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OHIO ENGINEERING BOARD RULES, REGULATIONS & ETHICS

Main Category:	Ethics, Laws & Rules
Sub Category:	Laws & Rules
Course #:	RUL-119
Course Content:	81 pgs
PDH/CE Hours:	3

OFFICIAL COURSE/EXAM
(SEE INSTRUCTIONS ON NEXT PAGE)

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RUL-119 EXAM PREVIEW

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Exam Preview:

1. A “Professional surveyor” means a person who is registered as a professional surveyor under the Ohio Revised Code Chapter 4733.
 - a. True
 - b. False
2. The state board of registration for professional engineers and surveyors shall hold at least ____ regular meetings each year. Special meetings shall be held at the time provided in the bylaws of the board.
 - a. One
 - b. Two
 - c. Four
 - d. Five
3. A refundable registration fee, which shall be paid before the applicant has passed both examinations, shall be established by the board at an amount adequate to cover the expense of registration.
 - a. True
 - b. False
4. Experience gained under the technical supervision of an unlicensed individual shall be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
 - a. True
 - b. False

5. A new “Certificate of Authorization” shall be required 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.
 - a. True
 - b. False
6. The Fundamentals Canons of the NSPE Code of Ethics for Engineers states that Engineers, in the fulfillment of their professional duties, shall “Issue public statements only as directed by the engineer in charge of the project.”
 - a. True
 - b. False
7. If engineers’ ____ is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
 - a. Drawing approval
 - b. Design stamp
 - c. Code violation submittal
 - d. Judgment
8. The “Rules of Practice” state that Engineers shall not aid or abet the unlawful ____ by a person or firm.
 - a. Practice of engineering
 - b. Copying of stamped drawings
 - c. Stamping of drawings
 - d. Change of responsible charge
9. Engineers shall act for each employer or client as faithful agents or trustees. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
 - a. True
 - b. False
10. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others. Engineers using designs supplied by a client can be duplicated by the engineer for others without express permission, provided the project is not in direct competition to the initial client.
 - a. True
 - b. False

Ohio Revised Code Chapter 4733 | Complete Laws

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 effected 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 effected 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) 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.

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

(E) 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.

(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 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.

(A) The state board of registration for professional engineers and surveyors may 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. The temporary registration continues only for the time the board requires for consideration of the application for registration, provided a person is legally qualified to practice that profession in the person's own state in which the requirements and qualifications of registration are not lower than those specified in this chapter.

(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.

Effective Date: 08-06-2002; 05-27-2005

4733.19 Reciprocity [Comity].

A person registered or licensed to engage in the practice of engineering or surveying by a proper authority of a state, territory, or possession of the United States, or the District of Columbia, who, in the opinion of the state board of registration for professional engineers and surveyors, meets the requirements of this chapter, based on verified evidence, may, upon application and payment of the established fee, be registered. Any person who seeks registration as a professional surveyor under this section must pass a two-hour professional practice examination, devoted to the laws and practices of this state prior to receiving such registration.

Effective Date: 08-06-2002

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 07-01-1973.

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

Ohio Administrative Code Chapter 4733 | Complete Rules

4733-1 General Provisions

4733-1-01 Notice for change of rule.

(A) Before a new rule is adopted or an existing one amended or rescinded, the Ohio state board of registration for professional engineers and surveyors shall, at least thirty (30) days prior to the date set for a hearing, as provided by [section 119.03](#), of the Revised Code, give public notice of such hearing by ordering the publication of its intention to consider the adoption, amendment, or rescission or such rule or rules by posting such notice on the website for the register of Ohio and the website for the Ohio state board of registration for professional engineers and surveyors. Such notice will provide the date, time and place of the proposed hearing. The text of the proposed rule, amendment, or rule to be rescinded shall be made available on the website for the register of Ohio.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.07

Prior Effective Dates: 10/06/1967; 11/01/2003

4733-1-02 Name.

The name of this board as fixed by Sec. 4733.03 R.C. is the STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS. For the purpose of brevity in the succeeding by-laws, this organization shall be subsequently referred to as the "Board."

Effective date: 10/06/1967

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03
Statutory Authority: R.C. 4733.07
Rule Amplifies: R.C. 4733.03
Prior Effective Date: 10/06/1967

4733-1-03 Headquarters.

The headquarters of the Board shall be at Columbus, Ohio.

Effective date: 10/06/1967
R.C. 119.032 review dates: 08/18/2008 and 08/18/2013
Promulgated Under: R.C. 119.03
Statutory Authority: R.C. 4733.07
Rule Amplifies: R.C. 4733.03
Prior Effective Date: 10/06/1967

4733-1-04 Board seal.

The seal of the Board shall be as follows: an embossed circular seal two and one-fourth inches in diameter consisting of two concentric circles, the outer circle to be two and one-eighth inches in diameter, the inner one to be one and three-eighths inches in diameter and containing the great seal of the State of Ohio, "State Board of Registration for Professional Engineers and Surveyors."

Effective date: 10/06/1967
R.C. 119.032 review dates: 08/18/2008 and 08/18/2013
Promulgated Under: R.C. 119.03
Statutory Authority: R.C. 4733.07
Rule Amplifies: R.C. 4733.03
Prior Effective Date: 10/06/1967

4733-3 Officers

4733-3-01 The chairperson.

The chairperson shall, when present, preside at all meetings and shall appoint all committees and shall otherwise perform all duties pertaining to the office of chairperson and shall sign all certificates and other official documents.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.06

Prior Effective Dates: 10/06/1967; 11/01/2003

4733-3-02 The vice-chairperson.

The vice-chairperson shall, in the absence or incapacity of the chairperson, exercise the duties and shall possess all the powers of the chairperson.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.06

Prior Effective Dates: 10/06/1967; 11/01/2003

4733-3-03 The secretary.

