

# OhioENGINEER

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## CERTIFICATE CEREMONY RAISES AWARENESS OF ETHICS

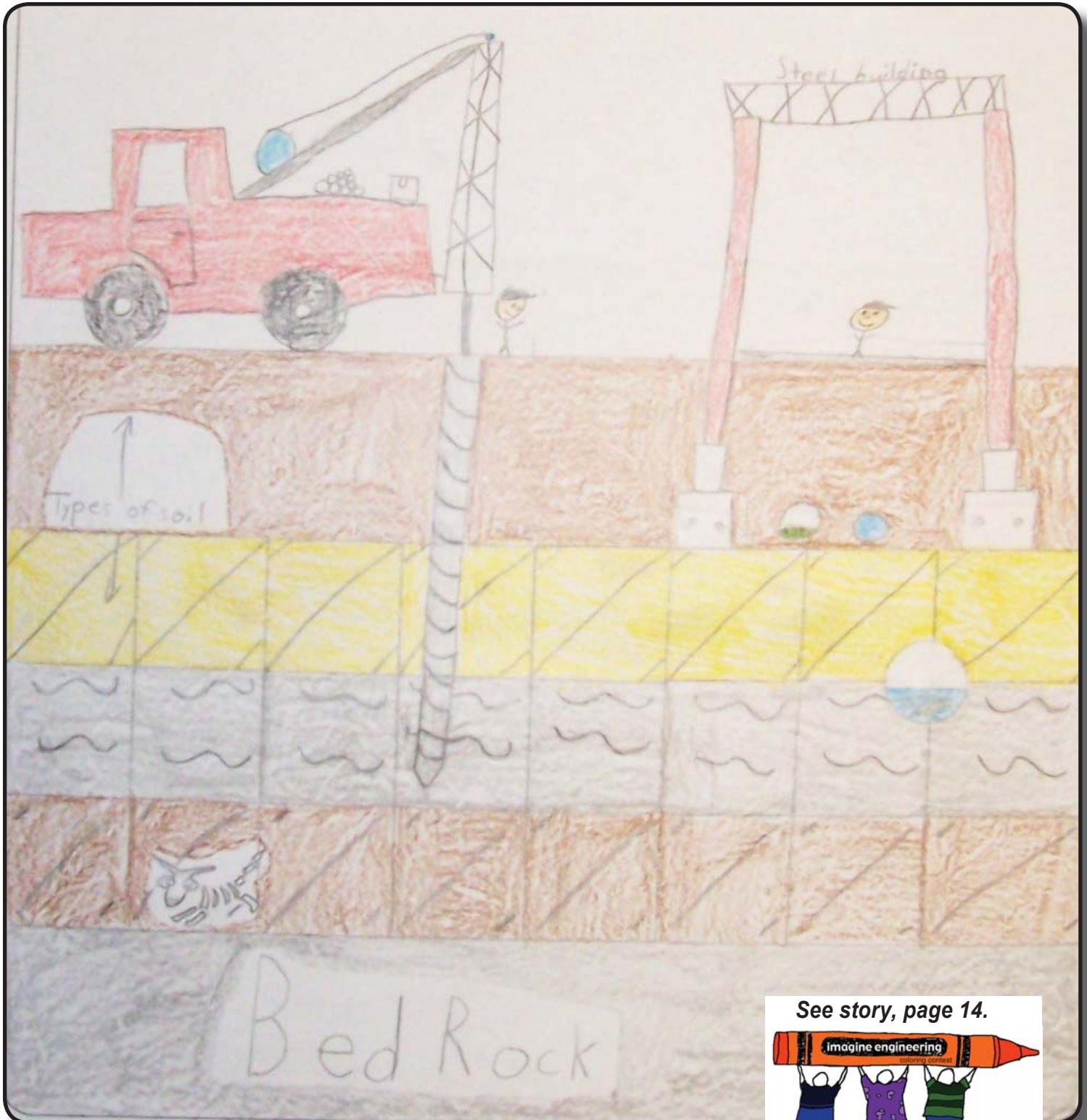




Miranda Kirkpatrick  
Allen East Primary School  
(1st place winner)

# Congratulations, Miranda Kirkpatrick!

*Miss Kirkpatrick is the 2011 Winner of  
the 'Imagine Engineering Coloring Contest'*



See story, page 14.



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**LEADERSHIP VIEWS**

by Dave Dexter, P.E., C.P.D., F.ASPE, President,  
Ohio Society of Professional Engineers



**Ethical & professional lessons learned**

As I sit-down to work on this article, I am reminded of Michael Douglas' speech near the end of the movie "An American President." The speech, in part, states "being president is entirely about character." But I believe this same thought applies to anyone in a position of authority and responsibility. It makes no difference between being president of a country or being president of a state society or local chapter; character, ethics and an understanding of one's fiduciary responsibilities to the membership and public in general are essential. After all, character is defined as "the inherent complex of attributes that determines a person's moral and ethical actions and reactions." This, along with the professional beliefs of our membership, is what serves as a cornerstone of the Ohio Society of Professional Engineers.

Now you might ask why I placed emphasis on Society. That is because it has a connection to "family." Wikipedia defines society as "A group of people related to each other through persistent relations such as social status, roles, and social networks. For the tradition-minded, Webster's New Collegiate Dictionary defines society as "A highly structured system of human organization for large-scale community living that normally furnishes protection, continuity, security, and a national identity for its members."

These definitions contain some powerful phrases such as related, persistent relations, protection, continuity, security and national identity. These all represent value that is difficult to measure or put into financial terms when considering membership or continuing your current membership in a great organization such as OSPE.

And, as we should all know, along with positive values of "family" there are inherent negative aspects; conflicts, miscommunications, breakups, etc. When you bring individuals who are passionate about their profession and

its ethical standards, disagreements and conflict will certainly occur. But, as with any family unit, it is important to work through the issues in an open and transparent manner for the good of the family unit or society.

OSPE's first consolidated audit has been an eye-opening experience in how passionate and ethical professionals can disagree and yet come together to advance the society. It also has areas in which we must pull together in the betterment of the society and its operations to better serve its membership.

While all of the members I have been involved with have high professional standards and ethical principles, there are differences in how each of those individual defines those values. So let us look at the definitions of some of those defining values:

- Professionalism is the adherence to a set of values comprising statutory professional obligations, formally agreed codes of conduct, and the informal expectations of colleagues and the public-at-large.
- Ethics is a branch of philosophy which seeks to address questions about morality; that is, about concepts such as good and bad, right and wrong, justice, and virtue. Morality, the standards that govern the conduct of a person, especially a member of a profession.
- A fiduciary duty is a legal or ethical relationship of confidence or trust between two or more parties, most commonly a fiduciary and a principal or a Board and its members. It is also the relationship of one person (or Board) to another (the membership) where the former is bound to exercise rights and powers in good faith for the benefit of the latter.

This year has shown that the OSPE leadership must do a better job of

**See "Lessons Learned," page 17**

On the cover: At the spring 2011 Ohio Engineering & Surveying Certificate Ceremony, 350 guests watched as 75 engineers and surveyors received their hard-won professional licenses or intern certificates. In the upper photograph, PE's and PS's recite the Engineer's and Surveyor's Creed, through which they pledge "to participate in none but honest enterprise," "to live and work according to the laws of man and the highest standards of professional conduct," and to place "the public welfare above all other considerations." In the lower photograph, engineer interns and surveyor interns recite the Creed. **See story, page 13.**

by Tim Schaffer, Executive Director, Ohio Society of Professional Engineers



# Defining and describing "judgement"

Among NSPE's resources that are available to help our members is the book *Engineer Your Way to Success* by Shawn P. McCarthy. *Engineer Your Way to Success* is a compilation of leadership success studies that reveals truths about human nature—and how to influence it for the good of your organization.

In the third chapter of the NSPE book *Engineer Your Way to Success*, author Shawn P. McCarthy tackles the ethereal concept of "judgment." What is good judgment, how do you get it, and when do you know that you have it?

