

**MINUTES OF THE REGULAR MEETING OF THE OHIO STATE BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS AND SURVEYORS**

Thursday December 13, 2012

Members Present:

James D. Mawhorr, P.E., P.S.	Chair
Frank D. Snyder, Jr., P.S.	Secretary
Keith Swearingen, P.E., P.S.	Member
Nelson E. Kohman, P.E.	Member
Bert Dawson, P.E., P.S.	Member

Staff Present:

John F. Greenhalge	Executive Director
Lynn M. Jones	Assistant Executive Director
Jason P. McLean	Enforcement Supervisor
Karen Schick	Administrative Assistant
Amanda Ault	License Examiner
James E. Evans	Assistant Attorney General

CALL TO ORDER

The State Board of Registration for Professional Engineers and Surveyors held its regular meeting on Thursday, December 13, 2012 at 50 West Broad Street, Suite 1820, Columbus, Ohio 43215 in the Board conference room. Chairman Mawhorr called the meeting to order at 9:30 a.m.

Mr. Mawhorr introduced and welcomed Bert Dawson, P.E., P.S. who was appointed to the Board on November 16, 2012 replacing Chandra R. Shah's whose term expired on September 24, 2012.

1. APPROVAL OF MINUTES

The minutes of the November 1, 2012 Board meeting were presented for approval.

Motion by Mr. Kohman, second by Mr. Snyder, to approve the November 1, 2012 meeting minutes as presented. Motion carried.

2. RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Present at the meeting:

Holly Ross, Ohio Society of Professional Engineers
Kevin P. Carpenter, P.E., P.S., Carpenter Marty Transportation

3. BOARD REVIEW OF APPLICATIONS

A. Carpenter Marty Transportation- COA Applicant

Motion by Mr. Kohman, second by Mr. Swearingen, to approve the COA. Motion carried.

B. R.C.T. Engineering, Inc.- COA Applicant

Motion by Mr. Dawson, second by Mr. Swearingen, to approve the COA. Motion carried.

C. GPW Engineering, LLC- COA Applicant

Motion by Mr. Kohman, second by Mr. Swearingen, to approve the COA. Motion carried.

The Board directed the staff to send GPW Engineering, LLC a copy of the Board's requirements for sealing documents.

D. Diamond V, LLC- COA Applicant

Motion by Mr. Dawson, second by Mr. Swearingen, to approve the COA. Motion carried.

E. M-E Companies, Inc. dba M-E/IBI Group

Motion by Mr. Swearingen, second by Mr. Kohman, to approve the COA. Motion carried.

F. Richard D. Pehrson- Comity Applicant

The Board directed the staff to advise Mr. Pehrson to have his degree evaluated by NCEES Credentials Evaluations and request additional information concerning his engineering experience.

G. Kevin P. Sullivan- Comity Applicant

The Board requested additional information.

4. APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Report of December 12, 2012 was presented for review and approval by the Board.

Motion by Mr. Swearingen, second by Mr. Snyder, to approve the December 12, 2012 CRC report as presented. Motion carried.

5. RATIFICATION OF REGISTRATIONS ISSUED

The Board reviewed the registrations issued since the last Board meeting. The names and registration numbers of all approved applicants since the last meeting were presented on paper and electronic media.

Motion by Mr. Dawson, second by Mr. Kohman, to approve the registrations issued since the last Board meeting. Motion carried.

1. EXAMINATIONS

A. October 2012 Exam

Mr. Greenhalge reported that with the exception of the Structural Engineering PE exam, all NCEES exam grades have been released.

B. OH PS Exam Workshop

The OH PS Exam Workshop was conducted on Saturday November 17, 2012 at the Marriott Hotel in Dublin, Ohio. Mr. Greenhalge distributed the test summary report from Test, Inc. Mr. Greenhalge and Mr. Snyder will continue to work with the committee to investigate the conversion of the Ohio PS exam to computer.

C. Sinclair Community College Surveying Courses

Mr. Cox has completed his review of the courses submitted by Sinclair Community College. Mr. Cox's report was submitted to the Board.

Motion by Mr. Snyder, second by Mr. Dawson, to approve the courses as recommended by Mr. Cox. Motion carried.

D. Ohio State University Surveying Courses

Ohio State University has submitted its surveying courses for Board review. The courses have been sent to Mr. Cox for evaluation.

When the evaluation of Ohio State is completed the evaluation of all the schools converting their surveying courses from quarter to semester will be complete.

2. REPORTS

A. Executive Director's Report

1. Personnel Update

Mr. Greenhalge reported that Amanda Ault has been selected to replace Lynn Jones upon Ms. Jones' retirement. Ms. Ault's former position will be posted in March or April.