The secretary shall be the overall supervisor of the office of the board and have general charge of all functions of its operation as carried out under the direct supervision of the executive director. The secretary shall sign all certificates and other official documents.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.06

Prior Effective Dates: 10/06/1967; 11/01/2003

4733-3-04 The executive director.

The executive director shall be directly responsible to the secretary and shall conduct and care for all correspondence in the name of the board and shall record and file all applications, certificates of registration, examinations, registrations and revocations; keep a record of all meetings and shall maintain a proper account of all the business of the board; shall receive and account for all monies and transfer same to the state treasurer; shall present to the board annually at the September meeting a report of the transactions of the board of the preceding fiscal year, and a complete statement of the receipts and expenditures of the board, and upon its being approved by the board shall transmit the same to the governor.

The executive director shall assemble all necessary information required for preparation of an electronic roster showing the name and address of each registered professional engineer and each registered professional surveyor, as required by law.

Effective date: 11/24/2008

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.06

Prior Effective Dates: 10/06/1967;11/01/2003; 11/24/2008

4733-3-05 Vacancies.

If for any reason vacancies shall occur in the office of chairperson, vice-chairperson and/or secretary, the office or offices shall be filled by an election of the board members either at a regular stated meeting or a special meeting called for that purpose. Any officers so elected shall receive not less than three affirmative votes.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.06

Prior Effective Dates: 10/06/1967; 11/01/2003

4733-5 Procedural Rules

4733-5-02 Notice of meeting.

(A) A notice and proposed agenda of each meeting of the board shall be sent to each member of the board, by the executive director, and shall be deemed full and proper notice thereof. A copy of the minutes of the previous meeting shall accompany the agenda for review prior to approval at the next meeting.

(B) Any person may ascertain the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings by:

(1) Writing to the following address: "The State Board of Registration for Professional Engineers and Surveyors, 50 West Broad Street, 18th Floor, Columbus, Ohio 43215."

(2) Calling the following telephone number during normal business hours: (614) 466-3651.

(3) Any person may receive notice of all meetings of the board. The executive director shall maintain a list of all persons who have requested such notification.

(C) Any representative of the news media may obtain notice of all special meetings by requesting in writing that such notice be provided. Such notice will only be given, however, to one representative of any particular publication or radio or television station.

The request shall provide the name of the individual media representative to be contacted, the mailing address and a maximum of two telephone numbers where the representative can be reached. The executive director shall maintain a list of all representatives of the news media who have requested notice of special meetings pursuant to this rule.

(D) In the event of a special meeting not of an emergency nature, the executive director shall notify all media representatives on the list of such meeting by doing at least one of the following:

(1) Sending written notice, which must be sent no later than four calendar days prior to the day of the special meeting;

(2) Notifying such representatives personally or by telephone no later than twenty-four hours prior to the special meeting; such telephone notice shall be complete if a message has been left for the representative.

(E) In the event of a special meeting of an emergency nature, the executive director shall notify all media representatives on the list of such meeting by notifying the clerk of the state house press room. In such event, however, the notice need not be given twenty-four hours prior to the meeting but shall be given as soon as possible.

(F) In giving the notices required by paragraph (C) of this rule the executive director may rely on assistance provided by any member or employee of the board and any such notice is complete if given by such member or employee in the manner provided in paragraph (C) of this rule.

Effective date: 11/24/2008

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C.4733.06

Prior Effective Dates: 10/06/1967; 04/20/1990; 11/01/2003; 11/24/2008

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

4733-9-01 Experience and examinations.

(A) The phrase "Graduation from a college curriculum in engineering that is not approved by the engineering accreditation commission of the accreditation board for engineering and technology" used in division (A)(2)(a) of section 4733.11 of the Revised Code is interpreted by the board to mean

a “baccalaureate degree in engineering not accredited by the engineering accreditation commission of the accreditation board for engineering and technology such as those programs recently developed or programs offered by foreign schools evaluated by the board as being substantially equivalent to those which have been accredited.”

(B) The board shall consider applications from persons possessing one of the following qualifications:

(1) Professional engineer — A graduate of an approved engineering curriculum of four academic years or more from a school or college approved by the board, and who has had four or more years of experience of a type satisfactory to the board.

(2) Professional engineer — Having satisfactorily completed four academic years or more from a college curriculum in engineering that is not approved by the “Education Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET)”, or in engineering technology and who has eight years or more of progressive experience in engineering work indicating that the applicant is competent to be placed in responsible charge of such work.

(3) As a professional surveyor after December 31, 1992, either by:

(a) Graduation from an approved curriculum in surveying of four years or more in a recognized school or college, and a specific record of an additional four years or more of surveying office and field experience of a character acceptable to the board, with at least two of these years in responsible charge of this work under the direct supervision of a professional surveyor, and passing the prescribed written, or written and oral examination;

(b) Graduation from an approved curriculum in civil engineering of four years or more in a recognized school or college, successful completion of at least twenty-four quarter hours, or equivalent semester or trimester hours, of approved surveying courses in surveying directly 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 eight quarter hours, or equivalent semester or trimester hours, are in property surveying, and a specific record of an additional four years or more of surveying office and field experience of a character acceptable to the board, with at least two of these years in responsible charge of this work under the direct supervision of a professional surveyor, and passing the prescribed written, or written and oral examination.

(C) Cut-off date for new or renewed applications for each examination is one hundred twenty days before the examination date. All experience or education and experience requirements must be met one hundred twenty days before the examination date.

