



PDH Course R311 (4 PDH)

Ohio Board Laws and Rules for Professional Engineers and Surveyors

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Ohio Board Laws and Rules for Professional Engineers and Surveyors

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Course Outline

This course provides a review of the Ohio Board Laws and Rules contained in Ohio Revised Code Chapter 4733 and subsequent Ohio Administrative Code Chapter 4733. Brief case summaries are presented for recent violations and disciplinary actions taken by the Board. In addition, some frequently asked questions have been compiled and are presented to help Ohio licensees comply with Board laws and rules. This course includes a multiple-choice quiz at the end, which is designed to enhance understanding of the course materials.



Learning Objective

At the end of this course, the student will:

- Be familiar with the Ohio Board Laws and Rules;
- Be familiar with the mandatory continuing education requirements;
- Be familiar with the roles and responsibilities of a professional engineer and surveyor;
- Be aware of various forms of professional misconduct;
- Understand the range of penalties for professional misconducts; and
- Have a better understanding of the requirements and other regulatory provisions for practicing engineering and land surveying in the state of Ohio.

Background

In 2004, the Ohio State Legislature adopted a mandatory Continuing Professional Development (CPD) program, which requires each licensee to complete fifteen hours of professional development (15 CPD or PDH units) during each license renewal period (calendar year). This mandatory continuing education requirement becomes effective January 1, 2007. Up to 15 PDHs earned in 2006 may be carried over to 2007 for the 2008 license renewal. A Licensee is required to take continuing education courses and/or participate in continuing education activities that contribute to professional practice, and which meet the standards prescribed in Ohio Revised Code Chapter 4733.151. In 2011, the Ohio Board adopted a two-year license renewal cycle, ending on December 31 of each odd year. All Ohio Professional Engineers and Surveyors now must complete 30 PDH in each biennium. The board will allow up to 15-hours of carryover CPD from the previous biennium if a licensee exceeded the requirements in the last biennium.

On October 27, 2015, the Ohio Board issued the following CPD Advisory:

Registrants are reminded that Board policy allows up to a maximum of three (3) hours continuing professional development per year for the completion of correspondence courses (paper, online, or other formats) provided the course and course provider meet the requirements of R.C. 4733.151.

Furthermore, the Board considers a self-paced online course as a correspondence course unless it is timed and monitored. As a result of this advisory, each Ohio licensee is required to complete at least 24 hours of Live Webinars/Seminars or Timed & Monitored Online Courses in each biennial renewal period.

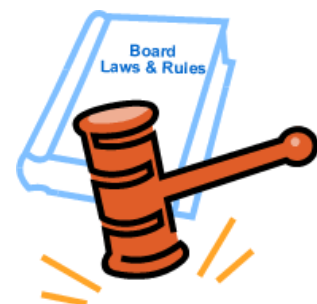
On January 6, 2017, Governor Kasich signed House Bill 236 into law. Effective January 1, 2018, **Ohio's professional engineers and professional surveyors are required to complete two hours of the 30-hour biennial continuing professional development requirement in professional ethics or rules relevant to the practices of engineering or surveying.** This course is designed to help you meet that requirement.

Course Introduction

Besides meeting specific requirements, such as education, experience, and examination, an engineer or land surveyor must become familiar with state laws and rules in order to practice engineering or land surveying in any state. While the laws and rules do vary from state to state, the basic requirements for qualifications and professional conduct are very similar throughout the United States.

Many state boards periodically disclose in their newsletters the disciplinary actions taken by the boards against the licensees who violated the Board Rules. The most common types of violations are:

1. Performed services outside his/her area of competence.
2. Practiced engineering without being licensed in the state of the project.
3. Practiced or offered to practice engineering while not properly licensed.
4. Failed to properly sign, seal and date documents.
5. Affixed his/her seal to work not done under his/her direct supervision or responsible charge.
6. Affixed his/her seal to inadequate design documents, failing to protect the public.



Other types of violations include:

1. Produced a deficient, substandard, or inaccurate report, failing to protect the public.
2. Contracted with non-licensed individuals to provide certain professional services.
3. Failed to avoid conflicts of interest.
4. Committed a crime.

To avoid the violations above, it is highly recommended for all licensees to periodically review the Board Laws and Rules. As a professional engineer/land surveyor, the licensee shall always recognize the primary obligation to protect the safety, health, property, and

welfare of the public. If a licensee's engineering judgment is overruled under circumstances where the safety, health or welfare of the public is endangered, he/she shall inform the proper authorities and his/her employer of the situation as may be appropriate.

Course Content

The content of this course consists of the following four parts:

- A. Ohio Revised Code Chapter 4733 – Board Laws
- B. Ohio Administrative Code Chapter 4733 - Board Rules
- C. Case Studies – Violations and Disciplinary Actions
- D. Frequently Asked Questions (FAQ)

The following is excerpted from Chapter 4733 of the Ohio Revised Code:

A. Ohio Revised Code Chapter 4733 - Board Laws

Index to Ohio R.C. Chapter 4733

4733.01 - Professional engineer and professional surveyor definitions.
4733.011 - Applicability of chapter to sewage treatment systems.
4733.02 - Registration or exemption.
4733.021 - Restricting use of title engineer by itself or with other terms.
4733.03 - State board of registration for professional engineers and surveyors.
4733.04 - Qualifications of board members.
4733.05 - Compensation and expenses of board.
4733.06 - Organization of board.
4733.07 - Administrative rules.
4733.08 - Depositing receipts.
4733.09 - Records.
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4733.14 - Certificate of registration - seals.
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4733.151 - Continuing professional development credit required beginning in 2008.
4733.16 - Business authorized to practice.
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4733.17 - Inspection of public works projects.
4733.18 - Temporary registration - exceptions.
4733.19 - Reciprocity.
4733.20 - Disciplinary actions.
4733.21 - Legally recognized professions not affected.
4733.22 - Prohibited acts.
4733.23 - Injunctions.
4733.24 - [Repealed].
4733.25 - Fees in excess of statutory amounts.
4733.26 - Using engineer or engineering in name on or before 7-1-73.
4733.27 - Effect of child support default on registration or certificate.
4733.28 - Compliance with law regarding sanctions for human trafficking.
4733.99 - Penalty.

4733.01 Professional engineer and professional surveyor definitions.

As used in this chapter:

(A) "Professional engineer" means a person registered as a professional engineer under this chapter.

(B) "Engineer" means a graduate of an accredited engineering curriculum or a person registered as a professional engineer under this chapter, or both.

(C) "Accredited engineering curriculum" means an engineering curriculum accredited by the engineering accreditation commission of ABET, Inc.

(D) "ABET, Inc." means the accreditation board for engineering and technology.

(E) "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 are required to protect the public welfare or to safeguard life, health, or property.

(F) "Professional surveyor" means a person who is registered as a professional surveyor under this chapter.

(G) "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."

Amended by 130th General Assembly File No. 70, HB 202, §1, eff. 6/3/2014.

Effective Date: 08-06-2002.

4733.011 Applicability of chapter to sewage treatment systems.

(A) As used in this section, "sewage treatment system" has the same meaning as in section 3718.01 of the Revised Code.

(B) This chapter does not apply to the preparation of plans or drawings for a sewage treatment system or components of a system, the measurement of area contours of a portion of land for the installation or modification of a sewage treatment system or components of a system, the measurement and documentation of the lengths and widths of the area of a sewage treatment system or components of a system, or any other measurement that is necessary to comply with Chapter 3718. of the Revised Code and rules adopted under it.

(C) This section does not eliminate the requirement established under this chapter that only a professional surveyor may establish land boundaries.

Added by 129th General Assembly File No.76, HB 32, §1, eff. 5/22/2012.

4733.02 Registration or exemption.

Any person practicing or offering to practice the profession of engineering or of surveying shall be registered or exempted under this chapter. No person shall practice or offer to practice the profession of engineering or of surveying, or contract for such services, or use the initials P.E. or P.S. in connection with the person's name, or use in connection with the person's name or otherwise assume, use, or advertise any title or description tending to convey the impression that the person is a professional engineer or a professional surveyor, unless such person has been registered or exempted under this chapter.

Effective Date: 08-06-2002.

4733.021 Restricting use of title engineer by itself or with other terms.

(A) Except for an individual who, as part of the internal classification system of the individual's employer, uses the title "engineer" by itself or in conjunction with another term described in division (B) of this section and who does not represent the individual's self to the public or otherwise advertise the individual's self as an engineer, no individual shall, in connection with the individual's name, assume, use, or advertise:

(1) The title "engineer" by itself unless the individual is an engineer;

(2) The title "engineer" in conjunction with another term that modifies the title "engineer" in a manner that conveys the impression that the individual is a graduate of an accredited engineering curriculum unless the individual is a graduate of an accredited engineering curriculum.

(B) Terms used in conjunction with the title "engineer" under division (A)(2) of this section that imply a person is a graduate of an accredited engineering curriculum include the following: "aerospace," "agricultural," "civil," "chemical," "computer," "electrical," "industrial," "mechanics," "mechanical," "metallurgical," "mining," "naval architectural and marine," "nuclear," and any other term commonly used by an institution of higher learning to apply to graduates of an accredited engineering curriculum.

(C) Nothing in this section shall be interpreted as prohibiting the use, assumption, or advertisement of the title "steam engineer" or "stationary engineer," by or on behalf of a person licensed under Chapter 4739. of the Revised Code, or the term "railroad engineer" or "locomotive engineer," by or on behalf of a person authorized to operate a railroad locomotive, or the term "operating engineer," by or on behalf of a person who operates, maintains, repairs, or manufactures light or heavy construction equipment.

Effective Date: 08-06-2002.

4733.03 State board of registration for professional engineers and surveyors.

A state board of registration for professional engineers and surveyors is hereby created to administer this chapter. The board shall consist of four professional engineers, at least one of whom also is a professional surveyor, and one professional surveyor. Members shall be appointed by the governor, with the advice and consent of the senate. Terms of office shall be for five years, commencing on the twenty-fifth day of September and ending on the twenty-fourth day of September. Each member shall hold office from the date of appointment until the end of the term for which appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office. Appointments to the board shall be so limited that no more than one member shall have served more than two consecutive terms. Every member of the board shall receive a certificate of appointment from the governor and before beginning the member's term of office shall file with the secretary of state the member's written oath or affirmation for the faithful discharge of official duties. The governor may remove any member for misconduct, incompetency, neglect of duty, or for other sufficient cause.

Effective Date: 08-06-2002.

4733.04 Qualifications of board members.

Each member of the state board of registration for professional engineers and surveyors shall be a citizen of the United States and a resident of this state, shall have been engaged in the practice of the profession of engineering for engineers or the profession of surveying for surveyors for at least twelve years, and shall have been in responsible charge of important engineering or surveying work for at least five years. Responsible charge of engineering or surveying teaching shall be construed as responsible charge of important engineering or surveying work.

Effective Date: 03-17-1989.

