

Ohio PE/PS Newsletter 05/2013

Board uses performance measuring to improve customer service

With all the *stuff* that a regulatory board deals with daily, it is easy to overlook that an important part of what we do is customer service. Service to our customers — registrants, examinees, universities and colleges, engineering and surveying firms and the general public — is one of our core responsibilities as we fulfill our mission to protect the public.

One of the benefits of being an independent agency that only licenses engineers and surveyors is that our staff has the ability to focus on the two professions and has become acutely aware of the needs and issues affecting engineering and surveying. We believe this dedicated focus enables us to provide excellent customer service to the citizens of Ohio. Whether investigating complaints, evaluating exam applications, reviewing applications from out-of-state applicants and firms or providing exam and licensure verifications, the knowledge and expertise gained by our staff helps ensure that the public is being protected. The reality is that investigating a complaint involving engineering and survey-

ing is very different than a complaint in the medical professions. Likewise, evaluating an application for licensure as an engineer or surveyor is very different than evaluating a license to cut hair. Having a dedicated staff with specialized knowledge and expertise in matters related to engineering and surveying ensures the public's right to competent licensure.

We have always thought we have done an excellent job providing customer service, but we felt we needed a process in place to truly track how we were doing. In 2011 the Board instituted a process to track performance. We track performance by entering key dates and events into an Excel spreadsheet. The spreadsheet calculates the mean,

median and range for the time it takes from the initial receipt of the application or request for information to the approval of the application or distribution of information. By implementing this performance tracking system and reviewing the data monthly the Board is able to see how long it takes to evaluate and process applications and other requests for information. After a few months of tracking our effort we found we were doing an excellent job on exam applications and verifications, but community applications and certificate of authorization (COA) applications were taking anywhere from two days to 60 days. Some months we were very good at processing the applications—other months not so much. We found that the approvals were affected by a reduction in the frequency of Board meetings from as many as 11 to as few as eight meetings some years.

PERFORMANCE MEASURING
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BOARD APPOINTMENT

Bert Dawson, P.E., P.S.

On November 16, 2012, Governor John R. Kasich appointed Bert Dawson, P.E., P.S. of East Liverpool, to the State Board of Registration for Professional Engineers and Surveyors for a term ending September 24, 2017. Mr. Dawson previously served on the Board from 2005 to 2010. He has served as the Columbiana County Engineer since 1969, and also serves as the Columbiana County Sanitary Engineer. Mr. Dawson has a B.S. from Youngstown State University and an M.S. from Carnegie Mellon University. In 2005, Mr. Dawson was named Urban County Engineer of the Year by the National Association of County Engineers and in 2012 was named County Engineer of the Year by the County Engineers Association of Ohio. Mr. Dawson is a registered P.E. in Ohio, Pennsylvania and West Virginia and a registered P.S. in Ohio.

BOARD PROMOTION

Amanda Ault

With the retirement of the Board's current Assistant Executive Director, the Board has approved the promotion of Amanda Ault to Board's new Assistant Executive Director, effective February 1, 2013. In her new position, Amanda will oversee much of the Board's renewal process, fiscal activities and office management.

Amanda has been with the Board since 2007, serving as the Board office secretary and Certification/Licensure Examiner. Before joining the Board, Amanda previously worked for Alliance Data.

Amanda has a Bachelor's degree in Business/Marketing, has met the requirement to sit for the Ohio CPA exams and is currently pursuing her Master's degree in Business Administration from Ashland University. She currently resides in Pickerington.

BOARD RETIREMENT

Lynn Jones

On January 31, 2013, Lynn Jones retired from the State Board of Registration for Professional Engineers and Surveyors, and after 30 years of service with the state of Ohio. Lynn served as the Board's Assistant Executive Director since August 2006. Prior to joining the Board Lynn served 17 years as the Executive Director of the State Sanitarian Registration Board. Lynn's knowledge and experience will not easily be replaced. The Board and its staff wish Lynn and her family well and hope that she enjoys retirement.