Effective date: 11/24/2008

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.11

Prior Effective Dates: 12/01/1968; 06/01/1977; 03/18/1989; 10/22/1990; 05/31/1994; 04/01/2003; 11/01/2003; 11/24/2008

4733-9-02 Acceptable engineering experience defined.

(A) Satisfactory engineering work shall be of a nature such that its adequate performance requires engineering education, training, or experience and must be demonstrated through the application of the mathematical, physical and engineering sciences. Satisfactory engineering experience shall include but not be limited to, an acceptable combination of the following types of engineering activities:

- (1) Design or conceptual design of engineering works, products, or systems;
- (2) Development or optimization of plans and specifications for engineering works, products, or systems;
- (3) Analysis, consultation, investigation, evaluation, planning or other related services for engineering works, products, or systems;
- (4) Planning the use or alteration of land, water, or other resources;
- (5) Engineering for development of operating and maintenance manuals;
- (6) Engineering for construction, or inspection of construction for the purpose of assuring compliance with drawings or specifications;

(7) Engineering for materials testing and evaluation;

(8) Any other work of a mechanical, electrical, electronic, chemical, hydraulic, pneumatic, geotechnical, or thermal nature that requires engineering education, training or experience for its adequate performance;

(9) Teaching experience, to be creditable, must be in engineering or engineering-related subjects at an advanced level in a college or university offering an engineering program of four years or more that is approved by the board.

(10) Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable.

(B) Experience shall not be obtained in violation of the licensure act.

(C) Experience gained in the armed services, to be creditable, shall be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in an engineering or engineering-related group.

(D) Experience shall be gained under the supervision of a licensed professional engineer or, if not, an explanation shall be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual shall be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.

(E) For sales experience to be creditable, it shall be demonstrated that engineering principles were required and used in gaining the experience.

(F) Experience in construction, to be creditable, must demonstrate the application of engineering principles.

(G) Successful completion of graduate study leading to the master's degree in engineering which has followed a baccalaureate degree in engineering from an accredited program may be used for credit for one year's experience. If the Ph.D. in engineering is completed under the same conditions, two years total experience may be credited. The two years credit includes the one year for the master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience may be two

years. Credit for work experience and for undergraduate or graduate study, occurring within the same period, shall not exceed the elapsed calendar time during which this occurs.

(H) In the review of engineering experience, the board shall consider whether the experience was sufficiently complex and diverse, and of an increasing standard of quality and responsibility and whether the quality of engineering work shows minimum technical competency.

Replaces: part of 4733-9-04

Effective date: 11/24/2008

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.11

Prior Effective Dates: 10/04/1976; 04/14/1985; 03/08/1989; 02/01/1996; 11/01/2003; 11/24/2008

4733-9-04 Examinations and minimum grades and intern certificates.

(A) Examinations for surveyors and engineers will be held two times each year on dates set by the national council of examiners for engineering and surveying.

(B) The language of the examination will be in English.

(C) The written examination required for original registration will be given in two days, of eight hours each.

(D) Locations at which the examinations are given are designated by the board.

(E) In determining an applicant's qualifications for registration by written examination, the following minimum grades will be required:

(1) For stage one of the written examination, covering the fundamentals of engineering or fundamentals of surveying, a passing grade as set by the national council for examiners of engineering and surveying and approved by the board is required.

(2) For stage two of the written examination, covering the principles and practice of engineering, a passing grade as set by the national council of examiners for engineering and surveying and approved by the board is required.

(3) For stage two of the written examination, covering the principles and practice of surveying, the applicant must pass both the six hour national principles and practice examination and the two hour professional practice examination devoted to the laws and practices of this state. A passing grade as set by the national council of examiners for engineering and Surveying and approved by the board is required for the six hour national principles and practice examination and a minimum grade of seventy is required for passing the two hour professional practice examination devoted to the laws and practice of this state .

(F) Recent graduates or currently enrolled students may apply to take the "Fundamentals of Engineering or Fundamentals of Surveying" examination by submitting a letter from an authorized college or university representative instead of submitting an official curriculum transcript. For the purposes of this section, a "recent graduate" is a person who has graduated but cannot produce an official transcript ninety days before the examination. Currently enrolled students must anticipate graduation within six months after the next scheduled examination.

(1) For the "Fundamentals of Engineering" examination, the board will only consider Ohio EAC/ABET accredited engineering curricula or Ohio TAC/ABET accredited engineering technology curricula.

(2) For the "Fundamentals of Surveying" examination the board will only consider Ohio ASAC/ABET accredited surveying curricula or Ohio board approved surveying curricula.

(G) Upon successful completion of the fundamentals examination, a certificate as an engineer intern or surveyor intern will be issued by the board. Such certificate as an engineer intern or surveyor intern does not allow the holder of such a certificate to perform, offer to perform or contract for engineering or surveying services or to use the initials P.E. or P.S. with their name.

(H) A person who has passed the NCEES fundamentals of engineering or surveying examinations from another state, territory of the United States, or District of Columbia will not need to again pass said examinations in Ohio.

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Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.13

Prior Effective Dates: 10/04/1976; 04/14/1985; 03/08/1989; 02/01/1996; 11/01/2003; 11/24/2008

4733-13 Registration by Endorsement, Reciprocity [Comity], or Temporary Certification

4733-13-01 Comity and temporary registration.

(A) Every state requires registration for engineers and surveyors who engage in professional practice within its borders. A person who desires to accept employment in another state should know how to continue practicing there in a legal manner.

(B) The national council of examiners for engineering and surveying has endeavored for many years to develop a plan for registration by comity, but every state must measure the qualifications of each individual to whom it grants a professional license. The Ohio board will grant registration to a licensee of another state when the applicant has met the standards equal to those specified in the law of this state at the time his certificate of registration was received. However, the person applying for registration as a professional surveyor by comity in Ohio, shall be required to pass the final two hour professional examination, devoted to the laws and practices peculiar to the state of Ohio.