4733.05 Compensation and expenses of board.

Each member of the state board of registration for professional engineers and surveyors shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code per diem when actually attending to the work of the board or of any of its committees and for the time spent in necessary travel; and in addition thereto, shall be reimbursed for all actual traveling, hotel, and other expenses necessarily incurred in carrying out sections 4733.01 to 4733.23 of the Revised Code.

Effective Date: 08-26-1977.

4733.06 Organization of board.

The state board of registration for professional engineers and surveyors shall hold at least two regular meetings each year. Special meetings shall be held at the time provided in the bylaws of the board. Notice of all meetings shall be given in the manner provided for in the bylaws. The board shall elect or appoint annually from its members, the following officers: a chairperson, a vice-chairperson, and a secretary. The board annually shall appoint an executive director. A quorum of the board shall consist of not less than three members, and no action at any meeting shall be taken without at least three votes being in accord. The executive director shall keep a true and complete record of all proceedings of the board, and may employ clerical assistants as the board may deem necessary.

Effective Date: 08-06-2002.

4733.07 Administrative rules.

The state board of registration for professional engineers and surveyors shall adopt all necessary rules and bylaws, in accordance with Chapter 119. of the Revised Code, and not inconsistent with this chapter, and the constitutions and laws of this state or of the United States, to govern its times and places of meetings for organization and reorganization, for the holding of examinations, and for governing all other matters requisite to the exercise of its powers, the performance of its duties, and the transaction of its business. The board shall adopt and have an official seal. The board may include among the rules adopted governing the standards of practice of engineering, requirements regarding financial responsibility and professional liability insurance. In carrying this chapter into effect, the board may hold hearings in accordance with sections 119.01 to 119.13 of the Revised Code.

Effective Date: 08-06-2002.

4733.08 Depositing receipts.

All receipts of the state board of registration for professional engineers and surveyors shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the board chairperson or executive director, or both, as authorized by the board. The executive director and any clerical or other assistant of the board whom it may designate shall give a surety bond to this state in such sum as the board determines. The premiums on the bonds shall be regarded as a proper and necessary expense of the board, and shall be paid in the same manner as other expenditures of the board. The executive director shall receive an amount fixed pursuant to section 124.152 of the Revised Code in addition to the expenses provided for in section 4733.05 of the Revised Code. The board may employ such clerical or other assistants as are necessary for the proper performance of its work and may make expenditures for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties.

Effective Date: 08-06-2002.

4733.09 Records.

The state board of registration for professional engineers and surveyors shall keep a record of its proceedings and a record of all applications for registration.

On an application provided by the board, applicants shall provide information under oath, including the applicant's education and experience sufficient for the board to evaluate the credentials of the applicant pursuant to section 4733.11 of the Revised Code.

The records of the board shall be prima-facie evidence of its proceedings and a transcript thereof, duly certified by the executive director under seal, shall be admissible in evidence as if the original were produced.

Annually, following the end of the fiscal year, the board shall submit to the governor a report of its activities of the preceding year, and shall include a complete statement of the receipts and expenditures of the board, attested by affidavits of its chairperson and its executive director.

Amended by 130th General Assembly File No. 70, HB 202, §1, eff. 6/3/2014.

Effective Date: 08-06-2002.

4733.10 Annual listing of registered professional engineers, registered professional surveyors, and firms.

The state board of registration for professional engineers and surveyors shall prepare annually a listing of all registered professional engineers, registered professional surveyors, and firms that possess a certificate of authorization. The board shall provide a copy of this listing upon request to registrants of the board and to firms possessing a certificate of authorization without charge and to the public upon request and payment of copy costs.

Additionally, the board shall issue an official verification of the status of any person registered as a professional engineer or professional surveyor in this state upon receipt of a verification form and the payment of a fee established by the board.

Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 10/16/2009.

Effective Date: 09-29-1995.

4733.11 License qualifications.

(A) The state board of registration for professional engineers and surveyors shall consider an applicant to be qualified for registration as a professional engineer if an applicant satisfies all of the requirements listed in either division (A)(1) or (2) of this section as follows:

(1)

(a) Graduation from an accredited engineering curriculum of four years or more;

(b) A specific record of four years or more of practical experience in engineering work completed in addition to, and not overlapping in time, any school work completed under division (A)(1)(a) of this section that is acceptable to the board, not more than two years of which may be before graduation but after the completion of the second year of college, indicating that the applicant is competent to be placed in responsible charge of such work;

(c) Passing the prescribed examinations under divisions (A) and (B) of section 4733.13 of the Revised Code.

(2)

(a) Graduation from a college curriculum in engineering of four years or more that is not accredited, whose curricula is evaluated by the board and found to be of a high quality essentially equal to the curricula that are accredited by ABET, Inc., or graduation from a college curriculum in engineering technology of four years or more that is accredited by the engineering technical accreditation commission of ABET, Inc.;

(b) Eight years or more of practical experience in engineering work completed in addition to, and not overlapping in time, any school work completed under division (A)(2)(a) of this section that is acceptable to the state board of registration for professional engineers and surveyors, not more than two years of which may be before college graduation but after completion of the second year of college, indicating that the applicant is competent to be placed in responsible charge of such work;

(c) Passing the prescribed examinations under divisions (A) and (B) of section 4733.13 of the Revised Code.

(B) The state board of registration for professional engineers and surveyors shall consider an applicant to be qualified for registration as a professional surveyor if the applicant satisfies all of the requirements listed in either division (B)(1) or (2) of this section as follows:

(1)

- (a) Graduation from an approved curriculum in surveying of four years or more;
- (b) A specific record of four years or more of surveying office and field experience completed in addition to, and not overlapping in time, any school work completed under division (B)(1)(a) of this section that is of a character acceptable to the board, at least two years of which shall be after college graduation, with at least two of the four years of work in the surveying of land boundaries under the direct supervision of a professional surveyor, who may indicate in writing that the applicant is competent to be placed in responsible charge of the work;
- (c) Passing the prescribed examinations under divisions (A) and (C) of section 4733.13 of the Revised Code.

(2)

- (a) Graduation from an accredited curriculum in civil engineering of four years or more in a recognized school or college;
- (b) Successful completion of at least sixteen semester hours, or equivalent quarter or trimester hours, of approved surveying courses in surveying and mapping arts and sciences, except that courses successfully completed as prior studies may be credited by the board toward this requirement, of which at least six semester hours, or equivalent quarter or trimester hours, are in surveying of land boundaries;
- (c) A specific record of four years or more of surveying office and field experience completed in addition to, and not overlapping in time, any school work completed under division (B)(2)(a) of this section that is of a character acceptable to the board, at least two years of which shall be after college graduation, with at least two of the four years of work in surveying of land boundaries under the direct supervision of a professional surveyor, who may indicate in writing that the applicant is competent to be placed in responsible charge of the work;
- (d) Passing the prescribed examinations under divisions (A) and (C) of section 4733.13 of the Revised Code.
- (C) Engineering experience, for a professional engineer's practical experience requirement, or surveying experience, for a professional surveyor's practical experience requirement, in any of the armed forces of the United States or civilian war services may be credited for registration, if the experience is acceptable to the board.

(D) As used in this section, "an approved curriculum in surveying" is one which has been accredited by the related accreditation committee of ABET, Inc., or one which has been approved by the state board of registration for professional engineers and surveyors.

(E) No person is eligible for registration as a professional engineer, or professional surveyor, who is not of good character and reputation.

(F) In considering the qualifications of applicants, responsible charge of engineering or surveying teaching may be construed as responsible charge of engineering or surveying work, respectively. No applicant shall receive credit for more than six years of engineering or surveying experience because of educational qualifications. The mere execution, as a contractor, of work designed by a professional engineer or professional surveyor, or the

supervision of the construction of such work as a superintendent is not deemed to be practical experience in engineering or surveying work.

(G) Every person applying for registration as a professional engineer or professional surveyor shall be required to pass the fundamentals examination and the principles and practice examination as provided in section 4733.13 of the Revised Code. In addition to passing each requisite examination, each applicant must submit evidence, satisfactory to the board, that the applicant has completed the practical experience required in this section.

(H) The board shall require the applicant for registration as a professional engineer or professional surveyor to take two examinations. The first examination, known as the fundamentals examination, may be taken by the applicant at any time after the applicant has completed the required education under division (A) or (B) of this section, or, at the discretion of the board, an applicant may be permitted to take the first examination during the applicant's concluding term of an approved curriculum in engineering or surveying of four years or more.

(I) The board shall give an applicant an appropriate certificate showing the applicant's status as an engineer intern or surveyor intern upon the occurrence of all of the following:

(1) The applicant provides proof to the board that the applicant has passed the fundamentals examination as described in division (A) of section 4733.13 of the Revised Code.

(2) The board believes the applicant meets the requirements of this chapter based on verified evidence.

(3) The applicant applies for registration in accordance with the requirements of this chapter.

(4) The applicant pays the fee required pursuant to section 4733.12 of the Revised Code.

Each applicant applying for registration as a professional engineer or professional surveyor shall first be certified as an engineer intern or surveyor intern in this state.

(J) The applicant is not eligible to take the second examination, known as the principles and practice examination, until the applicant has passed the fundamentals examination.

(K) Any person having the necessary qualifications to entitle the person to registration is eligible for registration though the person may not be practicing the person's profession at the time of making application.

Amended by 130th General Assembly File No. 70, HB 202, §1, eff. 6/3/2014.

Effective Date: 10-29-2003.

4733.12 Applications.

(A) Applications for registration as a professional engineer or professional surveyor shall be on forms prescribed and furnished by the state board of registration for professional engineers and surveyors, shall contain statements made under oath setting forth the applicant's education and a detailed summary of the applicant's engineering or surveying experience as appropriate, and shall contain not less than five references, of whom three or more shall be professional

engineers or professional surveyors having personal knowledge of the applicant's engineering or surveying experience. The application shall be accompanied by a nonrefundable application fee, which shall be established by the board at an amount adequate to cover the costs of processing the application.

A nonrefundable examination fee for professional engineers or professional surveyors shall be established by the board at an amount adequate to cover the expense of procuring, administering, and grading the examinations. A nonrefundable registration fee, which shall be paid after the applicant has passed both examinations, shall be established by the board at an amount adequate to cover the expense of registration.

(B) The board shall establish a fee for a certificate of authorization issued under section 4733.16 of the Revised Code in an amount not to exceed fifty dollars and a fee for biennial renewal of a certificate of authorization, not to exceed fifty dollars. The fee for a duplicate certificate of authorization is five dollars.

Amended by 130th General Assembly File No. 70, HB 202, §1, eff. 6/3/2014.

Effective Date: 08-06-2002.

4733.13 Examinations.

(A) When examinations are required as provided by section 4733.11 of the Revised Code, they shall be held at a time and place specified by the state board of registration for professional engineers and surveyors. The examinations shall test the applicant's knowledge to perform professional engineering or surveying services which shall insure the safety of life, health, and property. An examination referred to as the fundamentals of engineering or as the fundamentals of surveying examination shall test the applicant's knowledge of the fundamentals of engineering or surveying as appropriate.