Performance measures improving customer service

We found that since the Board had to approve each comity and COA application at a meeting, an application that was received the day after a meeting could wait as long as 60 days for approval if there was no meeting scheduled the following month or the meeting was cancelled. We decided we needed to look at opportunities to improve the turnaround on comity and COA application approvals.

During our review of our processes we discovered that a large percentage of our comity applicants already had an NCEES record. And of those applicants with an NCEES record many of them were designated as model law engineers (MLE). In Ohio, if an individual qualifies as a model law engineer they qualify for licensure in Ohio. Back in the late 90s the Ohio Board worked with NCEES to set up an expedited MLE application process. The way the process worked is that when a model law engineer filled out an Ohio MLE application and, of course, paid an additional fee, the Ohio Board would immediately review the application and NCEES record to verify that the applicant was a MLE. Rather than wait for an official verification from the applicant's home state, the Board verified via telephone or internet that the applicant had an active license in another state and then immediately issued an Ohio license. The turnaround for this was usually within 48 hours. We discovered that in nearly a decade we never had to go back and rescind a MLE license due to an error or due to incorrect information; however, only a small percentage of applicants took advantage of the expedited MLE application process. This was likely due to the increased fee and that meetings were held more frequently thereby reducing the wait time for a regular license. After studying the process we decided to eliminate the increased fee for the expedited MLE application and decided that all applications that came in with an NCEES record and were des-

ignated as a MLE would be flagged as a MLE and processed immediately. Our evaluators and license examiners immediately review the application and if it meets Ohio's requirements we issue a license immediately and place the application on our credentials review report for the next meeting. The turnaround on our application process for individuals designated as a MLE dropped from 45-60 days to 2-3 days.

Another area our performance tracking system identified for improvement was our processing of licenses for firms, known as a certificate of authorization or COA in Ohio. As with comity applications, the approval process was slowed by the requirement that the license be issued after a Board meeting. On those occasions where there was no Board meeting or a meeting was cancelled the COA could also be held up for 60+ days. The Board decided to develop a process to grant a temporary license to any firm applying for regular licensure in Ohio and that met all the requirements of law. The Board developed a procedure and checklist for the evaluators and staff to follow. If the firm meets the requirements the firm is issued a temporary COA until the application can be formally approved by the Board. This has reduced the turnaround time from the receipt of the application to when a firm can begin practicing in Ohio from 45-60 days to 2-3 days.

The Board's goal is to make the application process quick and seamless and provide efficient service to our customers. In order to keep our focus on customer service the Board recently adopted customer service standards and regularly discusses customer service at our monthly staff meetings. The most important thing we learned through this process is that no matter how well you think you are doing there are always opportunities for improvement.

EXAM UPDATES

NCEES PS exam becomes closed-book

Effective with the 2013 April exam administration, the NCEES Principles and Practice of Surveying exam has become closed-book. Examinees taking the PS will be supplied with a reference handbook during the exam. Examinees will not be permitted to bring other reference material to the exam site during the NCEES PS exam. The Ohio two-hour surveying exam will remain open-book.

FE, FS exams converting to CBT in January 2014

Effective January 2014 the NCEES Fundamentals of Engineering (FE) exam and the NCEES Fundamentals of Surveying (FS) exam will change to a computer-based format. The October 2013 exams will be the final paper and pencil exam for the FE and FS exams.

The conversion to computer-based testing will allow for greater scheduling flexibility for exam candidates, more uniformity in testing conditions and enhanced exam security. As more details concerning computer-based testing are received from NCEES information will be available on the Board's website.

FE exam specs change in January 2014

In conjunction with the conversion of the FE exam to computer-based testing in January 2014, the FE exam specifications will change. In January 2014 the FE exam will be seven freestanding, discipline-specific exams: Chemical, Civil, Electrical and Computer, Environmental, Industrial, Mechanical and Other Disciplines. Information can be found at www.ncees.org.

PE Industrial Exam changes

Effective April 2013, the Industrial PE exam will have new specifications and move to a spring administration. The exam will no longer be offered during the fall.

