

Ohio PE/PS Newsletter 10/2011

RENEWAL FREQUENCY CHANGE

Ohio's P.E., P.S. annual renewal changes to biennial renewal, effective immediately

Recently enacted H.B. 153, the 2012-2013 state of Ohio budget bill, requires the Board to convert from an annual renewal cycle to a biennial renewal cycle for professional engineers and professional surveyors starting with the 2012 renewal cycle. This change will result in the biennial renewal fee of \$40.00. All professional engineers and professional surveyors will renew every other year and will be required to obtain 30 hours of continuing professional development during the two year

renewal cycle. If a registrant exceeds the 30 hour requirement during the renewal period, a maximum of 15 hours may be carried forward into the subsequent renewal period.

The CPD requirement will remain the same for new registrants. They will be exempt from the continuing professional development requirement during the first calendar year of registration, however, they will be required to complete the 15-hour requirement during the subsequent year. ☒

BOARD APPOINTMENTS

Swearingen, Kohman appointed to Board

Keith C. Swearingen, P.E., P.S. was appointed by Governor Strickland as a Member of the State Board of Registration for Professional Engineers and Surveyors for a term beginning December 7, 2010 and ending at the close of business September 24, 2015, replacing Bert Dawson, whose term expired.

Mr. Swearingen retired from the Ohio Department of Transportation in January 2011. He held several positions with ODOT including Assistant Director and Chief Engineer, Deputy Director of Highway Operations, Engineer of Maintenance, District 9 Deputy and District 9 Operations Engineer.

Prior to working at ODOT, he worked for consultants in land development and construction management and served in the U.S. Army Corps of Engineers for two years.

Mr. Swearingen graduated from the Ohio State University with a Bachelor in Civil Engineering degree and is registered in the state of Ohio as both a professional engineer and professional surveyor. ☒

Nelson E. Kohman, P.E. was appointed by Governor Kasich for a term beginning October 5, 2011 and ending September 24, 2016. Mr. Kohman is the retired President of Evans, Mechwart, Hambelton & Tilton. As President, Mr. Kohman led the firm to become the largest full-service engineering firm in Central Ohio. He has 30+ years of engineering experience, and was involved in developing client relationships with communities and government agencies, preparing economic and environmental impact studies and serving as a consulting engineer and advisor to growing communities and numerous planning and zoning commissions.

Mr. Kohman currently serves as President of Ohio Consulting, LLC and Water Quality Solutions. He also serves as a Board Member of Ohio University's Civil Engineering Advisory Board, the Licking County Family YMCA and the Central Ohio Technical School Pataskala Campus. Mr. Kohman graduated *summa cum laude* from Ohio University with a B.S. in Civil Engineering and has been registered as a professional engineer in Ohio since 1976. ☒

SECURE, EFFICIENT

Online renewal major success

Over 95% of Ohio P.E. and P.S. registrants renewed online during the 2011 renewal cycle. The Board strongly encourages all registrants to renew online through its secure website. Online renewal benefits both the registrant and board staff. Advantages include expedited renewal processing with an instant receipt, elimination of paper waste, elimination of incomplete renewals and bad checks, and the ability to link renewal history data without the need for scanning.

The Board has received very positive feedback regarding online renewal. Here are a few comments submitted during the last renewal cycle:

"Easiest web site I have ever used. Nice work!"

"This site was very helpful and easy to use! Much better than mailing the form and check."

"This is first time I have ever done a credit card transaction via internet. Everything went very smoothly." ☒

ONLINE RENEWAL MAJOR SUCCESS CONTINUED ON PAGE 2

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www.peps.ohio.gov

Don't let your license lapse...renew ONLINE by DECEMBER 31!

Online renewal major success

☒ *"The renewal process for Ohio is one of the most efficient I have experienced. The Engineering Renewal Notice arrives by mail with all pertinent log-in information, the web site is user friendly, and the entire renewal process is a very smooth process. Thank you!"*

In order to complete an online renewal, registrants will receive, by regular mail, a renewal notice in November containing their user ID, password, and instructions on how to renew online using a credit or debit card. Accepted credit cards include American Express, Discover, MasterCard and VISA. Registrants who cannot renew online must either download a paper renewal from the Board's website at www.peps.ohio.gov, or contact the Board office at (614) 466-3651 in order to receive one.

Please read the online renewal instructions carefully, particularly regarding the certification of continuing professional development (CPD). By indicating affirmatively on the website that you have met the CPD requirement, your license will be renewed.