2. Legislative Update

Mr. Greenhalge provided an update on HB 453 concerning human trafficking.

3. PERS Update

Ms. Jones provided an update on the changes to PERS and how it will affect service credit for Board members.

4. ELicense upgrade and VOIP conversion

Ms. Jones reported that the Board has been selected as a pilot agency for the conversion to the new licensing database. The vendor has been selected and staff expects the conversion to begin soon. Ms. Jones also reported that the State of Ohio is converting its telephone systems to VOIP which will require new telephones. The Board is working with DAS to identify the Board's needs and the cost for telephone replacement.

5. Request to change COA renewal from annual to biennial.

Mr. Greenhalge requested Board approval to begin the process to change COA renewal from annual to biennial. Mr. Greenhalge reported the projected cost savings from postage, printing and imaging will be more than \$3,000 per biennium and will result in a savings of 350 to 400 work hours.

The Board directed Mr. Greenhalge to draft language to convert COA renewal to biennial.

6. Removal of DMA form from COA application

Mr. Greenhalge requested Board approval to remove the Declaration of Material Assistance (DMA) from the COA application. This form is no longer required per state law.

The Board directed Mr. Greenhalge to remove the DMA form from the COA application.

7. NCEES Board President's Assembly

The NCEES Board President's Assembly will be held February 8-9, 2013 in Atlanta Ga. Mr. Mawhorr and Mr. Greenhalge will attend.

8. NCEES Central Zone Meeting

The NCEES Central Zone meeting will be held April 4-6, 2013 in Biloxi MS. This is a joint meeting with the southern zone. NCEES will pay for an existing Board member and a new Board member.

3. ENFORCEMENT

John C. Stickney, P.E. Case No. 2009-076

On May 6, 2009 the Board received a complaint alleging that Stickney, who was formerly employed by the complainant's firm, violated the code of ethics by accessing and removing confidential information prior to leaving that company. The complaint also alleged that Stickney remotely accessed their database via their password protected FTP site after resigning and while employed by a competing firm.

Based on information obtained during the complainant's internal investigation of the data theft, Stickney accessed the complainant's secure FTP site on at least two occasions from a computer registered to his new employer. The information was later used to develop renderings for a large interchange project.

On January 19, 2011 the Board opened an investigation. On July 20, 2011 the Board issued a Charge and Notice of Opportunity for Hearing.

On December 4, 2012 Stickney agreed to enter into a settlement agreement wherein he agreed to accept a \$1000.00 fine, an eighteen (18) month suspension, successfully complete a professional ethics course approved by the Board and serve five (5) years of probation upon completion of his suspension.

Motion by Mr. Swearingen, second by Mr. Kohman, to approve the settlement agreement and close the investigation. Motion carried.

Carl D. Walker Case No. 2012-040

On or about April 30, 2012 Walker plead guilty in Clermont County Court of Common Pleas to ten (10) counts of Having an Unlawful Interest in a Public Contract, R.C. Section 2921.42 (A) (1), a fourth degree felony and five (5) counts of Tampering with Evidence, R.C. Section 2913.42, a third degree felony. Walker was sentenced to serve a

six (6) year suspended jail sentence, received five (5) years community control in lieu of the suspended sentence, required to pay restitution in the amount of forty- six thousand (\$46,000.00) and court costs/fines in the amount of seventeen thousand- five hundred (\$17,500.00.)

Walker failed to report his felony convictions to the Board as required by O.A.C. 4733-35-07.

Walker agreed to enter into a settlement agreement wherein he will voluntarily surrender his professional engineer's registration.

Motion by Mr. Snyder, second by Mr. Kohman, to approve the settlement agreement and close the investigation. Motion carried.

D.C. Surveyors, LLC/Warren Drescher, P.S. Case No. 2013-015

The Board's records indicated that D.C. Surveyors COA expired on June 30, 2010. D.C. Surveyors reported that the firm had performed 1,455 mortgage location surveys while the firm's COA was expired.

On December 1, 2012 D.C. Surveyors and Warren Drescher, P.S. agreed to enter into a settlement agreement wherein they agreed to pay a fifteen-thousand (\$15,000) fine.

Motion by Mr. Kohman, second by Mr. Swearingen, to approve the settlement agreement and close the investigation. Motion carried.

Professional Engineer Case No. 2013-028

On February 24, 2012 SUBJECT was notified by mail that he was selected for the continuing education audit. On March 1, 2012 the Board received incomplete evidence verifying attendance and completion of SUBJECT's continuing professional development hours. On March 7, 2012 the Board sent SUBJECT a 6 month notice letter via certified mail. Service was made on March 13, 2012. The Board did not receive acceptable evidence verifying completion of SUBJECT's CPD hours. On October 2, 2012 the Board sent SUBJECT another notice SUBJECT was given 30 days to respond. No response was received. On December 3, 2012 charges were filed with the Board Secretary citing violations of R.C. 4733 and O.A.C. 4733.