(C) The Ohio board cannot guarantee that an Ohio registrant will be granted a license elsewhere merely because of registration in this state.

(D) An Ohio registrant desiring registration in another state should contact the board of the state in which the registrant is interested, for an application and instructions. The Ohio board will be contacted by the other state board relative to the applicant's record, and will furnish the information promptly.

(E) Division (A) of section 4733.18 of the Revised Code permits a registered engineer or surveyor of another state to practice temporarily in Ohio until permanent registration is granted. It is conditioned on the provisions that such person is legally qualified by registration to practice the said profession in the applicant's own state or U.S. territory and that the qualifications under which said applicant

obtained registration in said state meet the requirements of section 4733.11 and section 4733.19 of the Revised Code, which are prerequisite for becoming registered in Ohio by all applicants.

(F) In order to enable the board to ascertain if a person requesting temporary registration is qualified, it shall be necessary to file with the board an application for a temporary permit along with an affidavit showing the state or states or U.S. territory in which the applicant is registered and the qualifications by which the applicant obtained such registration.

(G) If the request for a temporary registration is made under the provisions of section 4733.18 of the Revised Code, an application for permanent Ohio registration shall accompany such request.

(H) If, after examination of said request for a temporary permit and verification of the pertinent information, it is found that the applicant meets the requirements as set forth above, the executive director of the board is authorized to issue and sign the requested permit. The applicant may then legally practice in this state under the terms and conditions set forth in said permit.

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Rule Amplifies: R.C. 4733.19

Prior Effective Dates: 12/01/1968; 06/01/1977; 07/01/1982; 04/15/1985; 10/22/1990; 11/23/1991; 04/30/1993; 11/01/2003; 11/24/2008

4733-17 Form of Application

4733-17-01 Form of application.

Applications for registration shall be made only on forms issued by the board. No applications made otherwise than on such form will be accepted by the board. In the event that forms issued by the board do not contain sufficient space for evidence to be submitted, the applicant may attach additional sheets to said form to any extent desired by applicant, but such attached sheets shall for convenience of filing be of the same size as the forms and shall be securely attached thereto.

The board requires an official transcript of degrees subsequent to high school. It is the duty of the applicant to see that such a record is enclosed with application when submitted, since no action will be taken by the board until such information is received. All foreign language documentation submitted with the completed application must be accompanied by certified English translations. The translation report shall be sent directly from the translator to the board for review.

Those applicants who, for political or other valid reasons, are unable to obtain their college transcripts shall be processed on a case-by-case basis by the board.

The board may require an independent evaluation of the engineering education of an applicant who was educated outside the United States or has graduated from an unaccredited engineering program. Such evaluation shall be done through an organization approved by the board and shall be done at the expense of the applicant. Such evaluation may be waived if the applicant has received a graduate degree from a United States institution which has a bachelor's degree program accredited by EAC/ABET in the discipline of the applicant's graduate degree and, in the judgment of the board, has completed the equivalent of an EAC/ABET undergraduate program.

A photograph of the applicant shall appear in the space provided upon the application form. It shall be an unretouched photograph taken within six months of the date of application, and the face shall be portrayed not less than three-fourths inch in width.

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Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.12

Prior Effective Dates: 12/01/1968; 11/01/2003; 11/24/2008

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

4733-19-01 Application, examination, registration and renewal fees.

(A) The board shall establish and publish a fee schedule which will be available for all applicants and registrants.

(B) The appropriate nonrefundable application fee must accompany each examination or reexamination request.

(C) Make all checks payable to: "Treasurer, State of Ohio" and submit to the board office.

(D) If an applicant is not eligible or does not schedule for the applied examination, the application fee will be retained to cover the cost of processing the application.

(E) Unless otherwise stipulated by the board the payment of the registration fee will constitute payment of the license fee for the remainder of the licensing period in which the certificate of registration was issued. Upon successfully passing both examinations a certificate of registration will be issued by the board authorizing applicant to practice as a professional engineer or professional surveyor.

(F) A nonrefundable renewal fee for all certificates of registration is due and payable on or before December thirty-first of each licensing period for the ensuing licensing period (See section 4733.15 of the Revised Code).

(G) Use of the "UserID" and password issued for electronic renewals is solely the responsibility of the licensee to whom it is issued and may not be transferred, distributed, or shared with any other person. The licensee assumes responsibility for all entries and user of the "UserID" and password. The "UserID" and password shall constitute the legally recognized signature for the purpose of this rule.

(H) Completion of the paper application for renewal shall be signed by the licensee.

(I) Any person who knowingly makes a false statement on the renewal application form is guilty of falsification under section 4733.20 of the Revised Code.

(J) The renewal applicant shall demonstrate in a manner prescribed by the board that the applicant has met the continuing professional development requirements for the license that the applicant holds.

(K) A licensee is exempt from the continuing professional development requirement during the first calendar year of registration. Each licensee thereafter must earn fifteen hours of continuing professional development.

(L) If a registrant fails to renew a certificate of registration by December thirty-first of the licensing period, the fee to be paid for renewal after December thirty first, but within the following twelve months, shall be increased by fifty percent. A registrant who fails to renew a certificate of registration for a period greater than twelve months shall be assessed a reinstatement fee which shall equal the number of renewal fees that have not been paid multiplied by three times the current renewal fee. The registrant shall submit proof of completion of fifteen hours of continuing professional development for each lapsed year.

(M) As permitted by the provisions of section 4733.15 and section 4733.151 of the Revised Code, the board may upon request waive the payment of the renewal fees and/or the continuing professional development requirement of a registrant during the time the registrant is on active duty in connection with any branch of the armed forces of the United States.