(B) An examination referred to as the principles and practice of engineering examination shall test the applicant's knowledge of the branch of engineering in which the applicant specializes. For the purpose of this section, the branches of engineering are all those branches in which engineering examinations are offered by the board or the national council of examiners for engineering and surveying.

(C) A principles and practice of surveying examination shall test the applicant's knowledge of surveying and the laws and practices applicable to the state of Ohio.

(D) An applicant failing an examination may apply for re-examination. The fee for each re-examination shall be the same as the regular examination fee.

Amended by 130th General Assembly File No. 70, HB 202, §1, eff. 6/3/2014.

Effective Date: 08-06-2002.

4733.14 Certificate of registration - seals.

The state board of registration for professional engineers and surveyors shall, upon payment of the registration fee, register and issue a certificate showing initial registration of an applicant

who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In the case of a registered professional engineer, the certificate shall authorize the practice of "professional engineering," and in the case of a registered professional surveyor, the certificate shall authorize the practice of "professional surveying." Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairperson and the secretary of the board under seal of the board. Registration by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer, or of a registered professional surveyor, while the registration remains unrevoked or unexpired. Each registrant may, upon completing registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "registered professional engineer," or "registered professional surveyor," provided, however, that any registered surveyor's seal obtained prior to the amendment of this section effective April 4, 1985, 140 Ohio Laws 4092, shall remain as a legal seal for any registrant who was registered as a "registered surveyor." 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.

Effective Date: 08-06-2002; 2006 HB699 03-29-2007.

4733.15 Renewals.

(A) Registration expires on the last day of December 2011, and becomes invalid on that date unless renewed. For renewals after that date, registration expires biennially on the last day of December following initial registration or renewal of registration and becomes invalid on that date unless renewed. Renewal may be affected by the applicant's payment to the treasurer of state of a fee of forty dollars for a renewal of registration as either a professional engineer or professional surveyor and demonstration of completion of the continuing professional development requirements of section 4733.151 of the Revised Code. When notified as required in this section, a registrant's failure to renew registration shall not deprive the registrant of the right of renewal within the following twelve months, but the fee to renew a registration within twelve months after expiration shall be increased fifty per cent, and the registrant shall certify completion of continuing professional development hours as required in section 4733.151 of the Revised Code.

The state board of registration for professional engineers and surveyors may, upon request, waive the payment of renewal fees or the completion of continuing professional development requirements for a registrant during the period when the registrant is on active duty in connection with any branch of the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.

(B) Each certificate of authorization issued pursuant to section 4733.16 of the Revised Code shall authorize the holder to provide professional engineering or professional surveying services, through the registered professional engineer or professional surveyor designated as being in responsible charge of the professional engineering or professional surveying practice, from the date of issuance until the second immediately succeeding thirtieth day of June, unless the certificate has been revoked or suspended for cause as provided in section 4733.20 of the

Revised Code or has been suspended pursuant to section 3123.47 of the Revised Code. Thereafter, the certificate shall expire biennially on the thirtieth day of June.

(C) If a registrant fails to renew registration as provided under division (A) of this section, renewal and reinstatement may be affected under rules the board adopts regarding requirements for reexamination or reapplication, and reinstatement penalty fees. The board may require a registrant who fails to renew registration to complete the required hours of continuing professional development as a condition of renewal and reinstatement if the registrant seeks renewal and reinstatement under this division.

Amended by 130th General Assembly File No. 70, HB 202, §1, eff. 6/3/2014.

Amended by 130th General Assembly File No. 45, HB 98, §1, eff. 11/15/2013.

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 6/30/2011.

Effective Date: 08-06-2002; 05-18-2005

4733.151 Continuing professional development credit required beginning in 2008.

(A) For registrations expiring on the last day of December 2011, each registrant for renewal shall have completed, in calendar year 2011, at least fifteen hours of continuing professional development for professional engineers and surveyors. Thereafter, each registrant shall complete at least thirty hours of continuing professional development during the two-year period immediately preceding the biennial renewal expiration date.

(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. A registrant may earn continuing professional development hours by completing or teaching university or college level coursework, attending seminars, workshops, or conferences, authoring relevant published papers, articles, or books, receiving patent awards, or actively participating in professional or technical societies serving the engineering or surveying professions.

Credit for university or college level coursework shall be based on the credit established by the university or college. One semester hour as established by the university or college shall be the equivalent of forty-five hours of continuing professional development, and one quarter hour as established by the university or college shall be the equivalent of thirty hours of continuing professional development.

Credit for seminars, workshops, or conferences offering continuing education units shall be based on the units awarded by the organization presenting the seminar, workshop, or conference. A registrant may earn ten continuing professional development hours for each continuing education unit awarded. Each hour of attendance at a seminar, workshop, or conference for which no continuing education units are offered shall be the equivalent of one continuing professional development hour.

A registrant may earn two continuing professional development hours for each year of service as an officer or active committee member of a professional or technical society or association that represents registrants or entities composed of registrants. A registrant may earn ten continuing professional development hours for authoring relevant published papers, articles, or

books. A registrant may earn ten continuing professional development hours for each such published paper, article, or book. A registrant may earn ten continuing professional development hours for each patent award.

(C)

(1) A person registered as both a professional engineer and professional surveyor shall complete at least ten of the thirty hours required under division (A) of this section in engineering-related coursework or activities and at least ten of those thirty hours in surveying-related coursework or activities.

(2) Beginning with registrations expiring on or after the last day of December 2017, a person registered as a professional engineer or professional surveyor shall complete at least two of the thirty hours required under division (A) of this section on professional ethics or rules relevant to the practices of engineering or surveying.

(D) A registrant is exempt from the continuing professional development requirements of this section during the first calendar year of registration.

(E)

(1) A registrant who completes more than thirty hours of approved coursework or activities in a biennial renewal period may carry forward to the next biennial renewal period a maximum of fifteen of the excess hours.

(2) A person registered as a professional engineer or professional surveyor may carry forward up to two hours on professional ethics or rules earned in excess of the requirement under division (C) (2) of this section as part of the fifteen hour maximum.

(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. 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.

(G) The records specified in division (F) of this section may be audited at any time by the state board of registration for professional engineers and surveyors. If the board discovers that a registrant has failed to complete coursework or activities, it shall notify the registrant of the deficiencies and allow the registrant six months from the date of the notice to rectify the deficiencies and to provide the board with evidence of satisfactory completion of the continuing professional development requirements. If the registrant fails to provide such evidence within that six-month period, the board may revoke or suspend the registration after offering an adjudication hearing in accordance with Chapter 119. of the Revised Code.

Amended by 131st General Assembly File No. TBD, HB 236, §1, eff. 4/6/2017.

Amended by 130th General Assembly File No. 70, HB 202, §1, eff. 6/3/2014.

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 6/30/2011.

Effective Date: 05-18-2005.

4733.16 Business authorized to practice.

(A) A firm, partnership, association, limited liability company, or corporation may provide professional engineering or professional surveying services in this state as long as the services are provided only through natural persons registered to provide those services in the state, subject to the exemptions in sections 4733.17 and 4733.18 of the Revised Code and subject otherwise to the requirements of this chapter.

(B) No firm, partnership, association, limited liability company, or corporation, except a corporation that was granted a charter prior to August 7, 1943, to engage in providing professional engineering or professional surveying services in this state or that was otherwise lawfully providing engineering services in this state prior to November 15, 1982, shall engage in providing professional engineering or professional surveying services, hold itself out to the public as being engaged in providing professional engineering or professional surveying services, or use a name including one or more of the words "engineer," "engineering," "surveyor," or "surveying" or any modification or derivation of those words, unless the firm, partnership, association, limited liability company, or corporation obtains a certificate of authorization from the state board of registration for professional engineers and surveyors and files all information required to be filed under this section with the state board of registration for professional engineers and surveyors and otherwise complies with all requirements of this chapter. A nonprofit membership corporation may use a name including one or more of the words "engineer," "engineering," "surveyor," or "surveying" or any modification or derivation of those words without complying with this section.

(C) A corporation may be organized under Chapter 1701. of the Revised Code, a professional association may be organized under Chapter 1785. of the Revised Code, or a limited liability company may be formed under Chapter 1705. of the Revised Code for the purpose of providing professional engineering, professional surveying, architectural, or landscape architectural services or any combination of those services. A corporation organized under Chapter 1701. of the Revised Code for the purpose of providing those services also may be organized for any other purpose in accordance with that chapter.

(D) Each firm, partnership, association, limited liability company, or corporation through which professional engineering or professional surveying services are offered or provided in this state shall designate one or more full-time partners, managers, members, officers, or directors as being responsible for and in responsible charge of the professional engineering or professional surveying activities and decisions, and those designated persons shall be registered in this state. Each firm, partnership, association, limited liability company, or corporation shall annually file with the state board of registration for professional engineers and surveyors the name and address of all owners and all persons designated as being in responsible charge of the professional engineering or professional surveying activities and decisions and any other information the board may require.

(E) The state board of registration for professional engineers and surveyors shall issue a certificate of authorization to each firm, partnership, association, limited liability company, or

corporation that satisfies the requirements of this chapter, including providing information that the board may require pursuant to division (D) of this section.

(F) This section does not modify any law applicable to the relationship between a person furnishing a professional service and a person receiving that service, including liability arising out of that service.

(G) Nothing in this section shall restrict or limit in any manner the authority or duty of the state board of registration for professional engineers and surveyors with respect to natural persons providing professional services or any law or rule pertaining to standards of professional conduct.

(H) Corporations, partnerships, associations, limited liability companies, or firms organized under the laws of another state or country wishing to provide professional engineering or professional surveying services shall obtain a certificate of authorization and meet the applicable requirements of this section.

Effective Date: 10-08-2001; 05-18-2005.

4733.161 Unauthorized practice.

(A) Notwithstanding any other provision of this chapter, any person who performs labor or who provides services pursuant to a construction contract may offer or provide engineering services in connection with the person's own labor or services if all of the following apply:

(1) The engineering services are provided and performed by an engineer registered under this chapter or by a firm holding a certificate of authorization granted pursuant to this chapter through either direct employment or independent contract with the person contracting with the owner and offering the services.

(2) The engineering services are offered by the person who intends to perform the actual construction of an improvement to real property as part of a design-build contract.

(3) The contractor, the engineer registered under this chapter, or the firm holding a certificate of authorization granted pursuant to this chapter meets the requirements of section 153.70 of the Revised Code when design-build services are provided to a public authority as defined in section 153.65 of the Revised Code.

(B) Except as otherwise provided in this section, no person shall offer or engage in the practice of engineering without a certificate of authorization for any construction contract that is to be constructed by another person, or hold himself or herself out to the public as engaging in the practice of engineering or as providing engineering services without a certificate of authorization.

(C) As used in this section, "construction contract" and "design-build" have the same meaning as in section 4703.182 of the Revised Code.