Plan how to handle misconduct before you have to face it

BY JOHN GREENHALGE
EXECUTIVE DIRECTOR, STATE BOARD
OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND SURVEYORS

The NCEES Committee on Law Enforcement is working on two charges related to professional conduct. Charge 5 is to develop a code of conduct for investigators, and Charge 12 is to review the NCEES *Model Rules* related to engineering and surveying ethics. It is interesting that we received these charges, considering the high-profile allegations of professional misconduct that have made headlines this past year: the head football coach of Ohio State University resigning amid evidence that he failed to pass along to his superiors or the NCAA information he received about athletes trading memorabilia for tattoos, and Penn State University officials facing charges of perjury and failure to properly report suspected child abuse. These events remind us how important it is to have a code of conduct and procedures for reporting improper conduct in our organizations.

Sometimes failing to act, not knowing how to act, or deliberately misleading authorities results in consequences just as serious — or more serious — than the offense itself. It is important to remember that the actions of our coworkers and subordinates, whether intentional or unintentional, could affect us all and possibly jeopardize our organizations. When I speak to groups about investigations and regulatory enforcement, I always point out that not all of our complaints involve individuals purposely setting out to break the law. Many complaints are the result of the offender not being aware of the law or rule broken or not having a clear understanding of the conduct expected from a professional. Even if a violation is unintentional, the consequences can be devastating to the individual's or organization's reputation.

Show commitment to compliance

In government, we talk about transparency—making sure that what we do is open to public scrutiny. The purpose is to let the public know we are working on their behalf and not under the influence of some other party.

As the executive director of a regulatory board, I am not just interested in making sure we are doing the right things; I want the public to know we are doing everything we can to make sure we are doing the right things. In our office, we are not just concerned about improper conduct; we also want to eliminate any appearance of improper conduct.

In government, we have laws and rules governing financial disclosure, conflict of interest, access to public records, and public meetings. It is not enough to have a code of conduct; we also need to make sure employees understand it and are clear about expectations. We have to have procedures in place so that if employees see improper conduct, they understand how to report it and who to report it to.

Protect the reputation you've built

Concern about rules of professional conduct and procedures for reporting possible infractions should not be limited to regulatory boards and government agencies. Nonprofit organizations like NCEES and private firms need to incorporate these rules and procedures as well. For an organization that has spent years cultivating its reputation among clients and the community, an instance of improper conduct could be devastating. The actions of one employee could undermine the whole organization's reputation.

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Train, retrain on proper procedure

Every organization should have an employee handbook that clearly defines the organization's rules of professional conduct and a procedure in place for reporting violations. Every organization should have a program in place to ensure that employees receive training dealing with improper conduct and reporting suspected instances. This program should be updated regularly, and employees should be trained in these rules and procedures each year.

At the start of every board of directors meeting, NCEES has its board members disclose any potential conflicts of interest. This lets member boards and other stakeholders know that NCEES is doing what it can do to make sure that there is no real or perceived improper conduct.

In Ohio, board members and management are required to complete annual financial disclosure forms identifying all financial and business relationships. We are also required to attend annual ethics training. The board is responsible for providing annual ethics training to its employees as well as ensuring that employees understand Ohio's public record laws and open meetings act. We also make sure that our employee handbook is updated each year and clearly identifies our expectations of our employees and prohibited conduct that may have a negative impact on the board. In the event that anyone witnesses improper conduct, there is a procedure in place to report it.

Not having a code of conduct for employees and failing to put an effective program in place to provide proper training may lead to an organizational culture of complacency and one where expectations are not fully understood. What happened at Ohio State and Penn State could happen at our organizations if we fail to put these safeguards in place.

Enforcement • 2011-2012 Disciplinary Actions

The Board is charged with investigating complaints alleging violations of Ohio Revised Code 4733 and Ohio Administrative Code 4733. During fiscal year 2012 the Board received and investigated 118 complaints.

The Board held two disciplinary hearings during FY 2012.

