

Discussion of Ohio's Laws, Rules and Professional Ethics for Professional Engineers & Surveyors

John F. Greenhalge, Executive Director
State Board of Registration for Professional Engineers and Surveyors



Professional Engineers
Professional Surveyors

COVID-19

- Board Operations
- Applications [exam, comity and COA]
- NCEES Exams
- OH State-specific PS Exam
- Investigations
- Continuing Professional Development



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Continuing Professional Development



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Ohio Revised Code 4733.151

(B) The continuing professional development requirement may be satisfied by coursework or activities dealing with technical, ethical, or managerial topics relevant to the practice of engineering or surveying.



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ORC 4733.151

[A] ...each registrant shall complete at least thirty hours of continuing professional development during the two-year period immediately preceding the biennial renewal expiration date.



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ORC 4733.151

[F] A registrant shall maintain records to demonstrate completion of the continuing professional development requirements specified in this section for a period of four calendar years beyond the year in which certification of the completion of the requirements is obtained by the registrant.



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The records shall include all of the following:

- (1) A log specifying the type of coursework or activity, its location and duration along with the instructor's name and the number of continuing professional development hours earned;*
- (2) Certificates of completion or other evidence verifying attendance.*



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Continuing Professional Development Activity Log**4012**

All CPD activities and courses must be relevant to the practice of engineering or surveying and include technical, ethical or managerial content. This form is required for tracking your CPD hours for Ohio P.E. and P.S. registration biennial renewal. This form does not replace copies of your certificates of completion or other documentation required by Ohio Revised Code section 4733.151. 30 CPD hours are required for Ohio registration renewal. A maximum carryover of 15 CPD hours is permitted for the next biennial renewal period. For information about the Board's CPD requirements, go to our website at www.peps.ohio.gov.

YOUR OHIO P.E., P.S. NAME AS IT IS REGISTERED WITH THE BOARD

P.E. NUMBER

P.S. NUMBER

2014

DATE [MM/DD/YY]	SPONSOR/PROVIDER	LOCATION: STREET, CITY, STATE, ZIP	ACTIVITY TITLE AND DESCRIPTION	INSTRUCTOR	CPD HRS EARNED
FROM					0.00
TO					
FROM					0.00
TO					
FROM					0.00
TO					
FROM					0.00
TO					
FROM					0.00
TO					

AFFIDAVIT The CPD credits listed herein are true and correct, and accurately state the professional development hours I have earned.

This Year's CPD Hours ▶

0.00

Previous Year CPD Carry Over ▶

0.00

TOTAL CPD HOURS ▶

0.00

SIGNATURE ▶

DATE ▶

**State Board of Registration for Professional Engineers and Surveyors**

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CERTIFICATE OF ATTENDANCE

Awarded to

John Doe, P.E.

To certify attendance at the following Continuing Professional Development Course

- Code of Ethics for Professional Engineers and Surveyors
- The Continuing Education Requirement and How to Respond to an Audit
 - State Board Investigations Procedures and the Hearing Process

Presented by

John F. Greenhalge, Executive Director

State Board of Registration for Professional Engineers and Surveyors

Thursday June 26, 2014

9:30 a.m. to 11:30 a.m.

Metropolitan Sewer District

Gina Ruffin Moore, Organizational
Development and Learning Leader

Online/Distance Learning

- Distance learning or online learning is education where instruction is delivered instantaneously through an instructor, webinar or through live or recorded audio or video through the internet or other one-way or two-way transmissions. In distance learning or online learning the student is expected to attend the course or view the instruction for a set period of time where attendance is monitored. Distance learning or online learning does not have a maximum amount of hours that can be taken for continuing professional development in Ohio.



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Correspondence Coursework

- Correspondence courses are courses that involve the participant reading articles, textbooks, manuals or some other text delivered in either in print or electronic format. Correspondence courses are courses offered by mail, email, computer or fax and does not involve contact or interaction with an instructor, or where contact with the instructor is limited. Correspondence education is typically self-paced. Correspondence education is not distance education.
- The Board permits 3 hours of correspondence coursework per year



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The Difference Between Correspondence and Online Coursework

- Correspondence courses can be given online; however, not all online courses are correspondence courses.

What would happen if I took a course or attended a seminar that I thought met the requirements, but the Board did not accept it?



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Laws & Rules

- Ohio Revised Code 4733- Contains the laws that have been passed by the Ohio legislature.
- Ohio Administrative Code 4733 - Rules that have been passed by various state agencies.
- A Violation of the administrative rules is breaking the law.



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Ohio Revised Code 4733

- Qualifications for licensure as a professional engineer/professional surveyor
- Exam specifications
- Delineates who can practice engineering & surveying
- Exemptions from licensure/registration
- Disciplinary actions and hearing process



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Ohio Revised Code 4733

- Who can perform engineering & surveying
- Who can use terms *engineer* and *surveyor*
- Who can use the initials *P.E.* and *P.S.*
- Requirements for firms offering engineering and surveying
- Requirements for sealing engineering and surveying work product



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Ohio Administrative Code 4733

- General requirements for licensure and completing applications
- Sealing documents/using electronic seals
- Reinstatement of lapsed license
- Minimum Standards for Boundary and Mortgage Location Surveys
- Certificate of Authorization (COA) requirements
- Code of Ethics



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Code of Ethics

OAC 4733-35



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Ohio Administrative Code 4733-35-01:

The engineer or surveyor, who holds a certificate of registration from the state board of registration for professional engineers and surveyors, is charged with having knowledge of the existence of the reasonable rules and regulations and shall be familiar with their several provisions and to understand them.