Effective Date: 11-24-1995.

4733.17 Inspection of public works projects.

Neither this state, nor any of its political subdivisions, nor any municipal corporation shall engage in the construction of any public work involving the practice of professional engineering or professional surveying, for which plans, specifications, and estimates have not been made by, and the construction thereof inspected by, a licensed professional engineer or professional surveyor; provided this section shall not apply to the design, construction, improvement, or maintenance of any public work wherein the contemplated expenditure for the completed project does not exceed five thousand dollars. Any contract for engineering or surveying services executed in violation of this section shall be void and any moneys advanced or paid under such contract by this state or any of its political subdivisions or any municipal corporation shall be refunded forthwith. Sections 4733.01 to 4733.23 of the Revised Code, do not exclude a qualified or registered architect from such engineering practice as may be incident to the practice of his profession, or do not exclude a professional engineer from such architectural practice as may be incident to the practice of professional engineering.

Effective Date: 04-04-1985.

4733.18 Temporary registration - exceptions.

4733.18 Temporary registration - exceptions.

(A) The state board of registration for professional engineers and surveyors shall authorize a temporary registration for an individual who has filed with the board an application for a temporary registration and has paid the required fee in accordance with Chapter 4796. of the Revised Code. The temporary registration continues only for the time the board requires for consideration of the application for registration.

(B)(1) The following persons are exempt from this chapter:

(a) An employee or a subordinate of a person registered under this chapter or an employee of a person holding temporary registration under division (A) of this section, provided the employee's or subordinate's duties do not include responsible charge of engineering or surveying work;

(b) Officers and employees of the government of the United States while engaged within this state in the practice of engineering or surveying, for that government;

(c) An engineer engaged solely as an officer of a privately owned public utility.

(2) This chapter does not require registration for the purpose of practicing professional engineering, or professional surveying by an individual, firm, or corporation on property owned or leased by that individual, firm, or corporation unless the same involves the public welfare or the safeguarding of life, health, or property, or for the performance of engineering or surveying which relates solely to the design or fabrication of manufactured products.

(C) Nothing in this chapter prevents persons other than engineers from preparing plans, drawings, specifications, or data, from filing applications for building permits, or from obtaining those permits for residential buildings, as defined by section 3781.06 of the Revised Code, or buildings that are erected as one-, two-, or three-family units or structures within the meaning of the term "industrialized unit" as provided in section 3781.06 of the Revised Code.

(D) Nothing in this chapter prevents persons other than engineers from preparing drawings or data, from filing applications for building permits, or from obtaining those permits for the

installation of replacement equipment or systems that are similar in type or capacity to the equipment or systems being replaced, and for any improvement, alteration, repair, painting, decorating, or other modification of any buildings or structures subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised Code where the building official determines that no plans or specifications are required for approval.

Last updated December 29, 2023.

4733.19 Reciprocity.

With respect to a person registered or licensed to engage in the practice of engineering or surveying by a proper authority of another state, territory, or possession of the United States, or the District of Columbia, or who has a government certification or private certification as an engineer or surveyor in another state, territory, or possession of the United States, or the District of Columbia that does not issue that registration or license, the state board of registration for professional engineers and surveyors shall register the person as a professional engineer or surveyor in accordance with Chapter 4796. of the Revised Code. Notwithstanding section 4796.05 of the Revised Code, the board shall register a person who has satisfactory work experience as a professional engineer or surveyor in accordance with Chapter 4796. of the Revised Code if the person satisfies a minimum education requirement and passes an examination.

Last updated December 29, 2023.

4733.20 Disciplinary actions.

(A) Pursuant to this section, the state board of registration for professional engineers and surveyors may fine, revoke, suspend, refuse to renew, or limit the registration, or reprimand, place on probation, deny an applicant the opportunity to sit for an examination or to have an examination scored, or impose any combination of these disciplinary measures on any applicant or registrant, or revoke the certificate of authorization of any holder found to be or to have been engaged in any one or more of the following acts or practices:

- (1) Any fraud or deceit in obtaining registration or a certificate of authorization;
- (2) Any gross negligence, incompetency, or misconduct in the practice of professional engineering or professional surveying as a registered professional engineer or registered professional surveyor;
- (3) Aiding or abetting any person to practice professional engineering or professional surveying illegally in the state;
- (4) Conviction of or plea of guilty to any felony or crime involving moral turpitude;
- (5) Violation of this chapter or any rule adopted by the board;
- (6) Violation of any condition of limitation placed by the board upon the registration of any professional engineer or professional surveyor;
- (7) Failure to abide by or comply with examination instructions.

(B) The board shall cause to have prepared and shall adopt a code of ethics, which it shall make known to every registrant. The board may revise and amend this code of ethics from time to time in accordance with Chapter 119. of the Revised Code.

(C) Any person may file with the board a complaint alleging fraud, deceit, gross negligence, incompetency, misconduct, or violation of this chapter or any rule adopted by the board pursuant to section 4733.07 of the Revised Code. Complaints shall be in writing.

(D) The board may investigate any registrant or holder of a certificate of authorization to determine whether the registrant or certificate holder is or has been engaged in any one or more of the acts or practices listed in division (A) of this section. The board, by subpoena, may compel witnesses to appear and testify in relation to any investigation under this chapter and may require, by subpoena duces tecum, the production and copying of any book, paper, or document pertaining to an investigation. If a person fails to comply with the subpoena or subpoena duces tecum, the board may apply to the Franklin county court of common pleas for an order compelling the person to comply or, for the failure to do so, to be held in contempt of court.

(E) If the board determines there is cause to believe that an applicant, registrant, or a holder of a certificate of authorization is or has been engaged in any act or practice listed in division (A) of this section, the board shall issue a written charge and notify the applicant, registrant, or certificate holder of the right to an adjudication hearing, in accordance with Chapter 119. of the Revised Code. If the accused applicant, registrant, or holder of a certificate of authorization fails or refuses to appear, or does not request a hearing within the time period specified in Chapter 119. of the Revised Code, the board may determine the validity of the charge and issue an adjudication order in accordance with Chapter 119. of the Revised Code.

(F) If a majority of the board votes in favor of sustaining the charge, the board shall impose one or any combination of the following disciplinary measures:

- (1) Reprimanding the individual;
- (2) Imposing a fine on the individual of not more than one thousand dollars for each offense committed by the individual;
- (3) Refusing to renew, suspending, or revoking the individual's registration, or revoking the holder's certificate of authorization;
- (4) Refusing to allow an applicant to take an examination;
- (5) Refusing to score an applicant's examination. The board, for good cause shown, may reregister any person or reissue a certificate of authorization to any corporation, firm, partnership, association, or limited liability company whose registration or certificate has been revoked or suspended.

(G) Any applicant, registrant, or certificate holder aggrieved by any action of the board in fining the registrant or denying, suspending, refusing to renew, or revoking the registrant's registration or a certificate of authorization, or denying an applicant the opportunity to take an examination or to have an examination scored may appeal such action to the proper court under section 119.12 of the Revised Code.

(H) A new certificate of authorization to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the board, upon payment of a fee established by the board at an amount adequate to cover the expense of issuing a duplicate certificate of authorization.

Effective Date: 08-06-2002.

4733.21 Legally recognized professions not affected.

Sections 4733.01 to 4733.23, inclusive, of the Revised Code shall not affect or prevent the practice of any other legally recognized profession, or exclude persons licensed as stationary engineers or boiler operators from the operation or the supervision of the operation of steam, power, or refrigeration plants.

Effective Date: 10-01-1953.

4733.22 Prohibited acts.

No person shall practice, or offer to practice, the profession of engineering or the profession of surveying without being registered or exempted in accordance with this chapter, or present or attempt to use as the person's own the registration, the certificate of authorization, or the seal of another, or give any false or forged evidence of any kind to the state board of registration for professional engineers and surveyors or to any member thereof in obtaining registration or a certificate of authorization, or falsely impersonate any other registrant or holder of a certificate of authorization of like or different name, or attempt to use an expired, suspended, or revoked registration or certificate of authorization, or otherwise violate this chapter.

Effective Date: 08-06-2002.

4733.23 Injunctions.

Except as otherwise provided in divisions (B), (C), and (D) of section 4733.18 of the Revised Code, no public authority, as defined in division (A) of section 153.65 of the Revised Code, shall accept or use any engineering or surveying plan prepared by any person not registered as a professional engineer or professional surveyor under this chapter. The state board of registration for professional engineers and surveyors is hereby authorized to apply for relief by injunction or restraining order to enjoin or restrain a person from the commission of any act which is prohibited by this chapter. The remedy provided by this section shall be in addition to any other remedy provided by law. The attorney general or the attorney general's designated assistant shall act as legal adviser of the board and render such legal assistance as may be necessary.

Effective Date: 08-06-2002.

4733.24 [Repealed].

Effective Date: 08-06-2002.

4733.25 Fees in excess of statutory amounts.

The state board of registration for professional engineers and surveyors, subject to the approval of the controlling board and except for fees required to be established by the board at amounts "adequate" to cover designated expenses, may establish fees in excess of the amounts provided by sections 4733.01 to 4733.99 of the Revised Code, provided that such fees do not exceed the amounts permitted by these sections by more than fifty per cent.

Effective Date: 11-15-1981.

4733.26 Using engineer or engineering in name on or before 7-1-73.

Nothing in this chapter shall be construed to restrict the use by any corporation or partnership of the word "engineer" or "engineering" in a corporate or business name of any corporation or partnership providing services in an area related to the practice of engineering, provided that the corporation or partnership was incorporated or established on or before July 1, 1973, and the word "engineer" or "engineering" has been continuously used in the corporation's or partnership's business name since that date and that the corporation or partnership is not engaged in the practice of engineering and as construed by the courts on the effective date of this section.

Effective Date: 07-01-1993.

4733.27 Effect of child support default on registration or certificate.

On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state board of registration for engineers and surveyors shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to registration and certificates of authorization issued pursuant to this chapter.

Effective Date: 08-06-2002.

4733.28 Compliance with law regarding sanctions for human trafficking.

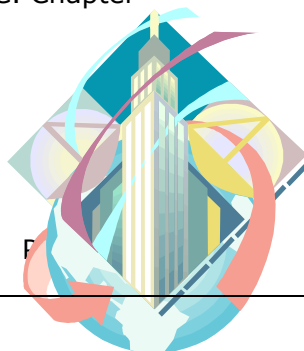
The state board of registration for professional engineers and surveyors shall comply with section 4776.20 of the Revised Code.

Added by 129th General Assembly File No.169, HB 247, §1, eff. 3/22/2013.

4733.99 Penalty.

(A) Whoever violates section 4733.22 of the Revised Code shall be fined not less than one hundred nor more than five hundred dollars or imprisoned not more than ninety days, or both.