During FY 2012 the Board closed 80 complaints. Six complaints were closed because the complaint was outside of the Board's jurisdiction; 26 complaints were closed because no violations were found; 24 complaints were closed after the individual or firm voluntarily came into compliance; warning letters were sent in 20 cases; four were closed as no further action was needed.

At the end of FY 2012 the Board had 70 pending complaints.

During FY 2012 the Board opened 39 formal investigations. Twenty-nine were opened from complaints received during FY 2012 and ten were opened from complaints received prior to FY 2012.

During FY 2012 the Board closed 45 formal investigations. Of the 45 formal investigations closed the following actions were taken: 35 investigations were closed after the individual or firm entered into a settlement agreement; four were closed after the Board conducted an adjudication hearing and/or issued disciplinary action; five were closed after the Board issued a warning letter; one was closed as being outside of the Board's jurisdiction.

At the end of FY 2012 the Board had 10 pending formal investigations.

his license in Ohio until reinstated and in good standing in West Virginia.

**Karl Dammeyer, P.E.
Saint Marys, Ohio**

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

BOARD ACTION: Settlement agreement to complete CPD, accept a reprimand and pay a \$2,000.00 fine.

**Robert C. Gauss, P.E.
Aurora, Ohio**

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

BOARD ACTION: Settlement agreement to voluntarily surrender his license.

January 2012

**Beech Engineering and Manufacturing
New Philadelphia, Ohio**

VIOLATION: Illegal use of the term engineering in the firm's name; [violation of R.C. 4733.16 and 4733.22].

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

**William B. Ingram, P.S.
Amanda, Ohio**

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

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

**Yog Singhal, P.E.
Huber Heights, Ohio**

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

BOARD ACTION: Settlement agreement to voluntarily surrender his license.

September 2011

**American Land Surveys, Inc.
Terry Kohler, Owner
Batavia, Ohio**

VIOLATION: Performed two-hundred sixteen (216) surveys 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 \$10,000.00 fine.

**Vance Surveying Ltd.
Samuel Vance, P.S.
Mount Vernon, Ohio**

VIOLATION: Provided surveying services

In Ohio without a Certificate of Authorization; [violation of R.C. 4733.16, 4733.20 (A) (5) and 4733.22].

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

**William Ingram, P.S.
Amanda, Ohio**

VIOLATION: Affixed his professional surveyor seal to surveys not prepared under his supervision or direction; [violation of R.C. 4733.16, 4733.20 (A) (2) & (5) and A.C. 4733-35-02].

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

November 2011

**Western Reserve Drafting, LLC
Ed Sutliff, Owner
Rome, Ohio**

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

BOARD ACTION: Settlement agreement to cease and desist from offering and providing engineering services.

**Mark Hoffman, P.E.
Rome, Ohio**

VIOLATION: Aided and abetted an unlicensed firm in offering and providing engineering services in Ohio; [violation of R.C. 4733.20 (A) (2) & (3)].

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

**Carl V. Deicas, P.E.
Monessen, Pennsylvania**

VIOLATION: Failed to report disciplinary action in another state; license was suspended in West Virginia in lieu of disciplinary action; [violation of R.C. 4733.20 (A)(5), 4733.22, A.C. 4733-35-07 (D) and 4733-35-08].

BOARD ACTION: Settlement agreement to accept a \$2,000.00 fine, receive a reprimand and indefinite suspension of

Daniel R. Walch, P.E.
Toledo, Ohio

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

BOARD ACTION: Settlement agreement to complete CPD, accept a reprimand and pay a \$2,000.00 fine.

March 2012

Jason Kabbara, P.E.
Clinton, Ohio

VIOLATION: Affixed his professional engineer seal to another professional engineer's work product; [violation of R.C. 4733.20 (A) (2) & (5) and A.C. 4733-35-07].

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

Frederick Hargrove, P.E.
Cincinnati, Ohio

VIOLATION: Affixed his professional engineer seal to another professional engineer's work product; [violation of R.C. 4733.20 (A) (2) & (5) and A.C. 4733-35-07].