Compliance with the CPD requirement will be determined after the renewal cycle by a random audit and the submission of CPD logs and proof of attendance to the Board by those registrations randomly selected. Registrants who fail to demonstrate compliance will be subject to disciplinary action by the Board. ☒

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

FAILED TO RENEW Licensee inactive and not authorized to practice in Ohio; can renew online without reinstatement

INACTIVE Licensee not renewed and not authorized to practice in Ohio

Honesty

BY BRUCE PITTS, P.L.S.
DIRECTOR OF ENFORCEMENT
OKLAHOMA STATE BOARD OF LICENSURE
FOR PROFESSIONAL ENGINEERS AND
LAND SURVEYORS

Our society has placed professional engineers and surveyors in a position of special trust because their practice directly affects the public's health, safety, property and welfare. Most engineers and surveyors practice ethically and work hard to maintain this hard earned special public trust, which is so vital now in this time of public doubt and mistrust. The public has the right to believe that engineers and surveyors will provide their services with integrity, fairness and most of all, honesty.

The absolute necessity of honesty in the practice of engineering and surveying in maintaining the public trust is reflected in the enforcement sections of the NCEES Model Law. In fact most of the violations listed in that act are directly related to honesty and specifically contain words like dishonesty, fraud and false testimony. For example:

- § 150.10 A. 1.: Any fraud or deceit in obtaining or attempting to obtain or renew a certificate of licensure;
- § 150.10 A. 7.: Knowingly making false statements or signing false statements, certifications, or affidavits in connection with the practice of engineering or surveying;
- § 150.10 A. 12.: Providing false testimony or information to the Board.

There are other violations in the Model Law that do not actually contain the word honesty, but consist in large part of deliberate dishonest practice:

- § 150.10 A. 10: Signing, affixing, or permitting the licensee's seal or signature to be affixed to any specifications, reports, drawings, plans, plats, design information, construction documents or calculations, surveys, or revisions thereof, which have not been prepared by the licensee or under the licensee's responsible charge;
- § 150.10 A. 14: Providing engineering or surveying services outside any of the licensee's areas of competence.

The point is not whether the word honesty is used in the Model Law or not; the point is that honesty is an essential element of ethical conduct that must be upheld by enforcement action when necessary. Deliberately lying or making false statements in a report, omitting crucial information on a survey, inspection report or set of plans or misleading a gov-

ernmental reviewing agency are clearly the extreme examples of dishonest conduct that must be vigorously investigated and disciplinary action taken.

The same is true for signing and sealing plans not done under the licensee's direct control and personal supervision, or practicing outside of the licensee's area of expertise. Not only are these practices potentially harmful to the public, but they are also demeaning to the professions and lower professional standing.

The ethical character of licensees can also be demonstrated in their communications with their licensing boards. Providing false information to a licensing board or signing an application or renewal that contains false statements are common dishonest practices that are unjustifiable and can lead to serious disciplinary action.

Specific examples of this kind of activity are falsely answering the questions on the application or renewal forms about whether or not disciplinary action has been taken against the licensee by another board or whether the licensee has been convicted of a crime. If either of those has happened, it is much better to report honestly to the board than to give a dishonest answer that is likely to result in serious disciplinary action.

Reporting Continuing Professional Development (CPD) credit earned also requires honesty and a high degree of personal ethics that accompanies professional licensure. CPD is intended to improve skills, expand knowledge and to keep licensees up to date with the current practice in their field.

Unfortunately, it has also become a revenue source for questionable providers offering overstated hours of substandard class work. Licensees are expected to report CPD credit earned honestly and not claim undeserved credit.

The public trusts that engineers and land surveyors are going to perform to the highest degree of ethical and honest conduct. Our laws and rules have been written to assist those aspiring to attain that goal and to enable enforcement actions against those who choose not to comply.

To maintain the elevated position of trust the public has placed upon them, professional engineers and surveyors must continue to be ethical leaders and diligently strive to be public examples of honest behavior. ☒

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Reminders, suggestions when registering Certificates of Authorization

In addition to your personal registrations, Ohio Revised Code 4733.16 requires all companies, with the exception of sole proprietors, to obtain a certificate of authorization from the Board prior to offering or providing engineering or surveying services in Ohio.

Companies that do not have a certificate of authorization granted by the Board, unless exempt from registration, may not offer, provide or contract for engineering or surveying services in Ohio. All companies shall annually renew their Certificate of Authorization no later than June 30th of each year.