Effective date: 11/24/2008

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Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.12, R.C. 4733.15, R.C. 4733.151

Prior Effective Dates: 10/15/1970; 07/01/1982; 10/15/1982; 03/15/1983; 04/15/1985; 01/15/1987; 04/18/1988; 03/18/1989; 10/22/1990; 08/15/1991; 11/23/1991; 09/25/1992; 04/30/1993; 02/01/1996; 11/01/2003; 11/24/2008

4733-20 Registration Ceremony

4733-20-01 Voluntary certificate ceremony.

Applicants, who have met examination requirements, may attend a certificate presentation ceremony where certificates of registration will be presented with the administration of the creed being a part of the ceremony.

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Promulgated Under: R.C. 119.03
Statutory Authority: R.C. 4733.07
Rule Amplifies: R.C. 4733.14
Prior Effective Date: 11/01/2003

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.

Effective date: 11/01/2003
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Promulgated Under: R.C. 119.03
Statutory Authority: R.C. 4733.07
Rule Amplifies: R.C. 4733.14
Prior Effective Dates: 04/15/1985; 11/01/2003

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.

Effective date: 11/24/2008

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.14

Prior Effective Dates: 04/15/1985; 03/18/1989; 11/01/03; 11/24/2008

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.

Effective date: 11/24/2008

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.15

Prior Effective Dates: 10/06/1967; 07/01/1982; 02/01/1996; 11/24/2008

4733-29 Second Stage Examinations

4733-29-01 Principles and practice examinations.

(A) When an applicant has completed a record showing the required number of calendar years of education and experience, the applicant is eligible to request admission to the principles and practice examination for completion of registration as a professional. The board must be sent a completed application. This statement application shall describe the nature of work performed, degree of responsibility, and dates of each engagement. Each segment of experience must be verified by including the supervisor's signature and contact information. If an applicant claims credit for experience in the armed forces of the United States or civilian war services, the applicant must outline the nature and extent of the assignments. Experience may be acquired in Ohio or elsewhere. Credit for experience is not limited to the branch specified in the original application.

(B) If the experience is approved by the board, it will be necessary for the applicant to demonstrate his or her practical knowledge by passing the principles and practice examination as outlined in section 4733.13 of the Revised Code. Applicants are not eligible for this examination until their practical experience has been completed and approved by the board one hundred twenty days prior to the examination date.

Effective date: 11/24/2008

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Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.11, R.C. 4733.13

Prior Effective Dates: 10/04/1976; 06/01/1977; 07/01/1982; 10/18/1985; 11/01/2003; 11/24/2008

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 sub-divisions 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.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.01

Prior Effective Dates: 10/15/1970; 11/01/2003

4733-33 Examination for Land Surveyors

4733-33-01 Examinations for surveyors.

(A) All applicants for registration as a professional surveyor must pass the fundamentals of surveying examination, the principles and practice of surveying examination and a two hour examination devoted to the laws and practice of surveying in Ohio.

(B) Candidates must know how the original surveys were conducted. They must know the rules governing the restoration of obliterated monuments and must be able to re-establish lost monuments, and must have had enough actual experience in land surveying work to make them familiar with the proper methods of retracing the original surveys.

(C) Candidates must know what discrepancies to expect in retracement work and how to use evidence in the restoration of obliterated land lines and monuments. They must understand the laws governing riparian rights, accretions, adverse possession. They must also be familiar with the ethics of the profession.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.13

Prior Effective Dates: 10/15/1970; 11/01/2003

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.

Effective date: 11/24/2008

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 10/01/1970; 11/01/2003; 11/24/2008

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.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 10/01/1970; 11/01/2003

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.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 10/15/1970; 11/01/2003

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.

Effective date: 11/24/2008

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 10/15/1970; 05/01/1995; 11/01/2003; 11/24/2008

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.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 10/15/1970; 11/01/2003

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.

Effective date: 11/24/2008

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 10/15/1970; 11/01/1978; 11/01/2003; 11/24/2008

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.

Effective date: 11/24/2008

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 10/15/1970; 11/01/2003; 11/24/2008

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.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 10/15/1970; 11/01/2003

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.

Effective date: 11/24/2008

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Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 10/15/1970; 11/01/2003; 11/24/2008

4733-37 Standards for Boundary Surveys

4733-37-01 Preamble.

These rules are intended to be the basis for all surveys relating to the establishment or retracement of property boundaries in the state of Ohio. When the case arises where one or more provisions herein must be abridged due to local condition, the abridgement shall be clearly indicated on plats and/or legal descriptions and reports. Where local or other prescribed regulations exist which are more restrictive than these rules, the survey shall conform to all local and state regulatory standards. When a client desires only a portion of his property surveyed, and this portion can be clearly isolated from the remainder of the property without affecting the interests of adjoining owners, these rules shall apply to the survey of only the desired portion.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R. C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 05/01/1980; 11/01/2003

4733-37-02 Research and investigation.

(A) The surveyor shall consult deeds and other documents, including those for adjacent parcels, in order to assemble the best possible set of written evidence of every corner and line of the property being surveyed.

(B) After all necessary written documents have been analyzed, the survey shall be based on a field investigation of the property. The surveyor shall make a thorough search for physical monuments, and analyze evidence of monumentation and occupation. In addition, the surveyor shall, when necessary, confer with the owner(s) of the adjoining property and the owner(s) of the property being surveyed.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R. C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Date: 11/01/2003

4733-37-03 Monumentation.

(A) The surveyor shall set boundary monuments so that, upon completion of the survey, each corner of the property and each referenced control station will be physically monumented.

