

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

Tuesday August 19, 2014

Members Present:

Nelson E. Kohman, P.E.	Chair
Bert Dawson, P.E., P.S.	Vice Chair
Dean C. Ringle, P.E., P.S.	Secretary
James D. Mawhorr, P.E., P.S.	Member
David L. Cox, P.S.	Member

Staff Present

John F. Greenhalge	Executive Director
Jason McLean	Enforcement Supervisor
Rachel Huston	Assistant Attorney General

CALL TO ORDER

The State Board of Registration for Professional Engineers and Surveyors held its regular meeting on Tuesday August 19, 2014 at 50 West Broad Street, Suite 1820, Columbus, Ohio 43215 in the Board conference room. Chair Nelson Kohman called the meeting to order at 9:30 a.m.

1. CONSENT AGENDA

A. Investigations Report- Consent Items

Motion by Mr. Dawson, second by Mr. Mawhorr, to approve the consent agenda. Motion carried.

Professional Engineer _____ Case No. 2015-004

On July 7, 2014 the Board received a NCEES Comity Application from the SUBJECT which reflected he had no history of disciplinary action. A subsequent check of the NCEES Enforcement Exchange determined SUBJECT had signed a settlement agreement with the West Virginia Board of Professional Surveyors for minimum standards violations in 2007.

On July 10, 2014 the SUBJECT was interviewed and stated he had not realized the settlement agreement he signed in 2007 was considered disciplinary action and that he had not intended to deceive this Board.

On August 11, 2014 the Board received a signed settlement agreement wherein SUBJECT agreed to pay a \$250.00 fine and receive a reprimand.

Move to open an investigation, accept the settlement agreement and close the investigation.

ACTION: The motion passed as part of the consent agenda.

2. APPROVAL OF MINUTES

The minutes of the July 15, 2014 Board meeting were presented for approval.

Motion by Mr. Cox, second by Mr. Ringle, to approve the July 15, 2014 meeting minutes. Motion carried.

3. RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Holly Ross, Ohio Society of Professional Engineers

4. BOARD REVIEW OF APPLICATIONS

A. Devin M Kowbuz- PS Comity Applicant

Mr. Kowbuz applied for registration as a professional surveyor. He is registered in CO. He has a BS in Surveying Engineering from the University of Calgary, Alberta, Canada. The program was CEAB accredited in 1997 when he graduated.

Motion by Mr. Mawhorr, second by Mr. Dawson, to approve the application. Motion carried.

B. John L Feskens- PE Comity Applicant

Mr. Feskens applied for registration in Ohio as a professional engineer based on his registration in Oregon. On his application Mr. Feskens reported a disciplinary action in Nevada.

The Board directed staff to request additional information on which disciplines of engineering Mr. Feskens will practice if granted a license in Ohio, a summary of education and experience in those disciplines and where and when he took and passed the Civil Principles and Practice of Engineering examination.

C. Jeffrey A Engelhart- PS Exam Applicant

Mr. Engelhart applied to take the NCEES PS examination. The majority of the experience was performed for the Ruhlin Company, a general contractor and design/build firm. The Ruhlin Company does not have a COA to perform engineering or surveying in Ohio.

The Board reviewed the application and determined that it was incomplete since he did not demonstrate that he has completed four years of acceptable surveying experience. The Board directed staff to request that Mr. McCutcheon provide the percentage of time that Mr. Engelhart spent on each job listed on the application.

D. Matthew R Atoulikian- PE Exam Applicant

Mr. Atoulikian applied to take the NCEES PE examination. Mr. Atoulikian's supervisors are not professional engineers and he has failed to provide three professional engineer references as required by law.

The Board reviewed the application and determined that it was incomplete since he did not provide three PE references and did not demonstrate that he has completed four years of acceptable engineering experience.

E. Donald J Fisher- PE Exam Applicant

Mr. Fisher applied to take the NCEES PE examination. Mr. Fisher's supervisors are not professional engineers and he appears to be performing engineering related to the design and fabrication of manufactured products. He has not provided background information on his supervisors as required by Board policy.

The Board reviewed the application and determined that it was incomplete since he did not demonstrate that he has completed four years of acceptable engineering experience.