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

James Geeslin, P.S.
Coldwater, Ohio

VIOLATION: Felony criminal conviction and causing property damage while performing a survey; [violation of R.C. 4733.11 (E) 4733.20 (A) (1), (2) & (5), A.C. 4733-35-02 and 4733-35-08].

BOARD ACTION: Settlement agreement with reprimand, \$1,000.00 fine and one (1) year stayed suspension.

Lynn M. Congos, P.E.
Columbus, Ohio

VIOLATION: Failed to respond to the Board's continuing education audit request; [violation of R.C. 4733.151 (G), 4733.20 (A) (1) & (5), 4733.22 and A.C. 4733-35-09].

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

Browne and Associates, Inc.
Edwin Browne, Owner
Lisbon, Ohio

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

BOARD ACTION: Settlement agreement with a reprimand and \$5,000.00 fine.

Paul Boeshart, P.S.
Hebron, Ohio

VIOLATION: Provided engineering services in Ohio while not being registered as a professional engineer; [violation of R.C. 4733.16, 4733.20 (A) (2) & (5) and 4733.22].

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

Pearson Surveying, LLC.
Beth A. Pearson, Owner
Ravenna, Ohio

VIOLATION: Provided surveying 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 with a reprimand and \$1,000.00 fine.

Robert F. Keller, P.E.
Apopka, Florida

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, 4733.20 (A)(1) and (5), 4733.22, A.C. 4733-19-01 and 4733-35-09].

BOARD ACTION: Issued a Final Order revoking registration.

May 2012

David A. Holden, P.S.
East Canton, Ohio

VIOLATION: Failed to comply with the minimum standards for boundary surveys, failing to respond to the Board's request for information as required and operating a surveying firm without a certificate of authorization; [violation of R.C. 4733.20 (A)(2) and (5) and A.C. 4733-37 and 4733-38].

BOARD ACTION: Issued a Final Order revoking registration.

William T. Novak, P.E.
Athens, Ohio

VIOLATION: Falsely reported that he had completed the continuing education requirement for 2010 on his annual renewal; failed to complete continuing education; [violation of R.C. 4733.151 and 4733.20 (A)(1) and (5), 4733.22, A.C. 4733-19-01 (I) and 4733-35-09].

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

Thomas Bellace, P.E.
Houston, Texas

VIOLATION: Failed to report disciplinary action from another state; voluntarily surrendered license in Florida in lieu of disciplinary action and was refused a license in North Carolina; [violation of R.C. 4733.20 (A)(5), A.C. 4733-19-01 (I) and A.C. 4733-35-08].

BOARD ACTION: Issued a Final Order revoking registration.

Bemba K. Jones & Associates
Bemba K. Jones, Owner
Cleveland, Ohio

VIOLATION: Misrepresented pertinent facts concerning employees, associates, consultants, joint ventures and listing individuals and firms not affiliated with him or his firm on the firm's website without their knowledge or permission; [violation of R.C. 4733.20 (A) (2) & (5) and A.C. 4733-35-06 (D)].

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

Engineers Northwest
(ENW Structural Engineers)
Robert C. Raichle, Owner
Seattle, Washington

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

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

UP Engineers and Architects
Houghton, Michigan

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

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

Paul R. Ripple, P.E.
Youngstown, Ohio

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

BOARD ACTION: Settlement agreement to complete CPD, accept a reprimand and pay a \$500.00 fine.

**Christopher B. Stutz, P.E.
Navarre, Ohio**

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

BOARD ACTION: Settlement agreement to complete CPD, accept a reprimand and pay a \$500.00 fine.

**Paul G. Keffler, P.E.
Youngstown, Ohio**

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

BOARD ACTION: Settlement agreement to complete CPD, accept a reprimand and pay a \$2,000.00 fine.

**Richard Mazur, P.E.
Waterville, Ohio**

VIOLATION: Falsely reported that he had completed the continuing education requirement on his annual renewal and failed to complete continuing education; [violation of R.C. 4733.151 and 4733.20 (A)(1) (2) & (5), 4733.22, and A.C. 4733-19-01 (I)].

BOARD ACTION: Settlement agreement to voluntarily surrender his license.