The Certificate of Authorization for all companies whose annual renewal filing is not received by the close of business on June 30th will expire and become invalid.

A company can renew within twelve months from the expiration date. The company will be charged a late fee and must not offer or provide engineering and/or surveying services until their license is reactivated by the Board.

“All companies shall annually renew their Certificate of Authorization no later than June 30th of each year.”

Companies must register with the Ohio Secretary of State before renewing or applying for licensure with the Board.

The company must include the name and address of each owner on the application.

The persons designated as being in responsible charge of the professional engineering and/or professional surveying activities and decisions, must be registered in Ohio and must be a full-time employee of the company and be designated as a partner, manager, member, officer or director of the company.

The Board defines a full-time employee as a person who works more than thirty hours per week for the company and does not have employment outside of the firm.

It is not acceptable for the professional engineer or professional surveyor designated as being responsible for and in responsible charge of the engineering or surveying services for the firm to work part-time or be retained as a consultant.

This individual must supervise all engineering or surveying activities for the firm and be highly involved in the day-to-day operations of the firm. It is acceptable to have more than one full-time professional engineer or professional surveyor designated as being responsible for and in responsible charge of the engineering or surveying for the firm. In the case of larger firms, this would be expected.

If there is any change to the items mentioned above during the year, the

change should be filed with the Board by letter immediately after the change takes place.

The Certificate of Authorization application and answers to many of your questions can be found on the Board's website www.peps.ohio.gov under the companies link.

Failure to register™ or annually renew your firm's certificate of authorization could result in fines or other disciplinary action for the firm and its professional engineers and professional surveyors. ☒

MEET THE STAFF, EARN CPD CREDIT

New P.E., P.S. registrant CPD opportunity

During February 2012 the Board will conduct a four-hour CPD program for new registrants that have either passed the PE or PS exam in the past 24 months or have recently obtained professional registration by comity and reside in Ohio.

There will be no charge for the program and the program will contain important information concerning Ohio's laws and rules for new registrants as they begin to practice in Ohio. The program will be conducted by Board staff and will cover the following topics.

Important Information for Maintaining Your Professional Engineer or Professional Surveyor Registration [1 hour]

This segment will discuss State Board operations and the registrant's responsibilities in order to maintain professional registration in Ohio. The program covers:

- Record keeping
- Cooperation with the Board
- Reporting violations
- Annual renewal
- Certificates of Authorization
- Continuing Professional Development (CPD) requirement
- Investigation process

Code of Ethics and Improper Conduct—You Be the Judge! [2 hours]

This segment will cover the Code of Ethics for Professional Engineers and Professional Surveyors (O.A.C. 4733-35) and acts that result in violations of the registration act such as plan stamp-

ing, aiding and abetting illegal practice, illegal practice, practicing outside one's area of competence and more.

The second half of the program is interactive and allows the participants to review real-life investigation case studies that resulted in disciplinary action from the Board. Participants are given a case study and the laws and rules in order to identify violations and recommend disciplinary action based on the Board's disciplinary grid.

Continuing Professional Development—What If I Get Audited? [1 hour]

This segment will discuss what a registrant should expect if they get audited and what they need to provide to the Board. The segment provides helpful information to make sure that the audit goes well. Discussion topics include:

- How to tell if a course counts
- Qualifying activities
- Non-qualifying activities
- Proper record keeping
- Components of good documentation
- Recent problems and concerns.

We will follow up in December by mailing new registrants an invitation reminding you of this opportunity but you may register now since seating will be limited.

You can register by contacting the Board at (614) 466-3651. This is a great opportunity to interact with the Board and also ask questions. We look forward to meeting you. ☒

Enforcement • 2010-2011 Disciplinary Actions

The Board is charged with investigating complaints alleging violations of Ohio R.C. 4733 and Ohio A.C. 4733. During fiscal year 2011 the Board received and investigated 118 complaints — an increase of eight complaints from the previous fiscal year. The Board held five disciplinary hearings during the year.

During FY 2011 the Board closed 78 complaints. Five complaints were closed because the complaint was outside of the Board's jurisdiction, 28 complaints were closed because no violations were found, 27 complaints were closed after the individual or firm voluntarily came into compliance, and warning letters were sent in 17 cases. At the end of the year the Board had 70 pending complaints.

During FY 2011 the Board opened 40 formal investigations. Twenty-five were opened from complaints received during FY 2011 and 15 were opened from complaints received prior to FY 2011.