He starts out trying to define judgment in engineering as a "sixth sense." It "isn't a certificate that's awarded to you," McCarthy says, and "if you don't have that sixth sense, developing it can be tough." McCarthy contends that one can acquire it through a combination of education, training, experience and perseverance.

The best key to developing judgment, McCarthy says, is to "pay attention." He says observe things and actions around yourself and file them away for future judgment. And he emphasizes that confidence is "almost as important as paying attention" to one's environment and the lessons one can learn from it.

"The greenhorn engineer may think she knows it all," he says, suggesting overconfidence. "The experienced engineer knows that she can never know everything—but is confident about what she does know....For young engineers, the trick is to know how strong their skills really are, and to know when they are in over their heads."

"All engineers need to be keenly aware of what they do not know."

Part of confidence building and developing good judgment is also knowing how to change your mind when you gain new information that challenges your original assumptions. McCarthy says, "Don't be ashamed to change your mind when new facts reveal them-

selves."

"Even the best engineers aren't always right. But they are right more often than not because they know their business, and they have a knack for using their knowledge effectively."

An engineering vice president interviewed by McCarthy commented, "Judgment is an intuitive process based on knowledge and experience that gets me to within 90 percent of the right answer." McCarthy adds, "an engineer with good judgment also knows that she's never too experienced to learn just a little more about her job."

Judgment certainly improves with

**"For young engineers, the trick is to know how strong their skills really are, and to know when they are in over their heads."**

— *Engineer Your Way to Success*

experience. Referring to a construction engineer who grew more comfortable with his projects as time went by, McCarthy says, "He didn't achieve self-confidence until he was sure that he had the background he needed to produce good judgment." The engineer said, "I grew more comfortable with the enormous responsibility I had for designing structures that people would be living and working in."

So, how does one accelerate the judgment process, McCarthy asks? He says a key answer is "diversity."

"With a broad base of experience, you can look at problem in a number of different ways and find the most logical solution," McCarthy writes. An engineer with Exxon told him that the first job should have a wide variety of experiences for new engineers. And co-ops are "great experience and judgment builders."

"You develop good judgment as you learn from your experiences," McCarthy says. "Judgment is the objective. Experience is how you get there."

Why is judgment so important? "Having good judgment can make you more valuable to a company as you get older," McCarthy says. "You can find the right answer to a given problem more quickly. Your brainpower becomes of greater value to the firm."

McCarthy closes this chapter by relating a story told to him by an Army general who, as a young engineer lieutenant in Korea, almost went over the head of an infantry colonel. The young engineer was debating in his mind whether to disclose to his superiors that the colonel was going to cross a bridge with tanks that were several tons over its weight limit. "I said, 'Sir, the trucks are okay. But the tanks are too much for that bridge by maybe 30 percent.'"

Convinced that the colonel was going to move all the equipment over the bridge anyway, he reviewed his calculations and considered the fact that the bridge was in good shape. He finally decided to alter his advice to the colonel, that if they crossed the bridge one tank at a time, slowly, the bridge should hold. When asked if his calculations included a "safety factor," his response was "I don't know," but that the manual said a crossing could occur "at risk."

The next day, the young engineering officer was informed of the successful bridge crossing of the 30 tanks in the battalion. He "used his judgment to reach a conclusion that didn't seem apparent at first glance," McCarthy says. "Perhaps he used these four simple steps for good judgment:

- 1) He knew the quality of the work he was dealing with.
- 2) He was confident about his application of technique.
- 3) He had a gut feeling that the results were right.
- 4) He had the ability to admit when his knowledge and experience were inadequate."

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# OSPE & EFO Nominating Committees announce slates for May 20 elections at Annual Meetings

Joe Warino, PE, PS, F.NSPE, the Ohio Society of Professional Engineers (OSPE) Nominating Committee chair, and Dave Kuhn, PE, the Engineers Foundation of Ohio (EFO) Nominating Committee chair, have announced the following slates of officers and board members as approved by their respective boards for fiscal year 2011-2012.

Elections for the OSPE positions shall be held at the OSPE Annual Member Meeting on Friday, May 20, 10:15 a.m., at the Cleveland Marriott East, 26300 Harvard Road, Warrensville Heights, OH 44122. All members are invited.

Elections for the EFO positions shall be held at the EFO Annual Meet-

ing at 11:10 a.m., immediately following the OSPE Annual Meeting at the Cleveland Marriott East. All members are invited.

A joint installation ceremony for both OSPE and EFO will take place at the Presidents' Party that evening at the hotel at 6:00 p.m. NSPE Vice President Dan Wittliff, PE, FNSPE, will install the boards.

## OSPE Board of Directors Slate for 2011-2012

<u>Executive Committee</u>	<u>Position</u>	<u>Term Exp</u>	<u>Chapter</u>
Bruce Larcomb, PE, PS	President	2012	Franklin Co.
Dave Kuhn, PE	President-Elect	2012	Toledo
Dave Dexter, PE, CPD, FASPE	Past President	2012	Dayton
John Banton, PE, FNSPE	Treasurer	2013	Cincinnati
Jeff Kennedy, PE	VP Leg. & Govt.	2013	N. Central
Russ Critelli, PE	VP Education	2012	Lake Erie

### Chapter Directors

Gerard Neugebauer, PE	2012	Akron
Todd Jenkins, PE	2012	Blanchard
Fred Tito, PE	2012	Buckeye
Rick Buchanan, PE, FNSPE	2012	Canton
Pam Heckel, PE	2012	Cincinnati
Jim Montgomery, PE	2012	Dayton
Leon Winget, PhD, PE	2012	Franklin Co.
Russ Critelli, PE	2012	Lake Erie
Charles Schreck, PE	2012	Lima
Terry McClain, PE	2012	Lorain
Joe Warino, PE, PS, FNSPE	2012	Mahoning
Otto Gerdeman, PE	2012	Maumee
Ed Meixner, PE, PS	2012	N. Central
Owen Karickhoff, PE	2012	Northeast
Jim Barnhart, PE	2012	S. Ohio
A.J. Lammers	2012	Toledo
Chris Rice, II, PE	2012	Tuscarawas

### Voting Director

Devon Seal, PE, MBA ..... Young Engineer Rep .... 2012 ..... Franklin Co.

### Nonvoting Directors

Agnes Benedict ..... Chair, State Auxiliary .... 2012 ..... Franklin Co.  
State Student Council President

## EFO Board of Trustees Slate for 2011-2012

<u>Executive Committee</u>	<u>Position</u>	<u>Term Exp</u>	<u>Chapter</u>
Russ Critelli, PE	President	2012	Lake Erie
Joe Warino, PE, PS, FNSPE	President-Elect	2012	Mahoning
Owen March, PE	Imm Past President	2012	Franklin Co.
Owen March, PE	Treasurer	2013	Franklin Co.
Bruce Larcomb, PE, PS	OSPE President	2012	Franklin Co.

### Chapter Trustees

Gerard Neugebauer, PE	2012	Akron
Todd Jenkins, PE	2012	Blanchard
Fred Tito, PE	2012	Buckeye
Rick Buchanan, PE, FNSPE	2012	Canton
Pam Heckel, PE	2012	Cincinnati
Jim Montgomery, PE	2012	Dayton
Steve Day, PE	2012	Franklin Co.
Russ Critelli, PE	2012	Lake Erie
Charles Schreck, PE	2012	Lima
Terry McClain, PE	2012	Lorain
Joe Warino, PE, PS, FNSPE	2012	Mahoning
Otto Gerdeman, PE	2012	Maumee
Ed Meixner, PE, PS	2012	N. Central
Owen Karickhoff, PE	2012	Northeast
Jim Barnhart, PE	2012	S. Ohio
A.J. Lammers	2012	Toledo
Chris Rice, II, PE	2012	Tuscarawas

## LEGISLATIVE UPDATE: 129TH OHIO GENERAL ASSEMBLY

*To follow is a summary of Ohio Statehouse legislation OSPE is monitoring in the 129th Ohio General Assembly:*