**Jeffrey Miller, P.S.
Norton, Ohio**

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

BOARD ACTION: Settlement agreement to voluntarily surrender his license.

**Jiremiah Conkle, P.S.
Westerville, Ohio**

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

BOARD ACTION: Settlement agreement to voluntarily surrender his license.

**Frank A. Hammer, P.E.
Uniontown, Ohio**

VIOLATION: Falsely reported that he had completed the continuing education

requirement on his annual renewal and failed to complete continuing education; [violation of R.C. 4733.151 and 4733.20 (A) (1) & (5), 4733.22, and A.C. 4733-19-01 (I)].

BOARD ACTION: Settlement agreement to complete CPD, accept a reprimand and pay a \$250.00 fine.

**Enrique I. Tabak, P.E.
Toronto, Ontario**

VIOLATION: Failed to report disciplinary action in another state; voluntarily surrendered license in Texas in lieu of disciplinary action [violation of R.C. 4733.20 (A) (1) (2) & (5), 4733.22 and A.C. 4733-19-01 (I) and 4733-35-08].

BOARD ACTION: Settlement agreement to voluntarily surrender his license.

**Consulting Engineers Corp.
Tracy Mitchell, Owner
Cincinnati, Ohio**

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

BOARD ACTION: Settlement agreement with a reprimand and \$5,000.00 fine.

**Innovative Solutions Unlimited, LLC.
Frank Barbarits, Owner
Piketon, Ohio**

VIOLATION: Provided engineering services in Ohio without an active Certificate of Authorization; [violation of R.C. 4733.16, 4733.20 (A) (2) & (5) and 4733.22].

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

**James Westbrook & Associates, LLC.
James Westbrook, Owner
Duluth, Georgia**

VIOLATION: Provided engineering services in Ohio without an active Certificate of Authorization; [violation of R.C. 4733.16, 4733.20 (A) (2) & (5) and 4733.22].

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

July 2012

**Delbert Ogle, P.E.
Cincinnati, Ohio**

VIOLATION: Provided engineering services in Ohio while his professional engineer registration was expired and failed to respond to the Board's request for information as required; [violation of R.C. 4733.20 (A) (2) & (5) and 4733.22].

BOARD ACTION: Settlement agreement to voluntarily surrender his license.

**Mohammed E. Arshad, Examinee
Chagrin Falls, Ohio**

VIOLATION: Failed to follow exam instructions during the April 2012 fundamentals of engineering exam; [violation of R.C. 4733.20 (A) (7)].

BOARD ACTION: Board prohibited him from taking any NCEES exam in Ohio or any other jurisdiction for one year.

**Elizabeth L. Hanson, P.E.
Massillon, Ohio**

VIOLATION: Falsely reported that she had completed the continuing education requirement on her annual renewal and failed to complete continuing education; [violation of R.C. 4733.151 and 4733.20 (A) (1) and (5), 4733.22, and A.C. 4733-19-01 (I)].

BOARD ACTION: Settlement agreement to complete CPD, accept a reprimand and pay a \$2,000.00 fine.

September 2012

**Robert G. Compton, P.E.
Fort Thomas, Kentucky**

VIOLATION: Provided engineering services and represented himself as a professional engineer in Ohio at a time when he did not possess an active registration with this Board; [violation of R.C. 4733.02 and 4733.20 (A) (2) & (5)].

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

**John M. Hortel, P.S.
Chillicothe, Ohio**

VIOLATION: Affixed his professional engineer seal to an unlicensed firm's work product; [violation of R.C. 4733.20 (A) (2) (3) & (5)].

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

**Fiedler Group
Patrick O. Fiedler, Owner
Los Angeles, California**

VIOLATION: Provided engineering services in Ohio without an active Certificate of Authorization; [violation of R.C. 4733.02, 4733.16 and 4733.22].

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

**Alvine and Associates, Inc.
Douglas R. Alvine, P.E., Owner
Omaha, Nebraska**

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

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

Excerpts from 2012 Annual Report to the Governor

The Board's mission is to protect the health, safety and welfare of the citizens of Ohio by providing effective licensure and regulation of professional engineers, professional surveyors, and firms offering engineering and surveying services in Ohio.