Effective Date: 09-16-1957



The following is excerpted from Chapter 4733 of the Ohio Administrative Code:

B. Ohio Administrative Code Chapter 4733 - Board Rules

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(Omitted)

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(Omitted)

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(Omitted)

4733-9 Qualifications for Registration by Examination, Experience or Education

(Omitted)

4733-13 Registration by Endorsement, Reciprocity or Temporary Certification

(Omitted)

4733-17 Form of Application

(Omitted)

4733-19 Application, Examination, Registration and Annual Renewal Fees

(Omitted)

4733-20 Registration Ceremony

(Omitted)

4733-21 Certificate of Registration**4733-21-01 Certificate of registration.**

Professional engineers or professional surveyors shall keep their certificates of registration issued by the board posted conspicuously in their places of business where the public could examine said certificates.

4733-23 Registrant's Seal**4733-23-01 Registrant's seal.**

(A) Each registrant may upon registration obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Registered Professional Engineer," or "Registered Professional Surveyor." Plans, specifications, plats, reports and all other engineering or surveying work product issued by a registrant shall be stamped with the said seal and be signed and dated by the registrant, or bear a computer generated seal and electronic signature and date. No person shall stamp or seal any document with said seal after the certificate of the registrant named thereon has expired, or suspended, or has been revoked, unless said certificate of registration shall have been renewed or reissued.

(B) Each registrant is charged with the safeguarding of their personal seal.

(C) By affixing their seal to any document, the registrant certifies to the accuracy and completeness of the information contained in the sealed document, and by such action, assumes full responsibility thereof.

(D) Plans, specifications, plats, reports and all other engineering or surveying work product bearing a computer generated seal and electronic signature and date shall have an electronic authentication process attached to or logically associated with the electronic document. The electronic signature must be unique to the person using it; capable of verification; under the sole control of the person using it; linked to a document in such a manner that the electronic signature is invalidated if any data in the document is changed.

4733-25 Reinstatement of Lapsed Certificate**4733-25-01 Reinstatement of an expired certificate of registration.**

Any registrant whose certificate of registration has expired for non-payment of renewal fees pursuant to division (A) of section 4733.15 of the Revised Code may apply in writing for reinstatement. The application so filed must be supported with a detailed notarized experience statement covering all experience subsequent to the date of expiration. This statement shall describe the nature of work performed, degree of responsibility, and dates of each engagement. This statement must also show how the applicant maintained competency in his field during the period since expiration. The application so filed must also include proof of completion of fifteen hours of continuing professional development for each lapsed year. Upon receipt of the application the board will review it and determine the steps required for reinstatement. If more than four consecutive years have elapsed since the date of expiration, the applicant shall be required to take and pass the "Principles and Practice of Engineering examination" and/or "Principles and Practice of Surveying examination" as a condition of reinstatement unless the

applicant has maintained continuous, uninterrupted registration in any other state or United States territory. The amount of the reinstatement fee shall be as prescribed in paragraph (L) of rule 4733-19-01 of the Administrative Code. Payment of reinstatement fees does not validate any illegal practice performed during the period between expiration and reinstatement. Reinstatement shall require a majority affirmative vote of the board at a board meeting where the reinstatement application is considered.

4733-29 Second Stage Examinations

(Omitted)

4733-29-01 Principles and practice examinations.

(Omitted)

4733-31 Land Surveying Defined**4733-31-01 Surveying defined.**

(A) Surveying shall mean any professional service performed for the purpose of determining land areas, the monumenting of property boundaries, the platting and layout of lands and subdivisions thereof, including the topography, the alignment and the preliminary grades of streets, the preparation of: maps, record plats, field note records and property descriptions representing such surveys.

(B) The adequate performance of such work involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring, and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water.

4733-33 Examination for Land Surveyors

(Omitted)

4733-35 Code of Ethics for Engineers and Surveyors**4733-35-01 Preamble.**

In order to safeguard the life, health, property and welfare of the public and the state of Ohio, to maintain integrity and high standards of skills and practice in the professions of engineering and surveying, the following rules of professional conduct, promulgated in accordance with Chapter 4733. of the Revised Code, shall be binding upon every person holding a certificate of registration as a professional engineer or as a professional surveyor.

The engineer or surveyor, who holds a certificate of registration from the Ohio state board of registration for professional engineers and surveyors, is charged with having knowledge of the existence of the reasonable rules and regulations hereinafter provided for his or her professional conduct as an engineer or surveyor, and also shall be deemed to be familiar with their several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering, or of surveying, is a privilege, as opposed to a right, and the registrant shall be forthright and candid in statements or written responses to the board or its representatives on matters pertaining to professional conduct.

4733-35-02 Integrity.

The engineer or surveyor is obligated to act with complete integrity in professional matters for each client or employer as a faithful agent; shall be honest and impartial, and shall serve the public, client and employer with devotion.

4733-35-03 Responsibility to the public.

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:

- (1) Sever the relationship with the employer or client;
- (2) Refuse to accept responsibility for the design, report or statement involved;
- (3) Notify the proper authority if, in his or her opinion, the situation is sufficiently important.

(B) Undertake to perform assignments only when the registrant's consulting support are qualified by training and experience in the specific technical fields involved. In the event a question arises as to the competence of an engineer or surveyor to perform an engineering or surveying assignment in a specific technical field of engineering or surveying which cannot be otherwise resolved to the board's satisfaction, the board, either upon request of the engineer or surveyor or by its own volition, may require the engineer or surveyor to submit to an appropriate inquiry by or on behalf of the board;

(C) Be completely objective in any professional report, statement or testimony and shall include all relevant and pertinent information in the report, statement or testimony when the result of omission would, or reasonably could, lead to a fallacious conclusion;

(D) Express an opinion as a technical or expert witness before any court, commission or other tribunal, only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his or her testimony.

4733-35-04 Public statements and certifications.

(A) The engineer or surveyor will issue no statements, criticisms or arguments on engineering or surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the engineer or surveyor has prefaced his or her remarks by explicitly identifying himself or herself, by disclosing the identities of the party, or parties, on whose behalf the engineer or surveyor is speaking, and by revealing the existence of any pecuniary interest he or she may have in the instant matters.

(B) The engineer or surveyor will publicly express no opinion on an engineering or surveying subject unless it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his or her testimony.

(C) The engineer or surveyor shall decline to sign and/or seal any form of certification, warranty, or guaranty that (1) relates to matters beyond his or her technical competence, (2) involves matters which are beyond the scope of services for which he or she was retained, or (3) relates to engineering or surveying work for which he or she does not have personal professional knowledge and direct supervisory control and responsibility. "Certification" shall mean a statement signed and/or sealed by an engineer or surveyor representing that the engineering or surveying services addressed therein have been performed, according to the engineer or surveyor's knowledge, information and belief, in accordance with commonly accepted procedures consistent with applicable standards of practice, and is not a guaranty or warranty, either expressed or implied.

4733-35-05 Conflict of interest.

(A) The engineer or surveyor shall conscientiously avoid conflict of interest with the employer or client, but, when unavoidable, the engineer or surveyor shall forthwith disclose the circumstances to the employer or client.

(B) The engineer or surveyor shall promptly inform the client or employer of any business association, interests, or circumstances which could influence his or her judgment or the quality of services to the client or employer.

(C) The engineer or surveyor shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties or their duly authorized agents.

(D) The engineer or surveyor shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

(E) The engineer or surveyor shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents or other parties dealing with his client or employer in connection with work for which he or she is responsible.

(F) As an elected, retained or employed public official, an engineer or a surveyor (in the capacity as a public official) shall not review or approve work that was performed by himself, or under his direction, on behalf of another employer or client.

4733-35-06 Solicitation of employment.

(A) The engineer or surveyor shall not pay, solicit nor offer, directly or indirectly, any bribe or commission for professional employment with the exception of payment of the usual commission for securing salaried positions through licensed employment agencies.

(B) The engineer or surveyor shall seek professional employment on the basis of qualifications and competence for proper accomplishment of the work.

(C) The engineer or surveyor shall not falsify or permit misrepresentation of academic or professional qualifications and shall not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments.

(D) Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint-ventures, or past accomplishments with the intent and purpose of enhancing qualifications and work.

4733-35-07 Improper conduct.

(A) The engineer or surveyor shall not sign and/or seal professional work for which he or she does not have personal professional knowledge and direct supervisory control and responsibility. This is interpreted by the board to mean that an engineer or surveyor shall not sign and/or seal professional work unless that work was prepared under his/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.

(B) The engineer or surveyor shall not knowingly associate with, or permit the use of his or her name or firm name in, a business venture by any person or firm which he or she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

(C) If the engineer or surveyor has knowledge or reason to believe that another person or firm is guilty of violating any of the provisions of Chapter 4733. of the Revised Code, or any of these rules of professional conduct, he or she shall present this information to the board in writing.

(D) If a professional engineer or professional surveyor is found guilty of a felony or had his or her registration revoked or suspended by another jurisdiction, the professional engineer or professional surveyor shall notify the board in writing within sixty days.

4733-35-08 Other jurisdiction.

Conviction of a felony without restoration of civil rights, or the revocation, voluntary surrender, or suspension of a professional engineer's or surveyor's license by another jurisdiction, if for a cause which in the state of Ohio would constitute a violation of Ohio Revised Code Chapter 4733 or of these rules, shall be grounds for a charge of violation of these rules.

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.

4733-37 Standards for Boundary Surveys*(Omitted)***4733-38 Standards For Mortgage Location Surveys***(Omitted)***4733-39 Certificate of Authorization****4733-39-01 Preamble.**

Pursuant to section 4733.16 of the Revised Code, these rules shall be implemented to define the filing requirements for a firm, partnership, association, limited liability company or corporation to obtain a "Certificate of Authorization" to practice professional engineering and/or professional surveying in the state of Ohio.

4733-39-02 Definitions.

As used in this rule:

(A) "Responsible charge" means being in control of, accountable for and in either direct or indirect supervision of the engineering and/or surveying activities of the business enterprise.

(B) "Fulltime" as stated in division (D) of section 4733.16 of the Revised Code means working more than thirty hours per week or working substantially all the engineering or surveying hours for a firm, partnership, association, limited liability company or corporation that holds a certificate of authorization.

(C) "Corporation" or "domestic corporation" means a corporation for profit formed under the laws of this state as defined in section 1701.01 of the Revised Code or "foreign corporation" as defined by division (B) of section 1703.01 of the Revised Code which has obtained a license from the secretary of state of Ohio and has complied with all the provisions of Chapter 1703. of the Revised Code.

(D) "Partnership" means an association of two or more persons to carry on as co-owners of a business for profit as defined in section 1775.05 of the Revised Code.

(E) "Limited partnership" is a partnership formed by two or more persons under the provisions of section 1781.02 of the Revised Code, having as members one or more general partners and one or more limited partners. The limited partners as such shall not be bound by obligation of the partnership as defined in section 1781.01 of the Revised Code.

(F) "Limited partnership association" means when any number of persons, not less than three nor more than twenty-five form a limited partnership association as defined by Chapter 1783. of the Revised Code.