During fiscal year 2011 the Board closed 38 formal investigations. Of the 38 formal investigations closed the following actions were taken: thirty-two investigations were closed after the individual or firm entered into a settlement agreement, five were closed after the Board conducted an adjudication hearing and/or issued disciplinary action, and one was closed after the Board issued a warning letter.

At the end of fiscal year 2011 the Board had 18 pending formal investigations.

February 2011

Kerry L. Pickett, P.E. **Kings Mills, Ohio**

VIOLATION: Felony criminal conviction [violation of R.C. 4733.20 (A)(4)].

BOARD ACTION: Issued a Final Order requiring Pickett to notify the Board upon his release from prison, serve two (2) years probation and pay \$500.00 fine.

Michael J. Dorsey, P.E. **Uniontown, Ohio**

VIOLATION: Failed to respond to the Board's audit [violation of R.C. 4733.151 (G) and A.C. 4733-35-09].

BOARD ACTION: Settlement agreement with a reprimand and \$500.00 fine.

Power Solutions Group **Barry Willoughby, P.E., Owner** **Sidney, Ohio**

VIOLATION: Provided engineering services in Ohio while their Certificate of Authorization was expired [violation of R.C. 4733.02, 4733.16, 4733.20 (A)(5) and 4733.22].

BOARD ACTION: Settlement agreement with a reprimand and \$2,500.00 fine.

Black Swamp Consulting, LLC **Ronald Grolle, Owner** **Bowling Green, Ohio**

VIOLATION: Provided surveying services in Ohio without a Certificate of Authorization [violation of R.C. 4733.02, 4733.16 and 4733.22].

BOARD ACTION: Settlement agreement to voluntarily cease offering surveying services.

Bowman Surveying **Stephen Bowman, P.S., Zanesville, Ohio**

VIOLATION: Provided surveying services while his P.S. registration was expired [violation of ORC 4733.02, 4733.20 (A)(2) and (5), 4733.22].

BOARD ACTION: Settlement agreement with a reprimand and \$1,500.00 fine.

Technical Solutions Specialist, Inc. **John Baher, P.E., Cincinnati, Ohio**

VIOLATION: Provided engineering services in Ohio while their Certificate of Authorization was expired [violation of R.C. 4733.02, 4733.16, 4733.20 (A)(5) and 4733.22].

BOARD ACTION: Settlement agreement with a reprimand and \$1,500.00 fine.

Horizon Surveying, Inc. **Paul MacCallum, P.S., Lebanon, Ohio**

VIOLATION: Provided surveying services in Ohio while their Certificate of Authorization was expired [violation of R.C. 4733.02, 4733.16, 4733.20 (A)(5) and 4733.22].

BOARD ACTION: Settlement agreement with a reprimand and \$500.00 fine.

September 2010

Richard J. Swain, P.E. **Metairie, Louisiana**

VIOLATION: Falsely reported that he had completed the continuing education requirement on his annual renewal; failed to complete continuing education; failed to respond to the Board's request for information [violation of R.C. 4733.151 and 4733.20 (A)(1) and (5)].

BOARD ACTION: Issued a Final Order revoking registration.

Francisco Rodriguez, P.E. **Metairie, Louisiana**

VIOLATION: Falsely reported that he had completed the continuing education requirement on his annual renewal; failed to complete continuing education; failed to respond to the Board's request for information [violation of R.C. 4733.151 and 4733.20 (A)(1) and (5)].

BOARD ACTION: Issued a Final Order revoking registration.

November 2010

Don D. Barber, P.E., P.S. **Newark, Ohio**

VIOLATION: Accepted intervention in lieu of conviction for a felony Theft in Office charge [violation of R.C. 4733.20 (A)(4)].

BOARD ACTION: Settlement agreement with a reprimand and \$250.00 fine.

Amity Engineering **Chris Fowler, Owner** **Mount Vernon, Ohio**

VIOLATION: Provided engineering services in Ohio without a Certificate of Authorization [violation of R.C. 4733.02, 4733.16, 4733.20 (A)(5) and 4733.22].

BOARD ACTION: Settlement agreement voluntarily complying to remove engineering from name.

Robert E. Larson, P.E. **West Chester, Ohio**

VIOLATION: Falsely reported that he had completed the continuing education requirement on his annual renewal; failed to complete continuing education; [violation of R.C. 4733.151 and 4733.20 (A)(1) and (5)].