PERFORMANCE BUDGETING, House Bill 2 (Snitchler)	To require performance audits of most state agencies, to loan funds to state agencies and local public offices to pay for performance audits, and to make an appropriation.	<b>Status:</b> Passed House 02/23/11. Introduced in Senate 02/24/11. Referred to Senate Finance Committee 3/8/11. Companion legislation, Senate Bill 4, signed into law.
CONTAMINATED SITE REMEDIATION, House Bill 10 (Sears)	To authorize refundable tax credits through 2017 for the completion of a voluntary action to remediate a contaminated site and for the return of such sites to productive use and to exempt persons through 2017 who have been issued covenants not to sue under the Voluntary Action Program for certain fees and penalties for one year after the issuance of such a covenant.	<b>Status:</b> Introduced in House and referred to Ways & Means Committee 01/11/11. Fifth hearing scheduled for 03/02/11; not heard. Last hearing 02/23/11.
SEWAGE PLANS, House Bill 32 (Amstutz)	To exempt from the Professional Engineers and Surveyors Law the preparation of plans or drawings for a sewage treatment system or components of a system and measurements concerning such a system or components that are necessary to comply with the Household and Small Flow On-site Sewage Treatment Systems Law. (Would enact 4733.011.)	<b>Status:</b> Introduced in House 01/19/11. Referred to Health & Aging Committee 01/26/11. First hearing, sponsor and proponent testimony, 03/30/11.
TURNPIKE COMMISSION, House Bill 40 (Damschroder)	To make the Ohio Turnpike Commission responsible for major maintenance and repair and replacement of grade separations at intersections of any turnpike project with county and township roads. (Bill pertains to both overpasses and underpasses. Regular maintenance responsibility would still belong to the county.)	<b>Status:</b> Introduced in House 01/20/11. Referred to Transportation, Public Safety & Homeland Security Committee 01/26/11. Third hearing, all testimony, 03/02/11.
WATER PERMITS, House Bill 72 (Damschroder)	To require the Director of Environmental Protection to consider, to the extent allowable under the Federal Water Pollution Control Act, specified factors before issuing NPDES permits for sewerage systems, requiring and approving long-term control plans for wet weather discharges from sewerage systems, and enforcing provisions of that Act as applied to sewerage systems.	<b>Status:</b> Introduced in House and referred to Health & Aging Committee 02/01/11.
PERFORMANCE BUDGETS, House Bill 81 (Snitchler, Rosenberger)	To require performance budgeting by most state agencies.	<b>Status:</b> Introduced in House and referred to State Government & Elections 02/02/11. Second hearing, proponent testimony, scheduled for 02/22/11; not heard.
LABOR REQUIREMENTS, House Bill 102 (Young)	To prohibit state agencies from requiring or prohibiting certain labor requirements as a condition of performing public works and to prohibit the appropriation of state funds for public works when political subdivisions require or prohibit certain labor requirements. (Among other things, the substitute bill prohibits discrimination against bidders, contractors and subcontractors that elect to participate in project labor agreements, and adds a severability clause.)	<b>Status:</b> Introduced in House 02/15/11. Referred to Commerce & Labor Committee 02/16/11. Third hearing, all testimony, 04/13/11. Substitute bill.
TRANSPORTATION BUDGET, House Bill 114 (McGregor)	To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2011 and ending June 30, 2013. (Substitute bill includes money for Ohio Public Works Commission programs as follows for the next fiscal year: \$150 million for State Capital Improvement Program Grants and \$49 million for Revolving Loan Program. Includes provisions for public-private partnerships and paying unsuccessful bidders for their plans on certain projects.)	<b>Status:</b> Substitute bill passed House 03/10/11. Amended bill passed Senate 03/23/11. House concurrence 03/23/11. Signed by Governor and effective 03/30/11.
TRANSPORTATION PARTNERSHIPS, House Bill 151 (McGregor)	To authorize the Department of Transportation to enter into public-private partnership agreements.	<b>Status:</b> Introduced in the House 03/11/11. Referred to Transportation, Public Safety & Homeland Security Committee 03/15/11.
BIENNIAL BUDGET, House Bill 153 (Amstutz)	To make operating appropriations for the biennium beginning July 1, 2011, and ending June 30, 2013, and to provide authorization and conditions for the operation of state programs.	<b>Status:</b> Introduced in House and referred to Finance & Appropriations Committee 03/15/11. Final day of House hearings, 04/15/11.

PROFESSIONAL LICENSURE, House Bill 169 (Williams, S.)	To revise the laws governing issuance of certain professional licenses. (Would amend 4733.20 -- Disciplinary actions.)	<b>Status:</b> Introduced in House 03/22/11. Referred to State Government & Elections Committee 03/23/11. First hearing, sponsor testimony, 04/05/11.
PUBLIC CONTRACTS, House Bill 176 (Beck)	To limit the magnitude of change orders on public improvements required to be competitively bid.	<b>Status:</b> Introduced in House 03/29/11. Referred to Commerce & Labor Committee 03/30/11. First hearing, sponsor testimony, 04/13/11.
SMALL BUSINESS RULES, Senate Bill 2 (Hughes)	To adopt a new small business rule review procedure. (Common Sense Initiative legislation is aimed at removing unnecessary and overly complicated regulations.)	<b>Status:</b> Amended substitute passed Senate 02/23/11. Senate concurrence on House amendments 03/02/11. Passed House 03/02/2011. Signed by Governor 03/04/11. Effective 90 days from signing.
PERFORMANCE AUDITS, Senate Bill 4 (Schaffer)	To require performance audits of most state agencies, to loan funds to state agencies and local public offices to pay for performance audits, and to make an appropriation.	<b>Status:</b> Passed Senate 02/23/11. Amended bill passed House 03/23/11. Senate concurrence in House amendments 03/30/11. Signed by Governor and effective 04/05/11. (House Bill 2, companion legislation.)
COLLECTIVE BARGAINING, Senate Bill 5 (Jones)	To make various changes to laws concerning public employees, including collective bargaining, salary schedules and compensation, layoff procedures, and leave. (Amends 4733.05 -- Compensation and expenses of board.)	<b>Status:</b> Amended bill passed Senate 03/02/11. Amended substitute bill reported from House Commerce & Labor Committee 03/29/11. Senate concurrence in House amendments 03/30/11. Legislation passed House 03/30/11. Signed by Governor 03/31/11; effective in 90 days. (Watch for referendum.)
GOVERNMENT REGULATIONS, Senate Bill 11 (Cafaro)	To enact the Common Sense Regulation Act to improve state agency regulatory processes, especially as they relate to small businesses, to require state departments to develop customer service training programs, and to require the Director of Environmental Protection to provide environmental regulatory compliance assistance to small businesses.	<b>Status:</b> Introduced in Senate 02/01/11. Referred to Government Oversight & Reform Committee 02/02/11.
SMALL BUSINESS, Senate Bill 12 (Kearney)	To generally require that state agencies set aside a certain amount of purchases for which only small business enterprises may compete.	<b>Status:</b> Introduced in Senate 02/01/11. Referred to State & Local Government & Veterans Affairs Committee 02/02/11.
WATER PERMITS, Senate Bill 22 (Schaffer)	To require the Director of Environmental Protection to consider, to the extent allowable under the Federal Water Pollution Control Act, specified factors before issuing NPDES permits for sewerage systems, requiring and approving long-term control plans for wet weather discharges from sewerage systems, and enforcing provisions of that Act as applied to sewerage systems.	<b>Status:</b> Passed Senate 03/09/11. Introduced in House and referred to Agriculture & Natural Resources Committee 03/10/11. Second hearing, all testimony, 03/30/11.
LABOR REQUIREMENTS, Senate Bill 89 (Jordan)	To prohibit state agencies from requiring or prohibiting certain labor requirements as a condition of performing public works and to prohibit the appropriation of state funds for public works when political subdivisions require or prohibit certain labor requirements.	<b>Status:</b> Introduced in Senate 02/23/11. Referred to Insurance, Commerce & Labor Committee 03/08/11.
WATER REPORTS, Senate Bill 96 (Stewart)	To require a community water system's annual report to its customers to include information concerning the amount of water lost by the system during the transmission of water between the source waters utilized by the system to the consumers serviced by the system.	<b>Status:</b> Introduced in Senate 02/23/11. Referred to Agriculture, Environment & Natural Resources Committee 03/08/11. Hearing 04/05/11.