(B) When it is impossible or impracticable to set a boundary monument on a corner, the surveyor shall set a reference monument, similar in character to the boundary monument and preferably along one of the property lines which intersect at that corner. When such a reference monument is used, it shall be clearly identified as a reference monument on the plat of the property and in any new deed description which may be written for the property.

(C) Every boundary monument and/or reference monument set by the surveyor shall, when practicable:

(1) Be composed of a durable material.

(2) Have a minimum length of thirty inches.

(3) Have a minimum cross-section area of material of 0.21 square inches.

(4) Be identified with a durable marker bearing the surveyor's Ohio registration number and/or name or company name.

(5) Be detectable with conventional instruments for finding ferrous or magnetic objects.

(D) When a case arises, due to physical obstructions such as pavements, large rocks, large roots, utility cables, etc., so that neither a boundary monument nor a reference monument can be conveniently or practicably set in accordance with paragraph (C) of this rule, then alternative monumentation, which is essentially as durable and identifiable (e.g., chiselled "X" in concrete, drill hole, etc.) shall be established for the particular situation.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R. C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 05/01/1980; 11/01/2003

4733-37-04 Measurement specifications.

All measurements shall be made in accord with the following specifications:

(A) The surveyor shall keep all equipment used in the performance of surveying in proper repair and adjustment.

(B) Every determination of distance shall be made either directly or indirectly in such a manner that the linear error in the distance between any two points (not necessarily adjacent points) shall not exceed the reported distance divided by ten thousand (allowable linear error = reported distance divided by ten thousand) and every angular measurement shall be made in such a manner that the allowable (directional) error, in radians, shall not exceed the allowable linear error divided by the reported distance (allowable (directional) error = allowable linear error divided by reported distance).

When the reported distance is less than two hundred feet, the linear error shall not exceed 0.02 feet. The reported distance is the distance established by the survey.

(C) In all new descriptions and plats of survey, the lengths and directions of the lines shall be specified so that the mathematical error in closure of the property boundary does not exceed 0.02 feet in latitudes and 0.02 feet in departure.

(D) Surveys performed using metric measurements shall utilize the metric equivalents based upon the U.S. survey foot conversion factor.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R. C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20 Prior Effective Dates: 05/01/1980; 11/01/2003

4733-37-05 Plat of survey.

(A) The surveyor shall prepare a scale drawing of every individual survey, or drawings comprising all of the surveys when they are contiguous, in which the surveyor retraces previously established property lines or establishes new boundaries.

(B) A copy of this drawing shall be given to the client. When required, another copy shall be filed with the appropriate public agencies.

(C) The surveyor shall include the following details:

(1) A title such that the general location of the survey can be identified. The title shall include, but not be limited to: state, county, civil township or municipality, and original land subdivision description.

(2) A north arrow with a clear statement as to the basis of the reference direction used.

(3) The control station(s) or line cited in the description and the relationship of the property to this control must be referenced to an established monumented point of beginning such as, but not limited to: centerline intersection of streets or highways record, section or quarter section corners,

Virginia military survey corners or lines, or platted lot corners. The type of monuments set or found at the control stations shall be noted.

(4) A notation at each corner of the property stating that the boundary monument specified in the deed description was found, or that a boundary monument was set, or a legend of the symbols used to identify monumentation. In addition, there shall be a statement describing the material and size of every monument found or set.

(5) A general notation describing the evidence of occupation that may be found along every boundary line or occupation line.

(6) The length and direction of each line as specified in the description of the property or as determined in the actual survey if this differs from what is stated in the deed description by more than the tolerance specified in paragraph (B) of rule 4733-37-04 of the Administrative Code. The length and direction shall be stated as follows:-.

(a) Bearings expressed in degrees, minutes and seconds and distances expressed in feet and decimal parts thereof on each course. If a metric equivalent distance is stated, it shall be stated to the third decimal place.

(b) All curved lines shall indicate the radius, central angle, curve length, chord bearing and chord distance.

(c) Each course shall show other common lines such as centerline of roads, rivers, streams, section lines, quarter section lines, half section lines or other pertinent common lines of record.

(7) A citation of pertinent documents and sources of data used as a basis for carrying out the work. The citation shall include, but not be limited to: current deeds as of the date of the survey, prior deeds or other documents of record, and available deeds of record for adjoining parcels along each boundary line of the survey. If the adjoining parcel is a recorded subdivision, only the subdivision name, recording information and lot numbers need to be shown.

(8) The written and graphical scale of the drawing.

(9) The date of the survey.

(10) The surveyor's printed name and Ohio registration number, signature and seal (in a form which may clearly reproduce on any copies which may be made of the original drawing).

(11) The area contained within the perimeter of the surveyed parcel.

(12) All references to roads or railroads contiguous to the surveyed parcel shall use current names or names of record and applicable right of way widths, if available.

(13) All references to rivers or streams shall use current names of record, if available.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R. C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 05/01/1980; 11/01/2003

4733-37-06 Descriptions.

(A) When a surveyor is called upon to prepare a new description, either to replace an existing description which is inadequate or to create a new piece of property, said description shall include the following items:

(1) Sufficient caption so that the property can be adequately identified.

(2) A relationship between the property in question and clearly defined control station(s).

(3) The basis of the bearings.

(4) A citation to the public record of the appropriate prior deed(s).

(5) The surveyor's name, Ohio registration number and date of writing and/or survey.

(B) A metes and bounds description shall include, in addition to paragraph (A) of this rule:

(1) A description of the boundary monument used as the initial point of the description.