BOARD ACTION: Settlement agreement wherein Larson voluntarily surrendered his license.

Gregory Super, P.E. **Mentor, Ohio**

VIOLATION: Failed to maintain continuing education documentation as required; failed to complete continuing education; [violation of R.C. 4733.151 and A.C. 4733-35-09].

BOARD ACTION: Settlement agreement with a reprimand and \$2,000.00 fine.

William A. Boyer & Associates **Dayton, Ohio**

VIOLATION: Offering engineering services in Ohio without a Certificate of Authorization [violation of R.C. 4733.02, 4733.16 and 4733.22].

BOARD ACTION: Settlement agreement voluntarily complying to remove engineering from correspondence and advertisements until registered.

April 2011

Letitia A. Zurawick, P.E. Holland, Ohio

VIOLATION: Failed to provide her continuing education documentation as required; [violation of R.C. 4733.151].

BOARD ACTION: Settlement agreement with a reprimand and \$250.00 fine.

Lawrence Fisher, P.E. Orlando, Florida

VIOLATION: Reported disciplinary action in another state; voluntarily surrendered license in Arkansas in lieu of disciplinary action [violation of R.C. 4733.20 (A)(5) and A.C. 4733-35-08].

BOARD ACTION: Settlement agreement to voluntarily surrender his license in Ohio until reinstated and in good standing in Arkansas.

James E. Welp, P.E. West Chester, Ohio

VIOLATION: Failed to respond to the continuing education audit; falsely reported that he had completed the continuing education requirement on his annual renewal; failed to complete continuing education [violation of R.C. 4733.151, 4733.20 (A)(1) and (5), 4733.22 and O.A.C. 4733-19-01 and 4733-35-09].

BOARD ACTION: Board issued Final Order revoking his registration in Ohio.

Edward A. DeTullio, P.E. Berea, Ohio

VIOLATION: Failed to respond to the continuing education audit; falsely reported that he had completed the continuing education requirement on his annual renewal; failed to complete continuing education [violation of R.C. 4733.151, 4733.20 (A)(1) and (5), 4733.22 and O.A.C. 4733-19-01 and 4733-35-09].

BOARD ACTION: Board issued Final Order revoking his registration in Ohio.

Bryan J. Smith, P.E. Carroll, Ohio

VIOLATION: Falsely reported that he had completed the continuing education requirement on his annual renewal; failed to complete continuing education; [violation of R.C. 4733.151 and 4733.20 (A)(1) and (5) and 4733.22].

BOARD ACTION: Settlement agreement with a reprimand and \$2,000.00 fine.

June 2011

David R. Mills , P.S. Mount Vernon, Ohio

VIOLATION: Performed a mortgage survey and boundary survey that did not comply with the minimum standards for mortgage surveys and boundary surveys [violation of R.C. 4733.20 (A)(2) and (5) and O.A.C. 4733-37 and 4733-38].

BOARD ACTION: Settlement agreement with reprimand, \$1,000.00 fine, agreed to reimburse the land owner the cost of the survey and cease operation of his firm until it is granted a certificate of authorization to practice in Ohio.

Richard A. Schlarman, Examinee Columbus, Ohio

VIOLATION: Cheating on the April 2011 fundamentals of engineering exam [violation of R.C. 4733.20 (A)(7)].

BOARD ACTION: Settlement agreement prohibiting Schlarman from taking any NCEES exam in Ohio or any other jurisdiction for one year.

Red Plains Surveying Company Oklahoma City, Oklahoma

VIOLATION: Provided surveying services in Ohio without a certificate of authorization [violation of R.C. 4733.02, 4733.16 and 4733.22].

BOARD ACTION: Settlement agreement with \$2,500.00 fine and agreed to cease offering surveying services until granted a certificate of authorization to practice in Ohio.

Gary Elliott , P.S. Hannibal, Missouri

VIOLATION: Affixed his professional surveyor seal to an unlicensed firm's survey while not being a fulltime employee of that firm. [violation of R.C. 4733.20 (A) (3)].

BOARD ACTION: Settlement agreement with reprimand and \$500.00 fine.

Sara L. Sowers, P.E. Kettering, Ohio

VIOLATION: Falsely reported that she had completed the continuing education requirement on her annual renewal; failed to complete continuing education; [violation of R.C. 4733.151 and 4733.20 (A)(1) and (5) and 4733.22].