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# LEGISLATIVE UPDATE

by Jeff Kennedy, P.E., Vice President, OSPE Legislative & Government Affairs



## You're invited to register for Ohio Engineers' Legislative Day

On Tuesday, May 10, 2011, we'll be convening this year's edition of the Ohio Engineers Legislative Day. Many of you have probably heard of this annual event but may never have attended. A planning committee composed of OSPE President Dave Dexter, OSPE and ASCE member Dave Pritchard, OSPE Ethics Committee Chairman, Jay Troy, and I, have been developing the program for this year's meeting. We have been planning and making contacts with various state leaders in our effort to prepare an interesting and motivating program regarding professional engineers interacting with governmental leaders. This is an annual program conducted at The Capital Club in the Huntington Center in downtown Columbus, just west across South High Street from our historic state capitol.

The Capital Club is ideal as it is a very nice venue for educational seminars and luncheons. Also, it is directly across the street from the state capitol building itself. Ohio state representatives' offices are in the Riffe Center on South High Street, just to the south of The Capital Club. In addition, the Ohio senate offices are in the Senate Office Building, attached through the Atrium to the east of the Ohio Capitol.

For a few years, OSPE and ASCE have had a joint event at this location with two primary purposes: (1) both organizations seek to educate their members about current legislative, regulatory

and governmental issues of interest to the professional engineering community and (2) strongly encourage attendees to make appointments with and visit their elected representatives and senators. We typically invite speakers to take about an hour each, including time for questions and answers. This year registered attendees will earn four professional development hours for the price of \$30. That's a pretty sweet CPD deal!

We will hear from State Board of Registration for Professional Engineers and Surveyors executive director John Greenhalge and at least one board member and OSPE member, James Mawhorr, PE, PS, of Mansfield. They will address concerns about possible legislation seeking to save state funds by consolidating the various professional boards. Board consolidation is not in the interest of the professional engineering and surveying community. A simple comparison: I am currently registered to practice engineering in Indiana at \$100 every two years and in Ohio at \$20 per year. Indiana has a consolidated professional board which covers 53 different professions. Ohio has a single board for engineers and surveyors, which is funded entirely through the payment of fees. The State Board of Registration is not funded by the general fund and is an efficiently run organization.

Another speaker who has committed to speak to us at the Legislative Day in May will be James Barna, PE,

Ohio Department of Transportation Chief Engineer and Assistant Director of Transportation Planning. He will be speaking on the subject of changes at ODOT under a new governor, John Kasich, and the returning Director, Jerry Wray. ODOT will be seeking to become more efficient as they strive to live with a stricter and tighter operating budget.

Our luncheon speaker will be Brian Pallasch, ASCE's managing director of government relations and infrastructure initiatives. He will be speaking on the subject of "Innovative Funding Mechanisms for Infrastructure." His role at ASCE is to manage their government and regulatory relations at the federal and state levels as well as policy development.

After lunch, it is our intent that attendees will then visit their state representatives and/or senators to discuss important engineering issues in an effort to educate our elected representatives as we advocate for the engineering profession. We strongly encourage each attendee to make appointments in advance with at least their state representative and/or senator; introduce themselves and begin a new relationship or build upon an existing relationship.

So, I invite you to register for the 2011 Ohio Engineers Legislative Day and begin or renew your efforts to advocate for our profession. The planning committee looks forward to your participation in this worthy event.

### OHIO ENGINEERS LEGISLATIVE DAY

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# False claims acts affect compliance & ethics programs

**A** Federal False Claims Act has been around since the Civil War. President Abraham Lincoln signed the legislation creating the law and it is sometimes referred to as the "Lincoln Law." The law was enacted during the Civil War to deal with suppliers that were spiking Union gunpowder with sawdust.

The Federal False Claims Act covers fraud involving any federally funded contract or program. The U.S. Department of Justice reports that in 2010 over \$2.3 billion was recovered under the act with most of the cases brought by whistleblowers that received between 15 percent and 30 percent of an award. 27 states and the District of Columbia have enacted False Claims Acts similar to the federal law. Ohio has considered a False Claims Act in the past but none has passed to date.

In February, 2011 Ohio Attorney General Mike DeWine announced a \$26 million settlement with a Dayton based managed care company regarding Medicaid fraud, initiated by a whistleblower action filed in the U.S. District Court for the Southern District of Ohio by two former employees. When announcing the settlement he said that: "If we had that [False Claims Act] in place, our portion, currently \$10 million, of the settlement would have gone up 10 percent." False Claims Act's *qui tam* (*qui tam* is Latin and Wikipedia translates it to mean: "[he] who sues in this matter for the king as [well as] for himself) provisions allow private individuals with knowledge of fraud to file suit on behalf of the United States and share in any recovery. In the Dayton case the whistleblowers will share approximately \$3.1 million from the federal portion of the settlement.

A second False Claims Act case of interest is taking place in the U.S. District Court for the Middle District of Pennsylvania. In this case an employee of a private engineering firm brought an action against his employer and a road contractor claiming fraudulent billing practices for a Pennsylvania Department of Transportation (PennDOT) project. The \$27 million road project called for

all brush and trees to be chipped and carted off-site for disposal. The plaintiff contends that the brush and trees were burned at the site. The contract prohibited burning of such debris on site and allegedly the contractor saved approximately \$1 million by not having to haul away the debris.

The employee is also claiming that he was retaliated against when he was laid off in the fall and told he would be rehired in the spring. When he wasn't rehired in the spring he contacted the engineering firm and was told that PennDOT did not want him rehired because he had raised problems with the contract administration and because he: "could not keep his mouth shut as he was told." The employee in this case was afforded whistleblower protection under the Federal False Claims Act.

Pennsylvania, like Ohio, does not

***A compliance and ethics program should be an integral part of every organization, regardless of size.***

have a state False Claims Act. However, the employee was covered under U.S. law and stressing the importance of having a good compliance and ethics program the U.S. Court said that: "[i]t would [not] . . . be in the interest of law-abiding employers for the [False Claims Act] to force employees to report their concerns outside the corporation in order to gain whistleblower protection. Such a requirement would bypass internal controls and hotlines, damage corporate efforts at self-policing, and make it difficult for corporations and boards of directors to discover and correct on their own false claims made by rogue employees and managers."

A third area of interest involving whistleblowers is the current activities taking place at the Securities and Exchange Commission (SEC). New rules are being developed for whistleblowers under the recently enacted Dodd-Frank

legislation that was enacted to address the financial crisis that supposedly triggered the recent recession. Draft rules are proposing to establish a whistleblower program which would require the SEC to pay an award, under regulations prescribed by the SEC and subject to certain limitations. These payments would go to eligible whistleblowers who voluntarily provide the SEC with original information about a violation of the federal securities laws that leads to the successful enforcement of a covered judicial or administrative action, or a related action. The rules would also prohibit retaliation by employers against individuals who provide the SEC with information about potential securities violations.

Evan though Ohio does not yet have a False Claims Act, actions may be brought under the Federal False Claims Act as evidenced by the Dayton Medicaid Fraud settlement and the PennDOT highway case cited above. Also, while most sole proprietor and small private companies are not regulated by the SEC, all public companies are and many sole proprietor and small private entities do work for public companies. The new SEC rules could be brought into play because of this relationship. Either way the above actions in the whistleblower area reinforces the need for a sound Compliance and Ethics Program that has adequate provisions to deal with whistleblower issues.

The United States Sentencing Commission provides seven key criteria for establishing an "effective compliance program." These guidelines apply to corporations, partnerships, labor unions, pension funds, trusts, non-profit entities, and governmental units. They are designed to further both "just punishment" and deterrence. The seven criteria are:

1. Compliance standards and procedures reasonably capable of reducing the prospect of criminal activity
  - a. At a minimum there should be written standards spelling out what is expected of all employ-

## ETHICS SECTION

ees and copies of these standards should be provided to all employees.