(G) "Professional association" means any association organized under sections 1785.01 to 1785.08 of the Revised Code, for the sole purpose of rendering one of the professional services authorized under Chapters 4703. and 4733. of the Revised Code.

(H) "Limited liability company" means any company organized under Chapter 1705. of the Revised Code.

4733-39-03 Applications and filing requirements.

(A) Under provisions of section 1701.03 of the Revised Code, a corporation formed under Chapter 1701. of the Revised Code after November 14, 1982 may offer architectural, landscape architectural, professional engineering or professional surveying services or any combination thereof provided these corporations file with the appropriate board and meet the requirements of each board or filing and procuring a "Certificate of Authorization" in accordance with Chapters 4703. and 4733. of the Revised Code.

(B) Any firm, partnership, association, limited liability company or corporation which holds a "Certificate of Authorization" under these rules and which otherwise meets the requirements of Chapter 4733. of the Revised Code may be organized for any purposes for which business enterprises may be organized under Chapters 1701., 1705., 1775., 1781., 1783. and 1785. of the Revised Code and shall not be limited to the purposes of providing professional engineering, surveying, architectural, or landscape architectural services or any combination thereof.

(C) If all requirements of this rule are met, the board may issue a "Certificate of Authorization" to the firm, partnership, association, limited liability company or corporation. Forms for initial application will be provided by the board. This "Certificate of Authorization" must be renewed annually.

4733-39-04 Annual renewal filing.

(A) Under provisions of section 4733.16 of the Revised Code, each firm, partnership, association, limited liability company or corporation holding a "Certificate of Authorization" shall annually file no later than June thirtieth with the board on forms provided by this board, the name and address of each owner and the name and address of all persons designated as being in responsible charge of the professional engineering and/or professional surveying activities and decisions, who must be registered in Ohio as appropriate.

(B) If there is any change in any of the above between intervals of filing, the change will be filed with the board by notarized letter within ninety days of the change.

(C) If all the requirements of this rule are met, this board shall issue a renewal "Certificate of Authorization" to the firm, partnership association or corporation for the ensuing state fiscal year upon application and payment of the appropriate fee.

(D) Annual renewal "Certificate of Authorization" will be issued by the board within thirty days after the approval of the renewal application.

(E) The "Certificate of Authorization" for all firms, partnerships, associations, limited liability companies or corporations whose annual renewal filing is not received by the close of business on June thirtieth will expire and be invalid. The "Certificate of Authorization" for all firms, partnerships, associations, limited liability companies or corporations which have expired may be renewed within twelve months of the expiration date. The delinquent fee established by rule 4733-39-06 of the Administrative Code, which shall be fifty per cent greater than the annual renewal fee, must be paid to the board. The requirements of paragraph (A) of this rule must also be met. If a "Certificate of Authorization" is not renewed within twelve months from the expiration

date, the said firm, partnership, association, limited liability company or corporation must make application for a new "Certificate of Authorization" in accordance with the requirements of rule 4733-39-03 of the Administrative Code and pay the appropriate fee.

4733-39-05 Certificate of authorization.

(A) A "Certificate of Authorization" shall be issued by this board to all firms, partnerships, associations, limited liability companies or corporations which meet the requirements of Chapter 4733. of the Revised Code and pay the appropriate fee.

(B) If there is any change in the identity of any of the persons designated as being in responsible charge of the professional engineering or professional surveying activities and decisions of an entity holding a "Certificate of Authorization" under Chapter 4733. of the Revised Code, the board shall be notified per rule 4733-39-04 of the Administrative Code.

(C) A new "Certificate of Authorization" shall be required in the following situations:

(1) Upon the change of the name of any corporation, partnership, limited liability company or professional association holding a "Certificate of Authorization" performing engineering or surveying services in this state.

(2) Upon the failure of any holders of a "Certificate of Authorization" to renew the "Certificate of Authorization" within twelve months of the expiration date.

(D) A "Certificate of Authorization" shall authorize the firm, partnership, association, limited liability company or corporation to provide the professional service for which they qualified for that state fiscal year. A renewal will be required at the end of each fiscal year. The "Certificate of Authorization" renewal letter shall indicate the professional service or services the business enterprise is authorized to provide.

(E) Any firm, partnership, association, limited liability company or corporation offering the services of professional engineering and/or professional surveying shall post the current "Certificate of Authorization" issued by this board conspicuously in its place of business where the public can readily examine said certificate.

4733-39-06 Fees.

(A) The application, annual renewal, reapplication, delinquent, or duplicate certificate fee must accompany the "Certificate of Authorization" request in the amount shown below:

Application fee \$50.00

Annual renewal fee \$25.00

Delinquent fee (within twelve months of expiration) \$37.50

Reapplication fee (beyond twelve months of expiration) \$50.00

Duplicate certificate fee \$5.00

(B) All checks shall be made payable to "Treasurer, State of Ohio" and submitted to the board office.

(C) If a business enterprise is not eligible to receive a "Certificate of Authorization" the fee will be retained to cover the cost of processing.

(D) Annual renewal fees for all "Certificates of Authorization" are due and payable on or before the filing date of each year for the ensuing state fiscal year.

4733-39-07 Exemptions.

Corporations which were granted a charter prior to August 7, 1943, to engage in providing engineering and/or surveying services, or were otherwise lawfully providing engineering and/or surveying services prior to November 15, 1982 are exempt from the requirements of these rules. Professional associations which comply with Chapter 1785. of the Revised Code and were incorporated prior to November 15, 1982 are also exempted.

Chapter 4733-40 Accessing Confidential Information

4733-40-01 Definitions in accordance with section 1347.15 of the Revised Code.

For the purposes of administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

(A) "Access" as a noun means an instance of copying, viewing, or otherwise perceiving whereas "access" as a verb means to copy, view, or otherwise perceive.

(B) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of the board rule addressing requirements in section 1347.15 of the Revised Code.

(C) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.

(D) "Confidential personal information" (CPI) has the meaning as defined by division (A)(1) of section 1347.15 of the Revised Code and identified by rules promulgated by the board in accordance with division (B)(3) of section 1347.15 of the Revised Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.

(E) "Employee of the state board" means each employee of a state board regardless of whether he/she holds an elected or appointed office or position within the state board. "Employee of the state board" is limited to the specific employing state board.

(F) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.

(G) "Individual" means a natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.

(H) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.

(I) "Person" means a natural person.

(J) "Personal information" has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.

(K) "Personal information system" means a "system" that "maintains" "personal information" as those terms are defined in section 1347.01 of the Revised Code. "System" includes manual and computer systems.

(L) "Research" means a methodical investigation into a subject.

(M) "Routine" means commonplace, regular, habitual, or ordinary.

(N) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to employees and maintained by the board for internal administrative and human resource purposes.

(O) "System" has the same meaning as defined by division (F) of section 1347.01 of the Revised Code.

(P) "Upgrade" means a substantial redesign of an existing computer system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.

4733-40-02 Procedures for accessing confidential personal information.

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(A) Criteria for accessing confidential personal information. Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill his/her job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(B) Individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do all of the following:

(1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;

(2) Provide to the individual the list of confidential personal information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and

(3) If all information relates to an investigation about that individual, inform the individual that the board has no confidential personal information about the individual that is responsive to the individual's request.

(C) Notice of invalid access.

(1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information invalidly was accessed, and to restore the reasonable integrity of the system.

"Investigation" as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information. Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.

(2) Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.

(3) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(D) Appointment of a data privacy point of contact. The board director shall designate an employee of the agency to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both the implementation of privacy protections for the confidential personal information that the board maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.

(E) Completion of a privacy impact assessment. The board director shall designate an employee of the agency to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.

4733-40-03 Valid reasons for accessing confidential information.

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers or duties, for which only employees of the board may access confidential personal information (CPI) regardless of whether the personal information system is a manual system or computer system:

(A) Performing the following functions constitute valid reasons for authorized employees of the board to access confidential personal information:

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the agency maintains on that individual;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision or duty;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;
- (9) Licensure [permit, eligibility, filing, etc.] processes;
- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena;
- (13) Human resource matters (e.g., hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approval/issues);
- (14) Complying with an executive order or policy;
- (15) Complying with an agency policy or a state administrative policy issued by the department of administrative services, the office of budget and management or other similar state agency; or
- (16) Complying with a collective bargaining agreement provision.

(B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the board, authorized employees would also have valid reasons for accessing CPI in these following circumstances:

- (1) By necessity for office management, the executive director, assistant director, and employees in human resource positions shall have access to confidential personal information contained in personnel files.
- (2) The executive director, assistant executive director, and employees in investigative positions shall have access to confidential personal information of individuals who are subject to

investigation. Such employees shall have access to confidential personal information of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation.

(3) By necessity for licensure and office management, all employees of the board shall have access to confidential personal information contained in e-licensing, application documents, and any other correspondence or documents retrieved while performing their duties for the board.

(4) By necessity for licensure, discipline, and office management, the board members shall have access to confidential personal information contained in applications, investigative files, and personnel files. The board members shall also have access to confidential personal information contained in continuing education waiver requests.

4733-40-04 Confidentiality statements.

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the agency confidential and identify the confidential personal information within the scope of rules promulgated by this board in accordance with section 1347.15 of the Revised Code:

(A) Social security numbers: pursuant to (5 U.S.C. 552a), unless the individual was told that the number would be disclosed.

(B) Education records pursuant to the Family Educational Right to Privacy Act (FERPA).

(C) Confidential law enforcement investigatory records pursuant to section 149.43 of the Revised Code.

4733-40-05 Restricting and logging access to confidential personal information in computerized personal information systems.

For personal information systems that are computer systems and contain confidential personal information, the board shall do the following:

(A) Access restrictions. Access to confidential personal information that is kept electronically shall require a password or other authentication measure.

(B) Acquisition of a new computer system. When the board acquires a new computer system that stores, manages or contains confidential personal information, the board shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(C) Upgrading existing computer systems. When the board modifies an existing computer system that stores, manages or contains confidential personal information, the board shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

(D) Logging requirements regarding confidential personal information in existing computer systems.

(1) The board shall require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.

(2) Access to confidential information is not required to be entered into the log under the following circumstances:

(a) The employee of the board is accessing confidential personal information for official agency purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(d) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:

(i) The individual requests confidential personal information about himself/herself.

(ii) The individual makes a request that the board takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.

(3) For purposes of this paragraph, the board may choose the form or forms of logging, whether in electronic or paper formats.

(E) Log management. The board shall issue a policy that specifies the following:

(1) Who shall maintain the log;

(2) What information shall be captured in the log;

(3) How the log is to be stored; and

(4) How long information kept in the log is to be retained.

Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary.