BOARD ACTION: Settlement agreement with a reprimand and \$2,000.00 fine.

Edward C. Rohr, P.E. Toledo, Ohio

VIOLATION: Falsely reported that he had completed the continuing education requirement on his annual renewal; failed to complete continuing education and failed to respond to the Board's audit; [violation of R.C. 4733.151, 4733.20 (A)(1) and (5) and 4733.22].

BOARD ACTION: Settlement agreement wherein Rohr voluntarily surrendered his license.

David B. Morgan, P.E. North Canton, Ohio

VIOLATION: Falsely reported that he had completed the continuing education requirement on his annual renewal; failed to complete continuing education;

[violation of R.C. 4733.151, 4733.20 (A)(1) and (5) and 4733.22].

BOARD ACTION: Settlement agreement wherein Morgan voluntarily surrendered his license.

John F. Germ, P.E. Chattanooga, Tennessee

VIOLATION: Reported disciplinary action in another state; voluntarily surrendered license in Oklahoma in lieu of disciplinary action [violation of R.C. 4733.20 (A)(5) and A.C. 4733-35-08].

BOARD ACTION: Settlement agreement wherein Germ voluntarily surrendered his license in Ohio until reinstated and in good standing in Oklahoma.

Roy L. Brown, P.E. Birmingham, Alabama

VIOLATION: Reported disciplinary action in another state; voluntarily surrendered license in Kentucky in lieu of disciplinary action [violation of R.C. 4733.20 (A)(5) and A.C. 4733-35-08].

BOARD ACTION: Settlement agreement wherein Brown voluntarily surrendered his license in Ohio until reinstated and in good standing in Kentucky.

Ronald A. Booth, P.E. Auburn, Alabama

VIOLATION: Failed to respond to the Board's audit as required [violation of R.C. 4733.151].

BOARD ACTION: Settlement agreement with a reprimand and \$500.00 fine.

William R. Yoakum, P.E. Springboro, Ohio

VIOLATION: Failed to report disciplinary action in another state; voluntarily surrendered license in Kentucky in lieu of disciplinary action [violation of R.C. 4733.20 (A) (1) and (5), A.C. 4733-19-01 and 4733-35-08].

BOARD ACTION: Board issued Final Order suspending Yoakum's registration in Ohio for two months and pay a \$1,000.00 fine.

July 2011

Charles R. Miller, P.S. CRM Land Surveying, Ltd. Portsmouth, Ohio

VIOLATION: Failed to correct a boundary survey in a timely manner, failed to cooperate in the Board's investigation of a complaint and failed to respond to a Board request for information [violation of R.C. 4733.20 (A)(2) and (5) and A.C. 4733-35-02 and 4733-35-09].

BOARD ACTION: Settlement agreement with reprimand and \$1,000.00 fine.

Defining the practice of professional engineering, surveying

Often when Board staff is out on an investigation, or just speaking with a licensee, we hear the comment that the licensee has not practiced engineering or surveying because they “never have to use their seal” or they are “never required to seal anything.”

We also see comments such as these on reinstatement applications when a licensee is renewing a registration after it has lapsed for more than one year and they must certify they have not practiced engineering or surveying in Ohio while the registration was lapsed.

This approach seems to imply that engineering or surveying practice only occurs when a seal is affixed to engineering or surveying work product.

The definitions of the practice of engineering and the practice of surveying can be found in Ohio Revised Code 4733.01. Ohio’s professional engineering and professional surveying registration act defines the practice of engineering as:

“The practice of engineering” includes any professional service, such as consultation, investigation, evaluation, planning, design, or inspection of construction or operation for the purpose of assuring compliance with drawings or specifications in connection with any public or privately owned public utilities, structures, buildings, machines, equipment, processes, works, or projects in the proper rendering of which the qualifications of section 4733.11 of the Revised Code [i.e. graduation from an engineering curriculum, completion of acceptable engineering experience and passing the FE and PE examinations] are required to protect the public welfare or to safeguard life, health, or property.

The practice of surveying is defined as:

“Practice of surveying” means any professional service that requires the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for the adequate performance of the art of surveying, including, but not limited to, measuring the area or the contours of any portion of the earth’s surface, the

lengths and directions of the bounding lines, and the contour of the surface, for their correct determination and description and for conveyancing for recording, or for the establishment or re-establishment of land boundaries and the platting of lands and subdivisions; and like measurements and operations involved in the surveying of mines, commonly known as “mine surveying.”