2. Oversight by high-level personnel
  - a. The program should be administered and monitored at the highest level of the organization. Additionally, there should be the ability for employees to seek advice when they have questions on the interpretation of provisions of the program or applicable law.
3. Due care in delegating substantial discretionary authority
  - a. Due care must be taken to make sure individuals placed in senior policy making positions have not previously been in violation of laws, rules and/or regulations pertaining to the business at hand.
4. Effective Communication to all levels of employees
  - a. All employees should be trained in the details of the Compliance and Ethics Program when joining the organization and retrained at least annually thereafter. The higher one is in the organization the more training he/she should be provided.
5. Reasonable steps to achieve compliance, which includes systems for monitoring, auditing, and reporting suspected wrongdoing without fear of reprisal
  - a. There must be a mechanism that provides anonymity or confidentiality, where by employees and agents may report or seek guidance regarding potential or actual criminal conduct without fear of retaliation.
6. Consistent enforcement of compliance standards including disciplinary mechanisms
  - a. The provisions of the Compliance and Ethics Program must be applied consistently

throughout the organization with appropriate disciplinary measures taken for any offense.

7. Reasonable steps to respond to and prevent further similar offenses upon detection of a violation
  - a. In addition to taking reasonable action in response to a violation of the compliance and ethics program the organization should make any necessary modifications to the program as a result of lessons learned from a violation of any provision of the program.

The sophistication of a compliance and ethics program may be dependent on the size of the organization. A large organization will ordinarily have a more detailed program than a small entity. The U.S. Sentencing Commission also states: "As appropriate, a large organization should encourage small organizations (especially those that have, or seek to have, a business relationship with the large organization) to implement effective compliance and ethics programs."

An effective compliance and ethics program is a key component in developing a flourishing ethical culture within an organization. To be effective the culture must permeate throughout the entire organization, from the highest level to the lowest. Additionally, all employees must be made to feel free to raise potential or actual violations of the program and/or laws. Research by the Ethics Resource Center (ERC) has shown that: "employees are more likely to blow the whistle on bad behavior when they feel good about their company and believe management has a strong commitment to ethical conduct."

The ERC report, "Blowing the Whistle on Workplace Misconduct", states that in 2009 63 percent of workers who observed misconduct in the workplace reported the misconduct. Interestingly, of those employees reporting misconduct only three of 100 reports about internal misconduct came to company hotlines. In 2009 the vast majority of

reports were made to supervision:

- 46% Supervisor
- 29% Higher Management
- 15% Other Responsible Person
- 4% Someone Outside Company
- 4% Other
- 3% Hotline

These statistics reinforce the importance of having a comprehensive compliance and ethics program that permeates throughout the entire organization and a culture where all employees feel comfortable reporting any wrongdoing to their supervisor without any fear of retaliation. First line supervision is truly the first defense against wrongdoing.

An effective compliance and ethics program is important to provide mechanisms for reporting wrongdoing before it becomes a legal issue. It also makes good business sense to have a comprehensive program, structured for the particular size of the organization, to help protect one of the business's most critical assets, their reputation. Additionally, it can also save dollars if the organization is ever accused of wrongdoing. In a recent joint study for the Ethics Resource Center (ERC), Ethics & Compliance Officer Association (ECO) and the Society of Corporate Compliance and Ethics it was reported that the U.S. Securities and Exchange Commission decided to not bring an enforcement action against a company because the company had: "cultivated an environment of compliance by providing training regarding the requirements of [an appropriate regulation] and by adopting policies that implemented controls to prevent violations."

A compliance and ethics program should be an integral part of every organization, regardless of size. A good program can prevent the whistleblowing settlements like those discussed above enabling managers to focus on nurturing the business and maximizing results.



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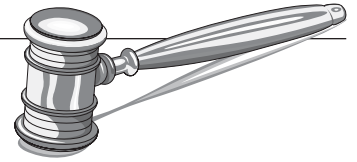
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# PE's suspension is stayed pending compliance with State Board's conditions

The State Board of Registration for Professional Engineers and Surveyors has suspended the professional engineer registration of Kerry L. Pickett, PE, for two years, with that suspension stayed pending compliance with conditions ordered by the board.

In November 2010, the State Board of Registration conducted an adjudication hearing concerning Pickett, a former resident of Kings Mills.

In June 2009, Pickett pled guilty to one felony count of identity fraud in Warren County Common Pleas Court in Lebanon, according to the State Board of Registration. He notified the State Board of Registration of his felony conviction in January 2010. In February 2011, the State Board of Registration moved to suspend Pickett's registration as a professional engineer for two years for violations of Ohio law, with that suspension stayed provided that Pickett:

(1) notify the board immediately of his release from prison; (2) serve probation with the board for two years beginning with his release date from prison; and (3) pay a \$500 fine within 30 days of the issuance of the board's order. As a further condition of his probation, Pickett cannot be convicted of any further felonies or misdemeanors, and he cannot violate any terms of his post-release control imposed by the Warren County Courts of Common Pleas.

### State Board elects officers, Keith Swearingen joins board

The State Board of Registration for Professional Engineers & Surveyors has elected officers for 2011. Ted Hubbard, PE, PS, was reelected chair, Chandra Shah, PE, was reelected vice-chair and OSPE member Jim Mawhorr, PE, PS, was elected board secretary.

In other news, in December 2010, then-Governor Ted Strickland appointed Keith Swearingen, PE, PS, to the State Board of Registration for Professional Engineers and Surveyors for a term ending September 24, 2015.

Swearingen, a resident of West Union, is retired from the Ohio Department of Transportation where he held several positions including assistant director and chief engineer, deputy director of highway operations, engineer of maintenance, District 9 deputy director and District 9 operations engineer. Prior to working with ODOT Swearingen, a civil engineering graduate of The Ohio State University, worked for consultants in land development and construction management and served in the U.S. Corps of Engineers for two years.

### Ohio offers lowest cost license renewal in U.S.

According to OSPE research with the State Board of Registration and NCEES, Ohio has the lowest PE license renewal cost of all states at \$20.

States bordering Ohio charge the following rates for renewal: \$25 (Pennsylvania), \$40 (Michigan and West Virginia), \$50 (Indiana), and \$150 (Kentucky). Other states charge \$30 (Illinois), \$50 (Georgia), \$100 (Iowa), \$235 (Texas), \$250 (Rhode Island), and \$285 (Connecticut). The most expensive state renewal is New York's at \$287.

## State Board accepts six settlements

The State Board of Registration for Professional Engineers and Surveyors recently accepted six settlement agreements.

### Provided Services with Expired CoA

According to the State Board of Registration, Technical Solutions Specialists, Inc. and George Mihal of Cincinnati provided engineering services in Ohio while the firm's Certificate of Authorization (CoA) was expired. To avoid further administrative action for violations of Ohio Revised Code (ORC) 4733 Mihal entered into a settlement agreement wherein he agreed to comply with the laws and rules governing the practice of engineering, pay a \$1,500 fine and receive a written reprimand.

Similarly, Power Solutions Group and Barry W. Willoughby of Sidney provided engineering services in Ohio while the firm's CoA was expired, said the State Board of Registration. To avoid further administrative action for violations of ORC 4733 Willoughby entered into a settlement agreement wherein he agreed to comply with the laws and rules governing the practice of engineering, pay a \$2,500 fine and receive a written reprimand.

In a third case, the State Board of Registration said Horizon Surveying, Inc. and Paul MacCallum of Lebanon provided surveying services in Ohio while the firm's CoA was expired. To avoid further administrative action for violations of ORC 4733 MacCallum entered into a settlement agreement wherein he agreed to comply with the laws and rules governing the practice of surveying, pay a \$500 fine and receive a written reprimand.

### PS Practiced with Expired Registration

Stephen M. Bowman, a resident of Zanesville, provided surveying services in Ohio while his professional surveyor registration was expired, said the State Board of Registration. To avoid further

administrative action for violations of ORC 4733 Bowman entered into a settlement agreement wherein he agreed to comply with the laws and rules governing the practice of surveying, pay a \$1,500 fine and receive a written reprimand.