F. Daniel H Lampke- PE Exam Applicant

Mr. Lampke applied to take the NCEES PE examination. Mr. Lampke is requesting one year of experience credit for completing a master's degree in Fire Protection Engineering. Typically experience credit is given for the master's degree if there is a similarly named undergraduate program at the university that is ABET accredited. Worcester Polytechnic Institute does not have an accredited Fire Protection Engineering program.

The Board reviewed the application and determined that it was incomplete; however, the Board did grant six months of experience for completion of the master's degree.

G. Jason R Jamil- PE Exam Applicant

Mr. Jamil applied to take the NCEES PE examination. Mr. Jamil has not provided background information on his supervisors as required by Board policy. In addition to the lack of supervisor information, Mr. Jamil is claiming engineering experience obtained with an electrical contractor that does not have a COA to provide engineering. The supervisor verifying the experience is not registered.

The Board reviewed the application and determined that it was incomplete since he did not demonstrate that he has completed four years of acceptable engineering experience.

H. Carey M. Schneider- PE Exam Applicant

Mr. Schneider applied to take the NCEES PE examination.

At its meeting on July 15, 2014 the Board reviewed Mr. Schneider's application and directed the staff to request that Mr. Schneider provide professional engineers to verify his experience listed at Techneglas and Anchor Hocking. Mr. Schneider provided some additional information.

The Board reviewed the application and determined that it was incomplete since he did not demonstrate that he has completed four years of acceptable engineering experience.

I. Madhura P. N. Rajapakshe- PE Exam Applicant

Mr. Rajapakshe applied to take the NCEES PE examination. Mr. Rajapakshe's supervisors are not professional engineers and he appears to be performing engineering related to the design and fabrication of manufactured products.

The Board reviewed the application and determined that it was incomplete since he did not demonstrate that he has completed four years of acceptable engineering experience.

J. Matthew D Naveau- PE Exam Applicant

Mr. Naveau applied to take the NCEES PE examination. Mr. Naveau appears to work in the design, development and testing of software. Mr. Naveau's supervisors are not registered.

The Board reviewed the application and determined that it was incomplete since he did not demonstrate that he has completed four years of acceptable engineering experience.

K. Randy Marshall- PE Exam Applicant

Mr. Marshall applied to take the NCEES PE examination. Mr. Marshall has limited experience under a professional engineer.

The Board reviewed the application and determined that it was incomplete since he did not demonstrate that he has completed four years of acceptable engineering experience.

L. Xianxian Wu- PE Exam Applicant

Mr. Wu applied to take the NCEES PE examination. Mr. Wu has limited experience under a professional engineer.

The Board reviewed the application and determined that it was incomplete since he did not demonstrate that he has completed four years of acceptable engineering experience.

M. Gary Wallace, P.E. and Ralph & Curl, Engineers- COA Applications

David Terken, P.E. is requesting Board approval to add Gary Wallace, P.E. as the person in responsible charge of engineering activities and decisions for Ralph & Curl, Engineers. According to Mr. Terken, Mr. Wallace will provide part-time electrical engineering services while maintaining his own firm GW Engineering.

The Board reviewed the COA application and directed staff to place the application for Ralph & Curl on the CRC report for approval.

N. Jeffrey A. Cordi, P.S.- COA Applications

Mr. Cordi is requesting to be listed as the surveyor responsible for, and in responsible charge of surveying activities and decisions for Jeffrey A. Cordi, P.S. a sole proprietorship and Mosyjowski & Associates. Mosyjowski & Associates has an active COA.

The Board reviewed the COA application and directed staff to place the application for Jeffrey A. Cordi, P.S. on the CRC report for approval.

O. Brinjac Engineering, Inc and BE Plus, Inc.- COA Applications

John M. Brinjac is requesting to be listed as the engineer responsible for, and in responsible charge of engineering activities and decisions for Brinjac Engineering, Inc and BE Plus, Inc. The reason for the request is to keep BE Plus, Inc. active while it is phased out.

The Board reviewed the COA applications and directed staff to place the applications for Brinjac Engineering, Inc and BE Plus, Inc. on the CRC report for approval.

5. APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Reports of July 21 and August 18, 2014 were presented for approval.

Motion by Mr. Mawhorr, second by Mr. Cox, to approve the Credentials Review Committee Reports of July 21 and August 18, 2014. Motion carried.

6. 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. Ringle, second by Mr. Cox, to approve the registrations issued since the last meeting. Motion carried.