This is accomplished by ensuring that only qualified individuals and firms are licensed to practice engineering and surveying in Ohio and ensuring that Ohio's laws and rules governing the practice of engineering and surveying are followed.

The Board's 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 ensure the safety of our drinking water.

Staffing and structure

The Board consists of five members: two professional engineer members, two professional engineer and professional surveyor members (known as dual registrants), and one professional surveyor member. 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. With one staff member for every 3,657 licensees, 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 which 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.

One of the benefits of being an independent agency that only licenses engineers and surveyors is that our staff has the ability to focus on the two professions and has become acutely aware of the needs and issues affecting engineering and surveying.

The current composition of the Board, committees and dedicated 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.

We believe this dedicated focus enables us to provide excellent customer service to the citizens of Ohio.

Registrants

During fiscal year 2012 the Board had 26,941 individuals registered as professional engineers and/or professional surveyors. There was a 0.4% increase in individual registration renewals during the year.

Certificates of Authorization were issued to 2,315 firms licensed to offer and provide engineering and/or surveying services in the State of Ohio.

During FY 2012 the Board registered 1,152 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 practice of engineering and surveying.

During fiscal year 2012 the Board reviewed 2,461 applications to take the engineering and surveying examinations. 1,221 persons took the fundamentals examinations, of which 878 (72%) received passing scores. 697 persons took the principles and practice examinations, of which 430 (62%) received passing scores.

Registration by 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 2012, 717 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 and actively participates and represents Ohio in council activities. The NCEES is comprised of the sixty-five state and territorial licensing boards in the United States that regulate the professions of engineering and surveying.

In addition, 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.

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2012 Annual Report excerpts

Efforts to improve service

SHARED IT COSTS

The Board has teamed with the Counselor, Social Worker and Marriage and Family Therapists Board, another Ohio regulatory agency located in our building, to share information technology costs. This has resulted in an annual savings of \$3,600.

BIENNIAL RENEWAL

The Board also has moved from an annual renewal to a biennial renewal which will result in a cost savings of \$22,000 over the biennium and will improve the efficiency of the Board's staff.

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. The Board also participated in many other activities during fiscal year 2012, a few of which are highlighted below.

PUCO

James D. Mawhorr, P.E., P.S. served on the PUCO Nominating Council.

TREATMENT SYSTEM STUDY COMMISSION

James D. Mawhorr, P.E., P.S. served on the Household Sewage and Small Flow On-Site Sewage Treatment System Study Commission.

CERTIFICATE CEREMONIES

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.

NCEES LEADERSHIP

Executive Director John F. Greenhalge served as a member of the NCEES Committee on Law Enforcement and the NCEES Leadership Task Force in 2011-2012 and was appointed to the NCEES Member Board Administrator's committee for 2012-2013.

CPD SEMINAR

In February 2012 the Board conducted a program for new licensees 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 licensees on the requirements and responsibilities associated with professional licensure.

Biennial renewal

Pursuant to changes in Ohio Revised Code Chapter 4733, the Board converted to a biennial renewal cycle for professional engineers and professional surveyors beginning with the 2012 renewal cycle.

All professional engineers and professional surveyors now renew every other year and are required to obtain 30 hours of continuing professional development during the two-year renewal cycle. If a licensee exceeds the 30-hour requirement during the renewal period, a maximum of 15 hours may be carried forward into the subsequent renewal period.

The biennial renewal fee is \$40.00.

Biennial audit

Each biennium the Auditor of State is required to conduct an audit of the Board's operations. An audit of the Board's FY 2010 and FY 2011 revenues, licensing, payroll and non-payroll disbursements, and legal compliance was completed during FY 2012.

There were no instances of noncompliance, internal control weaknesses, findings, or written recommendations.

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

Member

Nelson E. Kohman, P.E., Gahanna

Member

Keith C. Swearingen, P.E., P.S., West Union

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