Motion by Mr. Swearingen, second by Mr. Kohman, to open an investigation and accept the charges and issue a Notice of Opportunity for Hearing. Motion carried.

David DeChristofaro, P.E., P.S. Case No. 11-008

On or about July 26, 2011 DeChristofaro plead guilty to the following charges in the Trumbull County Court of Common Pleas:

- Count one- Theft, a violation R.C. Section 2913.02 (A)(2) & (B)(1)(2), a fifth degree felony.
- Count two- Conflict of Interest, a violation of R.C. Section 102.03 (D), a first degree misdemeanor.

DeChristofaro was ordered to serve two (2) years of community control, pay restitution in the amount of five-thousand (\$5,000.00), court costs and seven thousand- four hundred (\$7,400.00) to reimburse the cost of the investigation.

A hearing was held on July 26, 2012. Hearing Examiner Myers submitted his Report and Recommendations to the Board on October 26, 2012.

Motion by Mr. Swearingen, second by Mr. Kohman, to accept the Hearing Examiner's Findings of Facts, Conclusions of Law and Recommendation and issue a final order. Motion carried.

J&L Associates Case No. 2009-057
GT Services Case No. 2009-058

The Board received numerous complaints from professional surveyors alleging that SUBJECTS were providing surveying services in violation of R.C. 4733.02, 4733.16 and 4733.22.

Motion by Mr. Kohman, second by Mr. Swearingen, to close the investigation. Motion carried.

Professional Engineer/Surveyor Case No. 2011-086

At its meeting on November 1, 2012 the Board issued a Final Order.

Motion by Mr. Kohman, second by Mr. Swearingen, to close the investigation. Motion carried.

Engineering Firm Case No. 2011-091

At its meeting on November 1, 2012 the Board issued a Final Order.

Motion by Mr. Kohman, second by Mr. Swearingen, to close the investigation. Motion carried.

Douglas P. Fries, P.E. 2012-100

On February 24, 2012 SUBJECT PE was notified by mail that he was selected for the continuing education audit. On February 29, 2012 the Board received a faxed response from SUBJECT PE stating that he did not earn the required fifteen continuing education hours.

On September 27, 2012 the Board charged Mr. Fries with failing to complete the continuing education requirement, engaging in fraud or deceit in obtaining registration, giving false information to the Board in order to obtain registration and failing to provide information to the Board upon request.

On November 1, 2012 the Board issued a Final Order revoking Fries professional engineer license. A Notice of Appeal was not filed.

Motion by Mr. Kohman, second by Mr. Swearingen, to close the investigation. Motion carried.

4. CORRESPONDENCE

A. Christopher Albright- Comity Applicant

Mr. Albright is a registered professional engineer in Pennsylvania. He is requesting an exception to R.C. 4733.11 and O.A.C. 4733-9-01 (C) which requires graduates of an engineering technology curriculum to complete eight years of experience prior to taking the PE examination.

The Board reviewed Mr. Albright's request and consulted with the Assistant Attorney General and determined that the requirement cannot be waived.

- B. Carol L Moorman, PE, PS- Program Chair, Civil Engineering Technology, Cincinnati State Community College

Ms. Moorman has submitted a letter requesting Board approval of an academic path for Daniel Allbright to become a registered professional surveyor.

Motion by Mr. Kohman, second by Mr. Snyder, to approve the request as meeting R.C. 4733.11. Motion carried.

5. NEW BUSINESS

- A. Mr. Greenhalge distributed a request for judges from NCEES for the 2013 regional Future City competition.

6. UNFINISHED BUSINESS

None.

7. PUBLIC RELATIONS

Mr. Greenhalge and Mr. McLean conducted a presentation on the Board's laws and rules and the Board's enforcement process at the PLSO CPD Conference in Chillicothe on December 8, 2012. Mr. Greenhalge is scheduled to conduct a presentation for OSPE on Friday January 25, 2013 and at the PLSO Annual Meeting on Saturday February 16, 2013.

8. UPCOMING BOARD MEETINGS

The next meeting is scheduled for Thursday January 17, 2012.

Due to scheduling conflicts the Board asked Mr. Greenhalge to find an alternative date in January.

9. ADJOURNMENT

The Board adjourned at 12:00 p.m.

These minutes were written on December 14, 2012 and approved by the Board on February 21, 2013.

James D. Mawhorr, P.E., P.S.
Board Chair

Franklin D. Snyder, Jr., P.S.
Board Secretary

John F. Greenhalge
Executive Director