C. Case Studies – Violations and Disciplinary Actions

The following is excerpted from the Ohio Board website:

Enforcement information

Although the Board does not represent individuals who file complaints, we review complaints in a timely manner to make sure that a complaint is processed, and appropriate action taken. Violations of the registration law may include:

- illegal practice of engineering or surveying,
- aiding and abetting the illegal practice of engineering or surveying,
- offering engineering or surveying services without a certificate of authorization,
- plan stamping,
- code of ethics violations,
- violations of the minimum standards for boundary surveys or mortgage surveys, and
- other violations of the Board's registration laws or rules.

Matters such as boundary disputes and failure to fulfill contractual obligations are not within the jurisdiction of the Board and require legal resolution. Likewise, the Board has no power to order restitution and does not establish or review costs for professional services. If wrongdoing by an Ohio registrant is proven in court, send the Board a certified copy of the order issued by the Court.

How to file a complaint

Anyone may file a complaint. Board policy is that all complaints must be made in writing and should contain sufficient factual evidence to indicate a clear violation of the registration law. Include with your complaint as much factual evidence as possible; including copies of plans, plats, pictures, maps, documents, contracts and the names, addresses and phone numbers of potential witnesses. Any documents received with your complaint will not be returned. Most documents received by the Board are public records and subject to Ohio's Public Records Act. This law requires nearly all public records to be available for inspection by anyone, upon reasonable request. Complaints can be mailed or delivered to:

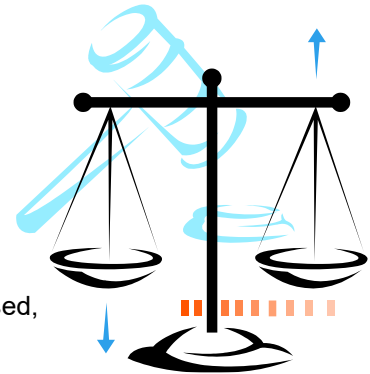
Board Enforcement Office
Ohio Engineers and Surveyors Board
77 S High St Room 1698
Columbus, OH 43215-6108

What happens after a complaint is received?

After you file a complaint you will receive written confirmation from the Board that your complaint was received. The complaint is reviewed by the Board enforcement staff to determine if further investigation is required. The respondent is often sent a copy of the complaint and given 20 days to respond to the allegation. If the respondent is unwilling to cooperate or the allegation requires the Board attention, the complaint is presented to the Board and a formal investigation is opened.

Once a formal investigation is opened, the enforcement staff proceeds to gather all relevant information and conduct interviews of the witnesses. When the investigation is completed, the enforcement staff reviews the data to determine if charges should be filed with the Board Secretary. If charges are filed, the Board reviews the charge and may prefer formal charges against the respondent and issue a Charge and Notice of Opportunity for Hearing. If a hearing is not requested, the Board reviews the evidence and decides on an appropriate disciplinary action and issues a Final Order.

If a hearing is requested, a hearing is scheduled before a Hearing Officer. After hearing the evidence, the



Hearing Officer issues a Report and Recommendations to the Board. The Board reviews the Hearing Officer Report and Recommendations and either accepts, rejects or modifies the Report and Recommendations. The Board then decides on the appropriate disciplinary action and issues a Final Order.

Disciplinary action taken against registrants may include:

- Settlement Agreement
- Reprimand
- Probation
- Limitation on registration
- Suspension
- Revocation

The Board Final Orders can be appealed to the Court of Common Pleas and subsequent appeals can be made to the Court of Appeals and the Ohio Supreme Court. The Board does not have jurisdiction over unlicensed persons practicing engineering or surveying, and therefore cannot take disciplinary action against them. However, after an investigation, the Board may seek a settlement agreement, an injunction or criminal prosecution to prohibit further unlicensed activity.

Case Studies

The following is excerpted from Ohio PE & LS Board Newsletters 10/04, 10/05 and 10/06:

Note: Names of individuals or companies have been abbreviated in some cases.

R.T.S., P.E., Nags Head, North Carolina

VIOLATION: Professional registration revoked by another jurisdiction in violation of ORC 4733.20 (A) (5) and OAC 4733-35-08.

BOARD ACTION: Settlement Agreement to voluntarily relinquish his certificate of registration to practice engineering in Ohio.

J.U.B., P.E., Como, Mississippi

VIOLATION: Professional registration revoked by another jurisdiction in violation of ORC 4733.20 (A) (5) and OAC 4733-35-08.

BOARD ACTION: Settlement Agreement to voluntarily relinquish his certificate of registration to practice engineering in Ohio.

L.A.G., P.S., Beavercreek, Ohio

VIOLATION: Misconduct in the practice of professional surveying in violation of Ohio Revised Code Section 4733.20 (A) (2).

BOARD ACTION: Suspended L.A.G.'s registration as a professional surveyor for 6 months. The entire suspension was stayed provided that Mr. Green does not commit any other professional misconduct during the six-month stayed suspension period. Mr. Green was also issued a letter of reprimand. L.A.G. has appealed the Board's order.

J.D.O., P.S., Upper Arlington, Ohio

VIOLATION: Ohio Revised Code Section 4733.20 (A) (2) and (5) and Ohio Administrative Code 4733-37 (Minimum Standards for Boundary Surveys)

BOARD ACTION: Settlement agreement wherein he agreed to the following: accepted a letter of reprimand that will become part of his permanent file; eight (8) month suspension of his certificate of registration as a professional surveyor; the suspension will be stayed pending completion of one-year probation beginning June 1, 2004. On or before May 31, 2005 J.D.O. must successfully complete a college course in boundary surveying approved by the Board.

J.J.M., Vandalia, Ohio

VIOLATION: Represented himself as a registered professional engineer and registered professional surveyor at a time when he did not possess a certificate of registration to practice engineering or surveying in Ohio in violation of Ohio Revised Code Sections 4733.02 and 4733.22. J.J.M. submitted an application for employment to an Ohio engineering firm indicating that he was a registered professional engineer and professional surveyor in the State of Ohio and that he had previous experience managing engineering and surveying projects for various firms.

BOARD ACTION: Settlement agreement wherein he agreed to the following terms:

- Agreed not to engage in the practice of engineering or surveying or hold himself out to the public as qualified to offer and/or provide engineering or surveying services.
- Agreed that he will not apply for registration as a professional engineer or surveyor in the State of Ohio or apply to take the Fundamentals of Engineering or the Principles and Practice of Engineering or the Fundamentals of Surveying or the Principles and Practice of Surveying examinations and that if he does so apply the Board may summarily deny his application.
- Agreed to pay a \$1000 fine.

J.R.A. Jr., Canfield, Ohio

VIOLATION: Engaged in the practice of professional surveying at a time when he did not possess a certificate of registration to practice engineering or surveying in Ohio in violation of Ohio Revised Code Sections 4733.02 and 4733.22.

BOARD ACTION: Settlement agreement to cease and desist.

D.P.M., P.S., Toledo OH

A.L.S. & E, Inc., Toledo OH

VIOLATION: Through fraud and deceit, D.P.M. obtained a Certificate of Authorization for his firm to provide engineering services by listing three professional engineers as Directors of the corporation without the engineers' knowledge or consent.

BOARD ACTION: Issued a Final Order suspending D.P.M.'s P.S. registration for two years. Revoked the company's Certificate of Authorization. D.P.M. appealed the Board's order to the Lucas County Common Pleas Court which upheld the Board's order.

D.L.K., P.E., Kernersville NC

VIOLATION: Professional registration revoked by another jurisdiction in violation of ORC 4733.20 (A) (5) and OAC 4733-35-08.

BOARD ACTION: Issued a Final Order to revoke D.L.K.'s certificate of registration to practice engineering in Ohio.

K.W., P.S., Cincinnati OH

VIOLATION: Sealed survey plats that were not prepared with his personal professional knowledge and under his direct supervisory control and responsibility in violation of ORC 4733.20 (A) (2) and (5); OAC 4733-35-07 (A).

BOARD ACTION: Reprimand and Settlement Agreement to cease and desist.

M.D., S.I., Ripley OH

VIOLATION: Engaged in the practice of surveying by preparing survey plats and accepting payments for surveying services in violation of ORC 4733.02, 4733.22.

BOARD ACTION: Settlement Agreement to cease and desist; cannot take PS exam until October 2006; \$500 fine.

J.S.S., P.E., Franklin OH

VIOLATION: Sealed engineering documents and plans that were not prepared with his personal professional knowledge and under his direct supervisory control and responsibility in violation of ORC 4733.20 (A) (2), (5); OAC 4733-35-07 (A).

BOARD ACTION: Reprimand and Settlement Agreement to cease and desist.

W.W.D., P.E., Owensboro KY

VIOLATION: Professional registrations revoked and suspended by another jurisdiction in violation of ORC 4733.20 (A) (5); OAC 4733-35-08.

BOARD ACTION: Issued a Final Order to suspend W.W.D.'s certificate of registration to practice engineering in Ohio for eight months (six months stayed); **\$1,000 fine.**

G.R.W., P.E., Maumee OH

VIOLATION: Convicted of a felony in violation of ORC 4733.20 (A) (4), (5); OAC 4733-35-08.

BOARD ACTION: Issued a Final Order to revoke G.R.W.'s certificate of registration to practice engineering in Ohio.

R.M.G., P.S., Valley View OH

VIOLATION: Convicted of a felony in violation of ORC 4733.20 (A) (4), (5); OAC 4733-35-08.

BOARD ACTION: Issued a Final Order placing Mr. Gugar on two years probation, random drug screening; **\$1,000 fine.**

D.G.V., P.S., Akron OH

VIOLATION: D.G.V. did not admit any wrongdoing but admitted that he had in his possession a copy of a sample legal description and used that copy to answer the legal description portion of the Principles and Practice of Surveying examination.

BOARD ACTION: Settlement agreement to return the sample legal description, cooperate with the Board's investigation and retake the legal description portion of the exam.

J.D.O., P.S., Upper Arlington OH

VIOLATION: Convicted of a felony in violation of ORC 4733.20 (A) (4) and (5); OAC 4733-35-08.

BOARD ACTION: Issued a Final Order to suspend J.D.O.'s certificate of registration to practice surveying in Ohio for two years and eight months.

K.S., Technical Services, Bolivar OH

VIOLATION: Engaged in the practice of surveying by preparing survey plats and mortgage surveys and accepting payments for surveying services in violation of Ohio Revised Code Sections 4733.02 and 4733.22.

BOARD ACTION: Settlement Agreement to cease and desist; **\$500 fine.**

R.W.W., P.S., Lawrenceburg IN

VIOLATION: Professional registration suspended by another jurisdiction in violation of ORC 4733.20 (A) (5); OAC 4733-35-08.

BOARD ACTION: Reprimand and Settlement Agreement to cease and desist and complete sanctions imposed by KY Board.

D.M.L., Martins Ferry OH

VIOLATION: Engaged in the practice of surveying after his registration had expired in December 2002.1

BOARD ACTION: Professional Surveyor registration revoked for violations of ORC 4733.02, 4733.14, 4733.20 (A) (2), 4733.22. **\$1,000 fine.**

M.D.J., Painesville OH

VIOLATION: Engaged in the practice of engineering by preparing engineering plans in violation of ORC 4733.02, 4733.22.