So the practice of engineering and surveying is not limited to sealing drawings, but involves the performance of any professional service or creative work where engineering or surveying education, training and experience and the application of special knowledge and skill obtained through engineering or surveying education, experience and examination are required in order to adequately perform the work.

Anytime a professional engineer or professional surveyor engages in the practice of engineering or surveying, as defined above, they must sign, seal and date all engineering and surveying work product pursuant to R.C. 4733.14 which provides:

Plans, specifications, plats, reports, and all other engineering or surveying work products issued by a registrant shall be stamped with the seal and be signed and dated by the registrant or bear a computer-generated seal and electronic signature and date, but no person shall stamp, seal, or sign any documents after the registration of the registrant named thereon has expired or the registration has been revoked or suspended, unless the registration has been renewed or reissued.

It is important to remember that just because a sealed document is not required or an individual does not produce sealed work product does not mean that the individual has not engaged in the practice of engineering or surveying.

Equally important is to remember that when a professional engineer or professional surveyor has produced a work product, including, but not limited to, plans, specifications, plats and reports, he or she must sign, seal and date the work product before it is disseminated to the public. ☒

NCEES EXAM UPDATE

New exam replaces previous Structural I, II

Effective April 2011 a new 16-hour Structural Engineering Examination replaced the previous Structural I and II exams. The 16-hour Structural Engineering Examination is now a two component examination consisting of a Vertical Forces component offered on Friday, and a Lateral Forces component offered on Saturday. Examinees must obtain acceptable results on both components of the exam in order to pass.

After the Board approves the application for eligibility to take the Structural Engineering Examinations, examinees are required to register with NCEES.

When registering to take the Structural Engineering Examinations with NCEES, examinees will be required to select either one or both of the components of the Structural Engineering exam. They will also be required to select Buildings or Bridges for the PM module of each component. Examinees will not be allowed to change components on

exam day.

Once an examinee receives acceptable results on both components of the exam, NCEES will send an exam pass notice to the Board and the examinee to indicate that the candidate has passed the Structural Engineering exam.

An examinee may achieve acceptable results for one component of the exam and unacceptable results for the other. In this case, the examinee need only retake the component he/she received unacceptable results.

The national pass rate from the April 2011 exam administration was 27%. This statistic reflects the percentage of candidates, among those attempting both SE exam components, who attained acceptable results on both components.

For additional information regarding the Structural Engineering exam, contact the Board at www.peps.ohio.gov. NCEES also provides additional information regarding depth and breadth of the examination at www.ncees.org. ☒

Excerpts from the Board's 2011 report to the Governor

☒ The Board also participated in many other activities during fiscal year 2011, some of which are highlighted below:

- Ted Hubbard, P.E., P.S. served on the PUCO Nominating Council.
- James Mawhorr, P.E., P.S. served on the Household Sewage and Small Flow On-Site Sewage Treatment System Study Commission.

- Ohio's State Board of Registration, 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 a member of the NCEES Committee on Law Enforcement for 2010-2011 and was re-appointed to the committee for 2011-2012.

- The Board is implementing a program for new registrants covering the registration and renewal process, the laws and rules governing the practice of engineering and surveying and the continuing professional development requirement. The goal of the program is to educate new registrants on the requirements and responsibilities associated with professional licensure.

COMPUTER-BASED TESTING

FE, FS exams begin transition to CBT

At the August 2010 NCEES annual meeting, the state licensing boards that make up NCEES voted to begin converting the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams to a computer-based format. The decision followed a prolonged study by a task force convened to research the issue. This transition will allow greater scheduling flexibility for examinees, more uniformity in testing conditions, and enhanced security for exam content.

The exams will be delivered through Pearson VUE's owned-and-operated network of Pearson Professional Centers and other select locations as determined by NCEES. Pearson VUE is a global leader in computer-based testing, with the world's most comprehensive and secure network of testing centers across 165 countries.

It provides testing services for academic, government, and professional testing programs, including licensure

exams for the National Council of State Boards of Nursing and the National Association of Boards of Pharmacy, as well as the GMAT. Pearson VUE is part of Pearson plc, the largest commercial testing company and education publisher in the world.

The NCEES Computer-Based Testing Task Force is developing a comprehensive plan and timetable for the conversion. Currently, the plan is for the FE and FS exams to be offered in a paper-and-pencil format for the last time in October 2013. The computer-based exams will then begin being offered in early 2014.