### Provided Surveying Services with No Registration, No CoA

The State Board of Registration said Ronald F. Grolle and Black Swamp Consulting, LLC, of Bowling Green provided surveying services in Ohio while Grolle did not possess registration as a professional surveyor and the firm, Black Swamp Consulting, LLC, did not have a CoA to offer or provide surveying services in Ohio. To avoid further action for violations of ORC 4733, Grolle entered into a settlement agreement wherein he agreed to comply with the laws and rules governing the practice of surveying by agreeing to immediately cease and desist from offering or providing surveying services until he and his firm obtain a license.

### Failed to Respond to State Board's Request for Information in 30 Days

Michael J. Dorsey, a resident of Uniontown, failed to respond to two separate requests to submit his continuing education documentation for 2008 and 2009, said the State Board of Registration, during the Board's annual audit. Ohio law requires that professional engineers and professional surveyors must respond within 30 days to the State Board of Registration's request for information. Although Dorsey eventually submitted documentation verifying he completed the continuing education requirements, the State Board of Registration said it did not receive his continuing education documentation for over 15 months after the initial request. Dorsey entered into a settlement agreement wherein he agreed to pay a \$500 fine and receive a written reprimand.



**Re-Energizing Ohio**  
**Spring CPD Conference & Annual Member Meeting**  
 May 20 & 21, 2011 | Warrensville Heights, Ohio

12.5 CPD Hours Available!

**Ohio Society of Professional Engineers**  
 A state society of the National Society of Professional Engineers

Attend the OSPE Spring CPD Conference & Annual Member Meeting at the Cleveland Marriott East on Friday, May 20, and Saturday, May 21.

In addition to CPD hours, this two-day program is filled with fellowship and entertainment. Engineers will break bread together at the Legislative Luncheon on Friday and the Awards Luncheon on Saturday. Friday evening relax at the Presidents' Party with dinner and our OSPE-EFO joint Installation of Officers Ceremony. After dinner, you are welcome to meet your OSPE friends in the Hospitality Suite for more socializing!

Most importantly, we're offering meaningful activity that will shape the future of Ohio professional engineering. Through the OSPE & EFO Annual Member Meetings (free of charge) on Friday morning and OSPE practice division meetings on Saturday morning, you will network with Society leaders and your other PE peers as you set direction for tomorrow.

Download your registration brochure now at <http://ohioengineer.com>. Or call 1-800-654-9481 for immediate registration processing!

Continuing Professional Development Hours Available

OSPE is proud to present two days filled with courses specifically designed for Ohio professional engineers. This conference includes educational seminars and tours worth up to **12.0 CPD Hours**, plus bonus CPD credit for those registering for and attending the Legislative Luncheon on Friday.

Our thanks to OSPE's Northeast Chapter for developing a first-class

program including seminars following a "Re-Energizing Ohio" theme:

- "Making Sense of the Economic Puzzle: What's Ahead for the National & Regional Economy in 2011," presented by Jack Kleinhenz, PhD, principal and chief economist of Kleinhenz & Associates;
- "The Engineering Employer Perspective: Digging into the Details of Healthcare Reform," presented by William Hutter, CEO, Sequent, Inc.;
- "Developing an Advanced Energy Cluster in Northeast Ohio," presented by Dave Karpinski, vice president of NorTech and director for NorTech Energy Enterprise;
- "Ohio Energy Resources: Industrial & Commercial Programs," presented by Scot Thrapp, the industrial and commercial program specialist at the Ohio Department of Development in the Ohio Energy Resources Division;
- "Why Ohio? Making the Case for the Growth of the Fuel Cells Industry within the Buckeye State," presented by Pat Valente, executive director, Ohio Fuel Cell Coalition;
- "Code of Ethics & Improper Conduct: You Be the Judge," presented by John Greenhalge, MBA, executive director of the State Board of Registration for Professional Engineers & Surveyors;
- "Crossing the Career-Transition Bridge on Two Wheels," presented by Imre Szauter, MS, a former industry engineer turned government affairs manager for the American Motorcyclist Association; and

- "The Role of PE's in Higher Education," a panel discussion.  
 The Northeast Chapter has also planned a technical tour at GrafTech International and NASA Glenn Research Center.

Engineer's Conference Packages & Rates

The engineer's entire conference package includes meetings, seminars, on-site activities and the technical tour, as well as all meals *except* Friday's Legislative Luncheon, which is separate from the package.

The OSPE member rate for the entire conference is \$299, which is a 30% savings off the nonmember rate. OSPE Enterprise members will enjoy the entire conference for only \$215 -- that's 50% off the nonmember rate.

One-day packages are also available. Please refer to the registration brochure or call OSPE for rates.

For the best conference rates, register by Friday, May 6. To participate in the technical tour at NASA Glenn and earn the CPD hours associated with that tour, U.S. citizens and Permanent Resident Aliens must register by Thursday, May 12.

Legislative Luncheon

Friday's Legislative Luncheon speaker will be Rep. Nan Baker (R-Westlake). She will talk about her leadership of the House Economic and Small Business Development Committee, as well as provide updates on the aerospace industry and bio-sciences. There will be **0.5 CPD Hours** credit available at this luncheon. Separate registration is required for this program hosted by the OSPE Political Action Committee. Call the OSPE-PAC at 614-223-1144 to register.

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In addition to a unique and decadent Chocolate Party, in which tour

See "Spring CPD Conference," page 17




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## OSPE & EFO PROGRAMS

### Certificate Ceremony hosts 350 guests, highlights importance of ethics and professionalism in engineering & surveying

The spring Ohio Engineering & Surveying Certificate Ceremony attracted 350 guests this past March. Seventy-five newly registered professionals and interns came to the Ohio Statehouse to receive their engineering and surveying licenses.

Cosponsored by the State Board of Registration for Professional Engineers and Surveyors, the Ohio Society of Professional Engineers (OSPE), and the Professional Land Surveyors of Ohio (PLSO), the event attracted people from around Ohio and as far away as Indiana, Kentucky, and Illinois.

Thank you to L. Steve Day, PE, for serving as master of ceremonies.

"Your accomplishment," said Day, "is one to be very proud of, an honor you have worked very hard for, and one that should raise your awareness of the ethics and professionalism in engineering and surveying."

OSPE extends its gratitude to State Board of Registration Chairman Ted

Hubbard, PE, PS, for his remarks, and to Montgomery County Engineer Joe Litvin, PE, PS, FNSPE, for serving as the keynote speaker.

The registrants received their official state certificates from Ohio engineering and surveying leaders: Hubbard; OSPE President-Elect D. Bruce Larcomb, PE, PS; PLSO President Donald E. Pickenpaugh, PS; Engineers Foundation of Ohio President Owen March, PE; and OSPE Franklin County Chapter President Howard Jones, PE.

During the ceremony, certificate recipients recited the Engineer's & Surveyor's Creed, pledging "to participate in none but honest enterprise," "to live and work according to the laws of man and the highest standards of professional conduct," and pledging to place "the public welfare above all other considerations." After the ceremony, new OSPE members had their portraits taken to be sent to their hometown newspapers along with press releases.



**Steve Day, PE, talks about ethics and professionalism at the Certificate Ceremony.**

They also took advantage of the OSPE Resume Center.

Thank you to our ceremony sponsors: **American Electric Power** and **Daniel Lauletta of Ameriprise Financial Services.**

### Cleveland, Columbus & Dayton mathletes advance to national *Ohio MATHCOUNTS* benefits more than 13,000 students annually

Four Ohio middle school students took top individual honors at Ohio MATHCOUNTS in mid-March and will represent the state at the national competition May 6 in Washington, DC.

Clive Chan (first place at state) of Birchwood Middle School in Cleveland, Peter Tian (second place) of Columbus Academy, Shivam Sarodia (third place) of Hadley Watts Middle School in Dayton, and Kartik Dhinakaran (fourth place) of Lee Burneson Middle School in Cleveland took the top four slots in the state competition over nearly 180 other

sixth, seventh, and eighth grade students. Their national competition coach will be Charles Debelak.