- (2) A series of calls for successive lines bounding the parcel, each of which specifies:
- (a) The intent in regards to adjoiners or other existing features.
 - (b) The direction of the line relative to the direction of the basis of bearing.
 - (c) The length of the line.
 - (d) A description of the boundary monument (or reference monument) and whether found or set to identify the end of the particular line.
 - (e) All curved lines shall indicate the radius, central angle, curve length, chord bearing, chord length and direction of the curve.
 - (f) The reported boundary data shall meet the closure requirements of paragraph (C) of rule 4733-37-04 of the Administrative Code.
- (3) The area of the parcel.
- (C) Descriptions other than metes and bounds descriptions may be a reference to a recorded survey plat or a parcel on a recorded survey plat and shall include sufficient and adequate legal and technical wording so that the property can be definitely located and defined.
- (D) A statement shall appear indicating that either: the description was made in accordance with a recent survey and the date thereof, or the description was made based on a previous survey, of a certain date, and date of description, or the description was not based on a survey.
- (E) When the surveyor knows a new description is to be used for a fee transfer, the surveyor shall base the description on a current or updated survey of the property.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R. C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Dates: 05/01/1980; 11/01/2003

4733-37-07 Subdivisions.

When a subdivision is created from a piece of property, or several adjoining pieces, the following rules shall apply:

(A) Rule 4733-37-02 of the Administrative Code shall apply to the original tract(s) of land prior to being subdivided.

(B) Rule 4733-37-03 of the Administrative Code shall apply to the outside perimeter of the original tract(s) of land and to the outside perimeter of the newly created subdivisions. All newly created lots, blocks, rights of way, angle points, points of curvature and points of tangency shall be monumented according to local regulations. Street rights of way may be monumented with monuments on the centerline instead of right of way monuments. Centerline or right of way monuments shall be set at all intersections, angle points, points of curvature and points of tangency.

(C) All newly created subdivisions shall comply with rules 4733-37-04 and 4733-37-05 of the Administrative Code.

(D) All easements within a newly created subdivision shall be accurately dimensioned so that each easement line can be reproduced without ambiguity.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R. C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Date: 11/01/2003

4733-38 Standards For Mortgage Location Surveys

4733-38-01 Preamble.

These standards are intended to be the minimum requirements for mortgage location surveys in the state of Ohio.

A "mortgage location survey" shall be defined as an instrumentality, common to the mortgage lending industry, whereby substantial proof is submitted to the mortgage lender and/or title insurer that the building(s) and/or other improvements are actually located on the land covered by the legal description in the mortgage and that said mortgage location survey is a professional service provided by professional surveyors solely for the intent of and use by the mortgagee and/or title insurer. The mortgage location survey does not constitute an improvement to the property, and is only a professional opinion which these parties may use as a guide to arrive at any decisions they may wish to make concerning said real property.

Effective date: 02/15/1990

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Date: 02/15/1990

4733-38-02 Research and investigation.

(A) The professional surveyor shall use the description furnished by the client to perform the mortgage location survey. If the professional surveyor determines the description to contain apparent incompleteness or insufficiencies, the professional surveyor shall so advise the client.

(B) After all necessary written documents, as furnished by the client, have been analyzed, the survey shall be based on a field investigation of the property. The professional surveyor shall make a thorough search for physical monuments and analyze evidence of occupation.

Effective date: 02/15/1990

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Date: 02/15/1990

4733-38-03 Monumentation.

The professional surveyor need not set boundary monumentation under the provision herein unless the client requests boundary monumentation be set. If requested to set boundary monumentation, the professional surveyor shall conform to all provisions of rule 4733-37-03 of the Administrative Code.

Effective date: 05/15/1990

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Date: 05/15/1990

4733-38-04 Measurement specifications.

All measurements shall be made in accordance with the following specifications:

(A) The professional surveyor shall keep his equipment in such repair and adjustment as to conform to the provisions of paragraph (A) of rule 4733-37-04 of the Administrative Code.

(B) Every measurement of distance shall be made either directly or indirectly in such a manner that the linear error in the reported distance shall not exceed:

(1) Two-tenths of a foot for major improvements [see paragraph (G) of rule 4733-38-05 of the Administrative Code].

(2) One-half of a foot for major improvement location [see paragraph (J) of rule 4733-38-05 of the Administrative Code].

When a case arises wherein a greater linear error will not create ambiguity of locations (i.e., tracts where the improvements are located substantial distances from boundaries), then the professional surveyor may use a greater linear error, provided the tolerance is clearly indicated on the survey plat (e.g., 500 feet +/- 5 feet).

Effective date: 05/15/1990

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Date: 05/15/1990

4733-38-05 Mortgage location survey plat.

The professional surveyor shall include the following information on the mortgage location survey plat.

(A) A title such that the general location of the survey can be identified.

(B) A north arrow.

(C) The boundary lines as cited in the legal description, including pertinent references therein.

(D) The written and graphical scale of the drawing.

(E) The date of survey.

(F) The professional surveyor's name, registration number, signature, and seal in accordance with paragraph (C)(10) of rule 4733-37-05 of the Administrative Code.

(G) Major improvements (permanent structures) shall be shown with dimensions and description (e.g., residence, garages, outbuildings with foundation, in-ground pools, and the like).

(H) Easement limits and building set-back lines as indicated on the recorded plat or as supplied by the client.

(I) Visible utility facilities requiring an easement and located outside known easements, crossing the subject property and serving others, such as, though not limited to: pole lines, manholes, inlets and pedestals and the like.

(J) Major improvement locations shall be shown with dimensions to the nearest property lines, with a minimum of two dimensions shown, and shall be sufficient to locate the structure (offsets shall be shown perpendicular to straight property lines and radially to curved property lines).

(K) Apparent encroachments shall be noted and shown in an obvious manner.

(L) The address posted on the building(s), if available.

(M) Observed problems of ingress and egress and joint drive.

(N) Fences or other evidence of possession when not in substantial conformance with the legal description.