The PE and PS exams, which engineering and surveying candidates are required to take after completing work experience requirements, will continue to be paper-and-pencil exams for the foreseeable future. ☒

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Increasing efficiencies

The Board is constantly looking for ways to be more efficient by better utilizing resources and identifying costs that can be reduced so that funds can be used more effectively elsewhere. During FY 2011 the Board instituted several changes in order to increase efficiency so that we may better serve the public, our registrants and our applicants. These changes included:

- The Board implemented a process to track monthly performance. The Board can now track the amount of time it takes to process applications and verifications. This process has already identified an opportunity for improvement that will significantly reduce the time it takes to approve comity applications.

- The Board is now producing its intern and professional registration certificates in-house resulting in an annual savings of \$6,000 to \$8,000 per fiscal year.

- The Board has teamed with the Counselor, Social Worker and Marriage and Family Therapists Board, another state regulatory agency located in our building, to share IT costs. This has resulted in an annual savings of \$7,500 per fiscal year.

- The Board has developed a case prioritization procedure to prioritize complaints based on the immediate threat to the health, safety and welfare of the citizens of Ohio. This will allow the Board to improve its use of our investigative staff and resources to protect the citizens of Ohio.

- The Board has moved from an annual renewal to a biennial renewal which will result in a cost savings of \$28,000 over the biennium and will improve the efficiency of the Board's staff. ☒

FE, FS COMPUTER-BASED IMPLEMENTATION TIMELINE

June to August 2011

- The FE and FS content reviews will begin; this is the process by which NCEES develops the exam specifications
- NCEES will review test center locations

August 2011 to August 2012

- The FE and FS content reviews will be completed
- The exam item banks will be assessed, and item-writing sessions will be held
- State licensure boards will review legislative rules and statutes for compliance with computer-based testing
- New computer-based testing policies will be presented for adoption at the 2012 NCEES annual meeting

August 2012 to August 2013

- Pools of questions will be developed for the initial administration of the exams in this format

October 2013

- Paper-and-pencil FE and FS exams will be offered for the last time

January 2014

- The FE and FS exams will be administered electronically for the first time

Excerpts from the Board's 2011 report to the Governor

Ohio's State Board of Registration

for Professional Engineers and Surveyors is the agency responsible for regulating the professions of engineering and surveying in the state of Ohio.

The Board's 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 nearly 30,000 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 ensures the safety of our drinking water.

Staffing, Structure

The Board is comprised of five members: two professional engineer members, two professional engineer and professional surveyor members (known as a dual registrant) and one professional surveyor member. The Board members are appointed by the Governor and serve five-year terms.

The Board has an administrative staff of eight full-time employees that handle the daily operations of the board and several consultants that assist the Board in evaluating applications for registration and developing the Ohio surveying examination. The Board has the lowest staff to licensee ratio of any of Ohio's licensure boards.

The Board has three committees:

1) an expert panel consisting of four paid consultants who evaluate the examination and certificate of authorization applications, and offer professional opinions at the request of the Board;

2) the Credentials Review Committee, consisting of Board members and staff, which verifies and approves examination and certificate of authorization applications; and

3) the Ohio Professional Surveyors Exam Committee, consisting of volunteers and paid consultants that write and grade the Ohio-specific principles and practice of surveying examination that all applicants for licensure as a professional surveyor must pass.

The current composition of the Board, committees and office staff provide a high level of expertise, manpower and balance for carrying out the duties of the Board in an expeditious and unbiased manner.

Registrants

During fiscal year 2011 the Board had 26,826 individuals registered as professional engineers and professional surveyors. There was a 0.5% increase in individual registration renewals this year.

Certificates of Authorization were issued to 2,195 firms licensed to offer and provide engineering and/or surveying services in the State of Ohio.

During FY 2011 the Board registered 996 new professional engineers and professional surveyors by examination and comity.

Examinations

During fiscal year 2011 the Board reviewed 2,537 applications to take the engineering and surveying examinations. 1,222 persons took the fundamentals examinations, of which 875 (72%) received passing scores. 637 persons took the principles and practice examinations, of which 376 (59%) received passing scores.

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 U.S. territory. All comity applicants must meet all Ohio's registration requirements.

During FY 2011, 613 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. NCEES develops and scores the engineering and surveying licensure examinations and assists member boards in the development of model laws and model rules. 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.

Other 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 examination process and requirements for professional licensure as well as other topics of interest. ☒

GOVERNOR'S REPORT EXCERPTS
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