BOARD ACTION: Settlement Agreement to cease and desist.

D.H., Broadview Heights OH

VIOLATION: Engaged in the practice of engineering by preparing engineering plans in violation of ORC 4733.02, 4733.22.

BOARD ACTION: Settlement Agreement to cease and desist.

J.F.C., P.S., North Lawrence OH

VIOLATION: Engaged in the practice of surveying after his registration had expired in December 2002.

BOARD ACTION: P.S. registration revoked for violations of ORC 4733.02, 4733.20 (A) (2), 4733.22; OAC 4733-23-01 (A). **\$1,000 fine.**

J.L.M., R.A. Willoughby, Ohio

VIOLATION: Illegal practice of engineering by using his architect's registration seal to seal engineering drawings prepared by unlicensed contractors.

BOARD ACTION: Settlement Agreement to cease and desist.

E.R.R., P.S., Hamilton, Ohio

VIOLATION: Practiced surveying at a time when his registration as a professional surveyor was expired.

BOARD ACTION: Entered into a settlement agreement, received a written reprimand, registration not renewed until March 13, 2006 and fined **\$1,000.**

N.B.C. Jr., P.E., Meridian, Mississippi

VIOLATION: Professional registration suspended by another jurisdiction which constitutes a violation of ORC 4733.20 (A) (5) and OAC 4733-35-08.

BOARD ACTION: Settlement agreement to serve a suspension concurrent with the TN suspension.

W.T.T., E.I., New Philadelphia, Ohio

VIOLATION: Failure to follow exam instructions.

BOARD ACTION: The Board will not permit W.T.T. to take the Principles and Practice of Engineering examination until October 2010.

R.M., E.I., Willoughby, Ohio

VIOLATION: Failure to follow exam instructions.

BOARD ACTION: The Board will not permit Ms. Marchini to take the Principles and Practice of Engineering examination until October 2010.

S.A., Uniontown, Ohio

VIOLATION: Failure to follow exam instructions.

BOARD ACTION: The Board will not permit Mr. Awadallah to take the Principles and Practice of Engineering examination until October 2010.

D.P.M., P.S. (suspended), Toledo, Ohio

VIOLATION: D.P.M. continued to practice surveying at a time when his professional registration was suspended.

BOARD ACTION: Issued a Final Order to revoke D.P.M.'s certificate of registration to practice surveying in Ohio.

G.E.A., P.E., Twinsburg, Ohio

VIOLATION: Convicted of a felony in violation of ORC 4733.20 (A) (4) and (5) and OAC 4733-35-08

BOARD ACTION: Issued a Final Order suspending G.E.A.'s registration for two months. The suspension was stayed with the following conditions: placed six months on probation, pay a **\$1,000 fine**, no further violations of law.

M.P.S., Jacksonville, Florida

VIOLATION: Admitted to cheating on the Fundamentals of Engineering examination.

BOARD ACTION: The Board passed a motion to not score M.P.S.'s October 2005 Fundamentals of Engineering examination and to not allow him to take the Fundamentals of Engineering examination until October 2010.

C.B./ B. Inc., Wixom, Michigan

VIOLATION: C.B. provided plans to a client for the design of a pole barn bearing the professional engineer seal of an Ohio licensed engineer who denied any involvement in the preparation of the plans [Illegal practice O.R.C. 4733.02 and 4733.22].

BOARD ACTION: Settlement Agreement to cease and desist and pay a **\$500 fine.**

W.M., P.E., Loveland, Ohio

VIOLATION: Continued to engage in the practice of engineering while his professional registration was expired.

BOARD ACTION: Settlement Agreement wherein he agreed to pay a **\$3,000.00 fine**, agreed that the Board would not reinstate his professional engineer registration until July 20, 2006 and that in the future he will annually renew his certificate of registration on or before the last day of December each year.

E.F.M., P.E., Lexington, Kentucky

VIOLATION: Professional registration revoked by another jurisdiction in violation of ORC 4733.20 (A) (5) and OAC 4733-35-08.

BOARD ACTION: Issued a Final Order to revoke E.F.M's certificate of registration to practice engineering in Ohio.

F.J.S., P.E., Arnold, Missouri

VIOLATION: Professional registration revoked by another jurisdiction in violation of ORC 4733.20 (A) (5) and OAC 4733-35-08.

BOARD ACTION: Issued a Final Order to revoke F.J.S.'s certificate of registration to practice surveying in Ohio.

G.P.W., P.E./G.W. Engineering, Inc., Columbus, Ohio

VIOLATION: Continued to engage in the practice of engineering while his professional registration was expired.

BOARD ACTION: Settlement Agreement wherein he received a written reprimand, agreed to pay a **\$250.00 fine** and that in the future he will annually renew his certificate of registration on or before the last day of December each year.

D. Frequently Asked Questions (FAQ)

Some of the following FAQ are excerpted from the Ohio Board website:

Q. What is plan stamping?

Plan stamping occurs 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.

Plan stamping is an improper conduct and is prohibited by the Board (see Ohio Administrative Code Chapter 4733-35-07(A)).

Q. What is the difference between CPD hours adopted by the Ohio Board and PDH units used by other jurisdictions?

CPD stands for Continuing Professional Development while PDH for Professional Development Hour. They are equivalent terminology for continuing education purposes. One CPD unit is equal to one PDH unit (one Professional Development Hour).

Q. How many CPD hours are required annually?

Thirty (30) CPD hours or PDH units are required biennially. For a dual licensee, he/she will need to complete a minimum of 10 of the 30 required hours in engineering-related coursework or activities and a minimum of 10 of the 30 required hours in surveying-related coursework or activities.

Q. Does the Board allow carryover of excess CPD hours?

Yes, up to 15 excess CPD hours may be carried over to the next renewal period.

Q. Does the Board pre-approve courses or course providers?

No, the Board does **not** pre-approve courses or course providers. Each licensee is responsible to make sure that his/her courses meet the requirements specified in R.C. section 4733.151. Courses (including correspondence courses and online courses), conferences, seminars (including webinars) and workshops in technical, ethical or managerial topics are acceptable provided that: (1) the course, seminar or activity is relevant to the practice of engineering or surveying; and (2) the course provider is reputable and can demonstrate knowledge and expertise on the subject matter.

Q. Does self-directed study count?

No. Self-directed study does not count. Self-directed study is any independent study where an individual has primary responsibility for planning, implementing, and evaluating their effort. The Board does not accept self-directed study.

Q. Do online courses qualify?

It depends. For an online course to qualify, it must meet the requirements specified in Ohio R.C. section 4733.151. You must be able to track hours and certify completion. The online course provider must submit to you a certificate of completion or other proof of attendance. The Timed & Monitored courses administered by PDH Online meet the requirements specified in Ohio R.C. section 4733.151. and, therefore, are acceptable to the Ohio Board.

Q. Does the board accept correspondence courses?

The Board allows up to a maximum of three (3) hours continuing professional development hours per year for the completion of correspondence course (paper, online, or other formats) provided the course and the course provider meet the requirements of R.C. 4733.151.

Q. How long do I need to keep my CPD activity log and supporting documentation?

You will need to keep your annual CPD activity log and supporting documents for **four years**. You must also keep proof of attendance, such as a certificate, letter of attendance or any other form that can verify the CPD activity and date completed.

Q. Who keeps track of CPD?

You are responsible for maintaining records to demonstrate completion of CPD credits. Your records must include an activity log (PES 4012) specifying the type of coursework or activity, its location and duration; along with the instructor's name and the number of hours earned. Certificates of completion or other evidence verifying attendance must be kept with the records. You are required to keep your CPD documentation for four years.

Q. Do I need to submit my activity log or supporting documents with my annual renewal?

No. When needed, the Board will request your paperwork in writing.

Q. How will the Board ensure the accuracy of the CPD hours?

On your annual renewal form, you must certify that the information reported pertaining to attendance at relevant CPD programs and completion of relevant CPD activities is true and accurate. **Licensees who make false statements are subject to penalties under law.**

Q. What happens if I do not meet CPD requirements?

When the Board discovers that your required CPD hours have not been completed, you will be informed in writing and allowed a maximum of six months to remedy the deficiency. If the deficiency is not remedied, you will be offered an adjudication hearing which may result in the suspension or the revocation of your license.

Q. Are there any exemptions for not earning CPD hours?

The only exemption for not earning CPD hours is active duty in the U.S. military; which must be requested by using form PES 4021, **Military Waiver Request**; and verified in writing by your superior officer.

Q. When is the license/certificate renewal deadline?

The renewal deadline for individuals with an Ohio P.E. or Ohio P.S. is December 31 each odd year. The renewal deadline for firms holding an Ohio Certificate of Authorization to offer engineering or surveying services is June 30 each even year.

Q. What if I missed my license renewal deadline?

You must pay an additional 50% of the renewal fee if your license lapses for less than one year. Licenses with a lapse of more than 12 months will need to be reinstated. The reinstatement fee is equal to the number of renewal fees that have not been paid multiplied by three times the current renewal fee.

Q. If I let my Ohio license lapse, do I need to make up CPD hours to be reinstated?

Yes. A registrant may reinstate an inactive status by obtaining all delinquent CPD hours and by meeting the requirements set forth in Ohio A.C. Section 4733-25-01.

Q. Do I need to obtain a certificate of authorization as a sole proprietor?

Yes. Since 2014, the Ohio Board requires all firms, partnerships, associations, limited liability companies or corporations, including sole proprietorships, obtain a certificate of authorization from the Board before offering and providing engineering and/or surveying services in Ohio or using a name including one or more of the words engineer, engineering, surveyor, surveying or any modification or derivation of those words unless they are exempt under Ohio A.C. Section 4733-39-07.

Previously the Board's position was that a firm, partnership, association, limited liability company or corporation that offered and provided engineering or surveying services in Ohio must have a certificate of authorization granted by the Board, but a sole proprietor was not required to have a certificate of authorization and could practice under the individual's P.E. or P.S. registration unless they were operating under a fictitious name.

Q. Must a designated person in responsible charge of engineering or surveying services be on the corporate board of directors for a corporation to offer such services in Ohio?

No. In 2004, the board laws were updated to introduce two major changes:

- 1) The Ohio P.E. or Ohio P.S. designated in responsible charge of engineering or surveying services must sign the application and be a full-time employee — minimum 30 hours a week — of the firm applying for the Certificate of Authorization.
- 2) A corporation applying for a Certificate of Authorization no longer needs the Ohio P.E. or Ohio P.S. designated in responsible charge to be on the corporate board of directors.

Course Summary

To safeguard the life, health, property and welfare of the public, licensed professional engineers/land surveyors must fully understand the Board Laws and Rules. A licensee who violates any provision of the Laws and Rules may be subject to disciplinary action, such as a fine, reprimand, probation, suspension or revocation of the license.



- End -

Note: Once you finish studying the above course, you need to take a quiz online to obtain the PDH credits.