Debelak is also the coach of Birchwood Middle School who earned first place trophies in the team competition at state. The winning team includes Chan, Kavya Ravichandran, Venyak Kurup and Nate Calabrese. Schools around the state have been working since the beginning of the academic year for their chance at the state math title. Thirty Ohio middle school teams competed.

"MATHCOUNTS gives young

mathletes great team building skills," said Owen March, PE, president of the Engineers Foundation of Ohio (EFO), the sponsoring organization of Ohio MATHCOUNTS. "And students develop and hone their math skills. The kids really have fun with it!"

Through its research with the national MATHCOUNTS Foundation, EFO now calculates that Ohio MATHCOUNTS benefits more than 13,000 students annually.

Media outlets covering the state competition included NBC4 in Columbus, *West Side Leader* in Akron, and *Westlake Bay Village Observer* in the greater Cleveland area.

Thank you to **American Electric Power** for a special \$3,000 grant that EFO is using to help offset the MATHCOUNTS registration cost for schools in need.

Thanks also to **Columbus State Community College** for serving as hosts, **Tai C. Wong, PE**, for grader/proctor refreshments, and **Ohio University Russ College of Engineering & Technology** for its sponsorship.

#### Left to right:

EFO President Owen March, PE, Peter Tian, Kartik Dhinakaran, Ohio MATHCOUNTS Coordinator Leon Winget, PhD, PE, Shivam Sarodia, Coach Charles Debelak, Clive Chan, and OSPE President-Elect Bruce Larcomb, PE, PS. >>>



## Allen East Primary second grader wins 'Imagine Engineering Coloring Contest'

The 13th annual Imagine Engineering Coloring Contest attracted an estimated 7,500 second graders. Through the program, OSPE members teach young students what engineering is.

Over the winter, OSPE members visited classrooms and engaged students in discussions about Ohio's engineers. Afterward, the second graders were asked to draw pictures of PEs at work. Drawings were evaluated first at the chapter level and next at the state level for prizes.

Miranda Kirkpatrick, a second grader at Allen East Primary School in Lafayette, placed first in the state coloring contest. For her efforts, Kirkpatrick received a telescope, the first place prize. Kirkpatrick won the contest by drawing and coloring a picture of two professional engineers drilling a core sample at the site of a building under construction. (Kirkpatrick's photo and winning entry are inside the front cover of this issue.)

Joel Tobler, a second grader at Saint Mary Elementary School in Columbus, placed second in the contest and won a big screen microscope. He depicted engineers working on a computer, a bridge, a rollercoaster, a helicopter, and playground equipment.

Ethan Mescher of Saint Henry Elementary School placed third and won a MathShark skill-building game and calculator. He drew the types of engineering work being performed in his hometown, including automotive, mechanical, civil, computer, robotics, electrical, chemical, and construction.

Led by OSPE member Rich Irwin, PE, a panel of 15 judges from the Ohio Department of Transportation selected the top three entries for the contest.

"The judging was very difficult due to the quality, talent and imagination of the children," said Irwin.



**Miranda Kirkpatrick (1st place winner) and David Louth, PE.**



**Joel Tobler**  
St. Mary Elementary  
(2nd place winner)



**Ethan Mescher**  
St. Henry Elementary  
(3rd place winner)

## 'Engineer As Leader' participants study values, persuasion and Level 5 leadership

In February, the Engineer As Leader, a two-day course sponsored by the Engineers Foundation of Ohio, attracted 35 practicing engineers and students to Columbus. Professional engineers earned 10.5 CPD hours for their participation.

Nationally-known engineering leadership expert James Dalton, CAE, helped participants develop their range of leader-

ship skills. In a rich and dynamic presentation covering many topics, participants learned about persuasion via appealing to people's core values. Participants also engaged in an in-depth study on the Level 5 Executive, who, according to Jim Collins, contributor to the *Harvard Business Review*, "builds enduring greatness through a

paradoxical combination of personal humility plus professional will."

The 2011 program earned an outstanding average score of 4.6 on participant evaluations. This was on a scale of 1-5 in which 1 represents "poor" and 5 represents "excellent."

Participants made the following remarks regarding the Engineer As Leader:

- "This course covers territory that the mass-produced leadership seminars never do."
- "This is powerful stuff."
- "I learned that there are new skills to help me to be a persuasive leader."
- "Very engaging; diverse yet focused."
- "Excellent presentation skills and broad knowledge of references and research."
- "Kept your attention."
- "Very good at raising issues and ideas that are outside the engineers 'tool box.'"



**Jim Dalton, CAE**



**Discussing Level 5 leadership are (L-R) Del Smith, PE, of Rolls-Royce Energy, Tai Wong, PE, and Pete Curcio, PE, of Ariel Corporation.**



# OSPE delivers big benefits for joining and renewing, financial incentives for recruiting

## Membership Renewals & Recruitment

Membership renewals and new member recruitment continue to look strong! To renew your membership, call OSPE at 614-223-1144 or at 1-800-654-9481 (Ohio toll free).

You can still be part of the "Give Back: Get Back" program. Receive \$50 off the price of an OSPE or EFO program by recruiting one new member. Benefits increase with the number of new members you recruit: Earn free NSPE dues with two recruits and free NSPE and Ohio dues with three recruits. See page 16 for information.

The Ohio Engineering & Surveying Certificate Ceremony, held in March, again featured a members-only resume center. Prospective employers are welcome to contact OSPE to review resumes on file from recent ceremonies. Also at the Certificate Ceremony, new members were invited to have their photographs taken outside the Statehouse. These portraits were sent to the new members' hometown newspapers along with a press release announcing their latest professional achievements.

In other membership recruitment news, NSPE and OSPE are collaborating on a direct mail membership campaign with a one-two punch; an April letter to nearly 2,000 Ohio-registered engineers will be followed by a postcard in May.

## Discounts on Upcoming CPD Hours

Inquire about member discounts for all OSPE and EFO continuing professional development (CPD) programs. Altogether the organizations are offering 58.0 CPD hours this fiscal year.

Earn up to 4.0 CPD hours at the Ohio Engineers Legislative Day to be held May 10 at the Capital Club in downtown Columbus. (See page 7 for details).

Also, register for this year's Spring CPD Conference, May 20-21, at the Cleveland Marriott East in Warrensville Heights. (See page 11.) This program

is worth up to 12.5 CPD hours, including the Legislative Luncheon (separate registration required).

## Member Discount Programs

Remember to enroll in OSPE cost-savings programs, including discounts on OfficeMax products and supplies. Other OSPE member discount programs include: insurance through Oswald; workers' compensation insurance through CompManagement; shipping through UPS; and payroll services, personnel services, and management through Sequent. (Also, watch your e-mail inbox for OSPE hotlinks to Sequent newsletters covering timely topics in human resources management.)



Call OSPE at 1-800-654-9481 (in Columbus, 614-223-1144) or e-mail the OSPE office at OSPE@OhioEngineer.com for details on our endorsed products and services.

## OSPE "Friends"

A Supporting Friend is a person (or company) who is not a professional engineer, but is someone who wishes to support OSPE. The fee is \$99 and it may be renewed annually. Although Friends do not have voting rights on committees or task forces and cannot serve as an officer, there are numerous benefits of being a Friend. Friends receive the same electronic notices and discounts of the membership categories, except that educational program discounts are up to 10 percent. Vendors and other non-PE's who are interested in becoming a Friend may contact OSPE at 1-800-654-9481 (in Columbus, 614-223-1144).

## Welcome, new OSPE members

OSPE is pleased to welcome these 48 new members from December 29, 2010 through April 6, 2011:

### Akron District Chapter

Phillip Dannug, E.I.  
Courtney Gras

### Buckeye Chapter

Jessica Adine, E.I.  
Andrew Stone, P.E.

### Canton Regional Chapter

Heather Hammontree, E.I.  
Trent Nichols, P.E.

### Cincinnati Chapter

George Abbott  
Louis Blessing, P.E.  
Jenna Catanzaro  
Gary Jenkins, P.E.  
Joseph Kamalesh  
Scott McBrayer, P.E.  
Greg Rhoades, E.I.  
Donald Seiller  
Leah West, E.I.

### Dayton Chapter

Taylor Van Vliet, E.I.