(O) A statement shall appear on the plat indicating that the survey is a mortgage location survey prepared in accordance with Chapter 4733-38 of the Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of the Administrative Code.

(P) Number each page showing individual page numbers along with number of pages.

Effective date 05/15/1990

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.20

Prior Effective Date: 05/15/1990

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.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.16

Prior Effective Dates: 03/03/1983; 04/15/1983; 04/15/1985; 05/01/1995; 11/01/2003

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.

Effective date: 11/24/2008

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.16

Prior Effective Dates: 04/15/1983; 05/01/1995; 11/24/2008

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.

Effective date: 11/24/2008

R.C. 119.032 review dates: 08/18/2008 and 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.16

Prior Effective Dates: 04/15/1983; 04/15/1985; 05/01/1995; 11/01/2003; 11/24/2008

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.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.16

Prior Effective Dates: 04/15/1983; 04/15/1985; 05/01/1995; 11/01/2003

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.

Effective date: 11/01/2003

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.16

Prior Effective Dates: 04/15/1983; 04/15/1985; 05/01/1995; 11/01/2003

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.

Effective date: 04/15/1985

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.15

Prior Effective Dates: 04/15/1983; 04/15/1985

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.

Effective date: 04/15/1985

R.C. 119.032 review dates: 08/18/2008 and 08/18/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 4733.15

Prior Effective Dates: 04/15/1983; 04/15/1985

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.

Effective date: 09/08/2010

R.C. 119.032 Review Date: 11/24/2013

Promulgated Under: R.C. 119.03

Statutory Authority: R.C. 4733.07

Rule Amplifies: R.C. 1347.15

Prior Effective Date: 09/08/2010

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.

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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.

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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.

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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.

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NSPE Code of Ethics for Engineers

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

1. Hold paramount the safety, health, and welfare of the public.
2. Perform services only in areas of their competence.
3. Issue public statements only in an objective and truthful manner.
4. Act for each employer or client as faithful agents or trustees.
5. Avoid deceptive acts.
6. Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

Rules of Practice

1. **Engineers shall hold paramount the safety, health, and welfare of the public.**
 - a. If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
 - b. Engineers shall approve only those engineering documents that are in conformity with applicable standards.
 - c. Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
 - d. Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
 - e. Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
 - f. Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

2. Engineers shall perform services only in the areas of their competence.

- a. Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
- b. Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
- c. Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.

3. Engineers shall issue public statements only in an objective and truthful manner.

- a. Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
- b. Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
- c. Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

4. Engineers shall act for each employer or client as faithful agents or trustees.

- a. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
- b. Engineers 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 and agreed to by all interested parties.
- c. Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
- d. Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
- e. Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.

- a. Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for

the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.

- b. Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

- a. Engineers shall acknowledge their errors and shall not distort or alter the facts.
- b. Engineers shall advise their clients or employers when they believe a project will not be successful.
- c. Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
- d. Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
- e. Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.

2. Engineers shall at all times strive to serve the public interest.

- a. Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
- b. Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
- c. Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
- d. Engineers are encouraged to adhere to the principles of sustainable development¹ in order to protect the environment for future generations.
- e. Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

3. Engineers shall avoid all conduct or practice that deceives the public.

- a. Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
- b. Consistent with the foregoing, engineers may advertise for recruitment of personnel.
- c. Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.

- a. Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
- b. Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

5. Engineers shall not be influenced in their professional duties by conflicting interests.

- a. Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
- b. Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.

6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.

- a. Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
- b. Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
- c. Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

- a. Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.

- b. Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
- c. Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.

- a. Engineers shall conform with state registration laws in the practice of engineering.
- b. Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.

9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.

- a. Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
- b. Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
- c. Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
- d. Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.

Footnote 1 "Sustainable development" is the challenge of meeting human needs for natural resources, industrial products, energy, food, transportation, shelter, and effective waste management while conserving and protecting environmental quality and the natural resource base essential for future development.

"By order of the United States District Court for the District of Columbia, former Section 11(c) of the NSPE Code of Ethics prohibiting competitive bidding, and all policy statements, opinions, rulings or other guidelines interpreting its scope, have been rescinded as unlawfully interfering with the legal right of engineers, protected under the antitrust laws, to provide price information to prospective clients; accordingly, nothing contained in the NSPE Code of Ethics, policy statements, opinions, rulings or other guidelines prohibits the submission of price quotations or competitive bids for engineering services at any time or in any amount."

Statement by NSPE Executive Committee

In order to correct misunderstandings which have been indicated in some instances since the issuance of the Supreme Court decision and the entry of the Final Judgment, it is noted that in its decision of April 25, 1978, the Supreme Court of the United States declared: "The Sherman Act does not require competitive bidding."

It is further noted that as made clear in the Supreme Court decision:

- a. Engineers and firms may individually refuse to bid for engineering services.
- b. Clients are not required to seek bids for engineering services.
- c. Federal, state, and local laws governing procedures to procure engineering services are not affected, and remain in full force and effect.
- d. State societies and local chapters are free to actively and aggressively seek legislation for professional selection and negotiation procedures by public agencies.
- e. State registration board rules of professional conduct, including rules prohibiting competitive bidding for engineering services, are not affected and remain in full force and effect. State registration boards with authority to adopt rules of professional conduct may adopt rules governing procedures to obtain engineering services.
- f. As noted by the Supreme Court, "nothing in the judgment prevents NSPE and its members from attempting to influence governmental action . . ."

Note: In regard to the question of application of the Code to corporations vis-a-vis real persons, business form or type should not negate nor influence conformance of individuals to the Code. The Code deals with professional services, which services must be performed by real persons. Real persons in turn establish and implement policies within business structures. The Code is clearly written to apply to the Engineer, and it is incumbent on members of NSPE to endeavor to live up to its provisions. This applies to all pertinent sections of the Code.