7. EXAMINATIONS

A. ABET visits scheduled for fall 2014

Commission: EAC
School: Ohio Northern University
Occurrence: General Review
Number of programs: 5
Dates: 9/28/2014 — 9/30/2014

B. Review of proposed surveying degree program to be offered by Cincinnati State and the University of Cincinnati

Request for Board Approval of Surveying Program

At the July 15, 2014 meeting George Armstrong appeared on behalf of Cincinnati State Technical and Community College to request Board review and approval of a proposed degree pathway in surveying offered by Cincinnati State Technical and Community College and the University of Cincinnati. The program would have students complete the ETAC/ABET accredited Associate of Applied Science degree-Civil Engineering Technology- Surveying Option and the advanced surveying certificate at Cincinnati State Technical and Community College. After completing the coursework at Cincinnati State the students would transfer to the University of Cincinnati (Blue Ash or Clermont campuses) and complete a Bachelor of Applied Administration. The program would take about five years to complete full-time.

Mr. Armstrong stated that this proposed program would provide an improved opportunity for Ohio students to obtain the requisite education to become a registered professional surveyor. Mr. Armstrong stated that the University of Cincinnati seems eager to move forward with this program and that the classes are currently in place. Many of the classes are hybrids or online, so the program would be available to students state-wide.

Mr. Armstrong said that Cincinnati State would like to make the program available in fall 2014. The fall registration deadline is August 25.

The Board had the program evaluated by NCEES Credentials Evaluations. The program was found to exceed the NCEES Surveying Education Standard.

Motion by Mr. Cox, second by Mr. Ringle, to approve the surveying program offered by Cincinnati State Technical and Community College and the University of Cincinnati. Motion carried.

The program was approved subject to annual review by the Board. Mr. Greenhalge will send a letter to Mr. Armstrong requesting a copy of the articulation agreement.

8. REPORTS

A. Executive Director's Report

a) NCEES Annual Meeting

The NCEES annual meeting will be held August 20-23, 2014 in Seattle WA. Mr. Ringle, Mr. Greenhalge and Ms. Ault will attend the meeting. Mr. McLean will attend the Law Enforcement program.

The Board reviewed motions and other business to be discussed at the meeting and gave direction to those attending the meeting.

9. ENFORCEMENT

Motion by Mr. Ringle, second by Mr. Cox, to go into Executive Session pursuant to Ohio Revised Code, Section 121.22 (G) (1), to consider complaints against licensees or regulated individuals. Mr. Greenhalge recorded a roll call vote:

Roll call vote:

Mr. Dawson- Yes
Mr. Mawhorr- Yes
Mr. Cox- Yes
Mr. Ringle- Yes
Mr. Kohman- Yes

Motion carried. The Board entered into executive session at 11:23 a.m.

Mr. Kohman invited Mr. Greenhalge, Ms. Huston, and Mr. McLean to attend the executive session.

The executive session ended at 12:00 p.m.

ACTIONS TAKEN AS A RESULT OF EXECUTIVE SESSION

A. Review of investigation report- non consent agenda items

Suspended Professional Engineer _____ Case No. 13-006

On November 13, 2008 the Board issued a final order indefinitely suspending SUBJECT until he could provide evidence that his license has been reinstated by the West Virginia Board, Wisconsin Board and the Oklahoma Board. It appears that SUBJECT is only registered in Wisconsin at this time.

On August 2, 2012 the Board received a complaint alleging SUBJECT had affixed his seal to engineering plans for a building sold by Menards and erected in Ohio.

On June 6, 2014 SUBJECT submitted a letter to the Board stating that he placed his seal on the plans by mistake as he had forgotten that his Ohio license was suspended. SUBJECT claims to have not offered or provided engineering services on any other Ohio projects since December of 2008.

The Board reviewed the case and directed staff to send SUBJECT a warning letter directing him to the sections of law prohibiting him from practicing in Ohio while his registration is suspended.

Professional Engineer _____ No Case Number

On July 24, 2014 Board staff received a phone call from SUBJECT, who failed to renew his registration and was inquiring about the late renewal process. SUBJECT made statements indicating that he assumed that he was exempt from the CPD requirement because he was a professor.

Staff was directed to audit SUBJECT's continuing professional development hours.