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Code of Ethics

- Found in Ohio Administrative Code (OAC) 4733-35
- Based on national model law developed by NCEES member boards
- The rules of professional conduct for engineers and surveyors practicing in Ohio



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OAC 4733-35 Code of Ethics

- Requirement to be truthful in dealing with the Board
- Obligation to act with integrity in all professional matters
- Responsibility to protect the safety, health and welfare of the public in the performance of professional duties.
- Requirements for making public statements and certifications
- Conflict of interest
- Solicitation of employment



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OAC 4733-35 Code of Ethics

- Improper conduct
 - Sealing professional work product
 - Prohibition against associating with persons or businesses suspected of being engaged in fraud or dishonest business practices
 - Reporting suspected violations of the Registration Act to the Board
 - Duty to notify the Board of criminal convictions and disciplinary action taken by other states
- Records
 - Responsibility to maintain business records and provide upon request
 - Duty to cooperate with the Board in its investigation of complaints and provide documents and information upon request



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Working Outside Area of Competence

OAC 4733-35-03 & 4733-35-04

- Undertake assignments where you and your support staff are qualified by training, experience and education
- Do not sign and seal work product related to matters beyond your technical competence
- Only express opinions when they are founded upon adequate knowledge of the facts



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OAC 4733-35-07 Improper Conduct

- A. The engineer or surveyor shall not sign and seal professional work product for which he or she does not have personal professional knowledge and direct supervisory control and responsibility. The engineer or surveyor shall not sign work unless it was prepared under his or her supervision and direction. The engineer or surveyor shall be involved in the project and must be closely involved in the preparation of the work product.



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What is Plan-stamping?

Demonstrated when a professional engineer or professional surveyor places his or her registration seal on any drawings, designs, plats, descriptions and/or specifications that he or she did not author or for which he or she did not have personal professional knowledge and direct supervisory control and responsibility.



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Personal Professional Knowledge

- Professional engineer or professional surveyor has been personally retained by an owner, registered design professional or a design/build contractor
- Personally aware of a project's scope, needs, parameters, limitations and special requirements
- Professional engineer or surveyor contracts with the owner for all professional services to be rendered and then subcontracts out services such as drafting as needed



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Direct Supervisory Control & Responsibility

- Work product prepared under the professional's supervision and direction
- The professional is the author of the plans or work product
- Closely involved in the project from its inception to its completion



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Who Should Seal Engineering Work Product?

The engineer responsible for the work product must seal the documents. This must be the professional engineer that provided the largest contribution to the preparation of the work product or the professional engineer that closely and directly supervised junior staff involved in its preparation.



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Common Violations of the Registration Act

- Plan stamping
- Illegal practice by unlicensed individuals and firms
- Practicing with an expired license or COA
- Misrepresentation of facts
- Aiding and abetting illegal practice
- Illegal use of the terms *engineering* or *surveying*, or any derivation of those words, in a firm's name
- Illegal use of P.E. or P.S. or title engineer or surveyor



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Common Violations of the Registration Act

- Minimum standards violations on boundary or mortgage surveys
- Practicing outside area of competency
- Exam irregularity (cheating) and/or fraud
- Felony or criminal convictions
- Disciplinary action in another jurisdiction
- Failure to cooperate or provide information during an investigation
- CPD non-compliance



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What should I do if I suspect that someone is violating the engineers and surveyors registration law?



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Code of Ethics for Professional Engineers & Surveyors *OAC 4733-35-07*

C. If the engineer or surveyor has knowledge or reason to believe that another person or firm is violating RC 4733 or the rules of professional conduct, he or she shall present this information to the Board in writing.



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Code of Ethics for Professional Engineers & Surveyors *OAC 4733-35-03*

The engineer or surveyor shall:

(A) Protect the safety, health and welfare of the public in the performance of professional duties. Should the case arise where the engineer or surveyor faces a situation where the safety, health and welfare of the public is not protected, the engineer or surveyor shall:

(3) Notify the proper authority if, in his or her opinion, the situation is sufficiently important.



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Who are the proper authorities?

- The Ohio PE/PS Board
- Supervisor/Manager
- Government agencies/regulatory bodies
- Public officials
- Law enforcement

Often it may be a combination of two or more of these authorities.



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Filing Complaints

- Complaint should be in writing
- Provide name and contact information for subject of the complaint
- Detailed description of acts or omissions that violate RC 4733
- Physical evidence and contact information for witnesses
- Copies of court records

Note: Complaints should be filed as soon as possible after the act or omission occurred



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Anonymous Complaints

In limited cases the Board will accept anonymous complaints, but often the following problems are encountered:

- Can't contact the complainant
- Can't contact or locate witnesses
- Can't locate evidence
- Can't ask follow-up questions

If you are ever the subject of a complaint or a witness to a complaint remember:

Cooperation with the Board (4733-35-09)

- Registrants must be forthright and candid in statements or written responses to the Board
- Records shall be available for inspection and copying by the Board- in English
- Each registrant shall cooperate with the Board in its investigation of complaints
- Cooperation includes responses within 30 days and appearing before the Board upon request



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4733-35-09 Records

- Each registrant or certificate of authorization holder shall keep a true and correct record in the English language of all of the business transactions in the registrant's or holder's office relevant to enforcement of Chapter 4733. of the Revised Code. Such records shall be available at all reasonable hours for inspection and copying by the Ohio state board of registration for professional engineers and surveyors.
- Each registrant or licensee shall cooperate with the board in its investigation of complaints or possible violations of Chapter 4733. of the Revised Code. This cooperation shall include responding timely to written communications from the board, providing information or documents requested within thirty days of the date on which the communication was mailed, and appearing before the board or its designee upon request.



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Questions?

Contact Information:

State Board of Registration for Professional
Engineers and Surveyors

614-466-3651

www.peps.ohio.gov