years experience as a police officer.

Jason brings to the Board extensive knowledge of investigations and interviewing experience and continues to hold a commission as he works part-time as a police officer in Heath, Ohio.

Jason earned his Bachelor's of Science in Criminal Justice from the University of Toledo in 1998 and has been a member of the Ohio Investigators Association since 2002.

He has successfully completed several advanced courses in investigative techniques, interviewing, interrogation and regulatory enforcement through organizations such as John E. Reid & Associates, Enforcement and Regulation (CLEAR) and the Ohio Attorney General's Office.

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## The Board

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### Vice Chair

David Cox, P.S., West Chester

### Secretary

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

### Member

Chandra Shah, P.E., Cincinnati

### Member

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### Investigator

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Amanda Ault

Jeni Sword

### Board Consultants

James Brandeberry, P.E.

John Crawford, P.S.

Bruce Larcomb, P.E.

William Norris, P.E.

## License Status Definitions

**ACTIVE** Licensee active and permitted to practice in Ohio

**ACTIVE-IN-RENEWAL** Licensee active, in the process of renewal, and permitted to practice in Ohio

**INACTIVE** Licensee not renewed and not authorized to practice in Ohio

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