Professional Engineer _____ Case No. 14-092

On March 31, 2014 Board staff performed a routine monthly check of the NCEES Enforcement Exchange and found that the Delaware Board had refused to renew SUBJECT's professional engineer license. The

Delaware refusal appeared to be related to an investigation that determined that SUBJECT had practiced engineering in Delaware at a time when SUBJECT's registration was inactive.

SUBJECT failed twice to respond to Board requests for information as required; however, SUBJECT did submit a written response that was five days beyond the deadline of the second request.

Motion by Mr. Ringle, second by Mr. Cox, to open an investigation, accept the charges, and issue a notice of opportunity for hearing. Motion carried.

Peter Theodorakakos, P.E. Case No. 14-046

On April 21, 2014 staff received a certified copy of the final sentencing judgment which sentenced Mr. Theodorakakos to 24 months federal custody and restitution of \$1,975,000.00 as a result of his federal conviction on one count of *Conspiracy to Commit Bank Fraud*.

During its May 27, 2014 meeting the Board voted to charge SUBJECT with violations of R.C. 4733 and issue a notice for opportunity for hearing. Mr. Theodorakakos did not respond or request a hearing.

During its July 15, 2014 meeting the Board issued an order revoking Mr. Theodorakakos's professional engineering registration. Mr. Theodorakakos did not appeal the order.

Motion by Mr. Ringle, second by Mr. Dawson, to close the investigation due to completion of Board action. Motion carried.

Gerald Hasbrouck, P.E. and Hasbrouck Engineering Case No.'s 14-073 & 14-100

During the investigation of a complaint it was found that Gerald Hasbrouck, owner of Hasbrouck Engineering, Inc., provided engineering services on thirty-five (35) projects at a time when the firm did not have an active Certificate of Authorization. A second complaint alleged that Mr. Hasbrouck regularly affixed his professional engineering seal, signature, and date to engineering plans for which he had no personal professional knowledge, direct supervisory control, or responsibility thereof, and that he practiced outside his area of expertise.

During its May 27, 2014 meeting the Board voted to charge SUBJECT with violations of R.C. 4733 and issue a notice for opportunity for hearing. Mr. Hasbrouck did not respond or request a hearing.

During its July 15, 2014 meeting the Board issued an order revoking Mr. Hasbrouck's professional engineering registration. Mr. Hasbrouck appealed the order to the Franklin County Court of Common Pleas on July 29, 2014. Mr. Hasbrouck requested that the court stay the Board's order revoking his registration. The request for stay was denied.

Update only.

Comity Applicant Case No. 14-111

On June 20, 2014 Board staff reviewed SUBJECT's NCEES PE Comity Application. On page two of the application SUBJECT swore and affirmed that his statements in the application were true. SUBJECT

responded negative to the question, have you had a disciplinary action involving professional or vocational license, or registration, or had an application for the same denied in Ohio or another U.S. state or jurisdiction.

SUBJECT entered into a consent order with the Texas Board of Professional Engineers on August 11, 2005 wherein SUBJECT agreed to accept a reprimand and pay a \$240.00 administrative penalty for misconduct.

On August 15, 2014 the Board received a signed settlement agreement wherein SUBJECT agreed to pay a \$250.00 fine.

Motion by Mr. Ringle, second by Mr. Mawhorr, to open an investigation, accept the settlement agreement, and close the investigation. Motion carried.

END OF ACTIONS TAKEN AS A RESULT OF EXECUTIVE SESSION

10. CORRESPONDENCE

None discussed.

11. NEW BUSINESS

None discussed.

12. UNFINISHED BUSINESS

Mr. Greenhalge reported that he is still gathering information on the EPA's self-certification process for SPCC plans as well as information pertaining to the performance of environmental engineering work on public works projects by non-engineers. No action was taken.

13. PUBLIC RELATIONS

The next certificate ceremony is scheduled for Saturday September 27, 2014 at 10 a.m. in the statehouse atrium.

14. UPCOMING BOARD MEETINGS

The next meeting is scheduled for Tuesday October 21, 2014.

15. ADJOURNMENT

The Board adjourned at 12:30 p.m.

These minutes were written on August 26, 2014 and approved by the Board on October 21, 2014.

Nelson E. Kohman, P.E.
Board Vice Chair

Dean C. Ringle, P.E., P.S.
Board Secretary

John F. Greenhalge
Executive Director