### Franklin County Chapter

Douglas Barnes  
Matthew Chapman, P.E.  
Darrell Cipriany, P.E.  
Michael Crichton, P.E.  
Paul Demmy, P.E.  
Gary Fetherolf, P.E.  
Daniel Geers, P.E.

### Franklin County Chapter (cont.)

Jonathan King  
Alic Kozusko, E.I.  
Maria Lopez de Echeverria  
David Mullen, P.E.  
Todd Mumford  
Thomas Rothey, E.I.  
Sam Sather, E.I.  
Daniel Smith  
Thomas White, P.E.  
Alexander Yazdani, P.E.

### Lima Chapter

Robert Hiss, E.I.

### Mahoning Valley Chapter

Brock Elsea  
Geraldine Patman, P.E.  
Gary Shaffer, P.E.

### Northeast Chapter

Christopher Hirzel, P.E.  
Matthew Kashuk, P.E.  
James Moseley, P.E.  
Mohsen Seifi, P.E.  
James Wojcik, P.E.

### Southern Ohio Chapter

Jason Harral, P.E.

### Toledo Chapter

Chad Pietkowsky, E.I.  
Benjamin Rowland, P.E.

### Tuscarawas Valley Chapter

David Hafvenstein, P.E.  
David Hoffman  
Christopher Wright, P.E.

# OSPE Chapter Calendar

*Check out our chapters here or online at [www.OhioEngineer.com](http://www.OhioEngineer.com)! If you need any further information on these chapters, or if you have an OSPE program that you'd like listed here, call OSPE at 1-800-654-9481 (614-223-1144 in Columbus).*

**Ohio Society of Professional Engineers & Engineers Foundation of Ohio**

May 10..... Legislative Day, Columbus  
 May 20-21.... Spring CPD Conference & Annual Member Meeting, Warrensville Heights  
 Aug 20 ..... Ohio Engineering Certificate Ceremony, Ohio Statehouse, Columbus  
 Sept ..... EFO Fall CPD Conference, Columbus  
 Sept ..... Golf Outing

**Akron District Chapter**

Mark Van Auken, PE, 330-376-5778

**Blanchard Valley Chapter**

Todd Jenkins, PE, 419-422-6672

**Canton Regional Chapter**

Jeff Robb, PE, 330-859-8502

**Central Ohio Chapter**

Bob Fox, PE, 740-323-1794

**Cincinnati Chapter**

Harry Kacenski, PhD, PE, 513-575-1235

**Cleveland Chapter**

Lee Hooper, PE, 216-861-2020

**Dayton Chapter**

Jon Wheeler, PE, 937-656-3501

**Franklin County Chapter**

Howard Jones, PE, 614-209-3289  
 May 10..... Board Meeting, Korda Engineering, Columbus  
 May 26..... Spring Banquet & Officer Installation, Hickory House, Gahanna, 6:30 p.m.

**Lake Erie Chapter**

Joshua Snyder, PE, 419-663-6735

**Lima Chapter**

Dan Bucher, PE, 419-227-1135

**Lorain Chapter**

Terry McClain, PE, 440-835-9400

**Mahoning Valley Chapter**

Bernard Petro, PE, 330-720-4998  
 May 6..... Board Meeting, Caffe Capri, Boardman

**Maumee Valley Chapter**

Otto Gerdeman, PE, 419-784-1084

**North Central Chapter**

Dave Rinehart, PE, 419-524-0074

**Northeast Chapter**

Dan Gerson, PE, LS, 216-622-2417

**Southern Ohio Chapter**

James Barnhart, PE, 614-891-0210  
 May 11 ..... Meeting, Canal House Restaurant, Chillicothe

**Toledo Chapter**

Chris Carry, PE, 419-865-8600  
 May..... Golf Outing  
 May 10..... Board Meeting, University of Toledo  
 July 13 ..... Planning Meeting, University of Toledo

**Tuscarawas Valley Chapter**

Raymond Trivoli, PE, 330-308-6905

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### Membership Campaign

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2 New Members .....	\$100 off OSPE/EFO programs & services + FREE NSPE dues (up to a \$128 value **). .....	<b>\$228</b>
3 New Members .....	\$150 off OSPE/EFO programs & services + FREE NSPE & Ohio dues (up to a \$248 value **). .....	<b>\$398</b>

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- Engineers Leadership Institute
- EFO Fall CPD Conference
- OSPE Legislative Day
- PE Stamp or Embosser
- OSPE Spring CPD Conference
- Gift to Engineers Foundation of Ohio

Name \_\_\_\_\_ NSPE Mem. # \_\_\_\_\_ WPhone \_\_\_\_\_

Company \_\_\_\_\_ E-Mail \_\_\_\_\_

\* For new, full-paying "Licensed Members" or "Members" (excluding Life, Retired, Student, Enterprise & Graduated Dues members) submitted to OSPE by June 30, 2011. Voucher can not be used for new members gained from the Certificate Ceremony voucher or in combination with any other voucher offer by OSPE.

\*\* Amounts listed above reflect total dues savings for Licensed Members and Graduate/EI Members. Recent graduates should call 1-800-654-9481 (or 614-223-1144) for discounts.

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### From "Spring CPD Conference," page 11

guests will get to make specialty chocolates and take home one pound of their favorite showcase chocolates, guests will enjoy gallery shopping and lunch at Trattoria in Little Italy, a jaunt on the Cuyahoga Valley Scenic Railway, shopping in the quaint town of Peninsula, and a guided tour of the Cleveland Botanical Garden.

Thanks to the support of three OSPE practice divisions, the cost of

these tours is only \$99. One-day packages are also available. Please refer to the registration brochure or call OSPE for rates.

#### Overnight Accommodations

Make your overnight room reservations at the Cleveland Marriott East by calling 1-800-533-0162. To reserve your overnight room at the OSPE discounted rate of \$99 plus tax per night, mention

"Ohio Society of Professional Engineers." Rooms are being held at this rate for OSPE Conference attendees through Friday, April 29. Register early to ensure availability.

#### Sponsorships Available

For information, including details on complimentary registration benefits, download OSPE's 2011 Media Kit at <http://ohioengineer.com>.

### From "Lessons Learned," page 1

educating the Society's up-and-coming leaders in their responsibilities to the membership as a whole.

- The Annual Leadership Conference needs to become the primary gathering of chapter leaders. Those who accept positions of leadership, must be clearly and concisely educated on their responsibilities as leaders, in areas such as ethics and fiduciary obligations. OSPE cannot operate under the belief that these incoming leaders understand what is expected by governing regulations and professional ethics. I am certain that each, if they thought about it for a moment, knows this. But those who serve the membership must understand that they are operating a non-profit organization known as OSPE. And any organization, for profit or non-profit, must maintain confidential information and discussions within the appropriate forum. This is necessary for the success of the business. The sharing of confidential information leads to rumors, innuendos, and miscommunications. No person in a leadership position should share

discussions until such has become the policy of the organization or outside input is sought by the body. None of us would dream of sharing private client information or the business operations of our employer with others, outside of the intended forum.

- Society-to-chapter and chapter-to-society communications need to become better and continuous. While the chapters operate to serve OSPE's members within a designated region or area, they are not independent organizations. OSPE as the parent organization has a moral, ethical and legal obligation to oversee the chapters. After all, the chapters actively work with OSPE's members for which dues monies are passed through the Society to assist in chapter operations. Chapters must work closely with OSPE and EFO in matters that involve tax-exempt contributions for scholarships, MATHCOUNTS, etc., as the chapters cannot grant the contributor a tax exemption.
- Governance must be brought into

line with the realities of today's legislative mandates and actual practices. This item became apparent while discussing and reviewing both society bylaws and those of some of the chapters. While the Society has made adjustments to the current bylaws in language, they have not done the in-depth look that is expected of non-profit organizations. Some chapters have their own set of bylaws. One example had not been updated in over 20 years. As chapters are subordinate organizations to OSPE, it is my belief that the organization should operate under a single set of bylaws, as multiple bylaws can conflict and become difficult to manage and update. Therefore, OSPE will be developing bylaws that govern all chapters.

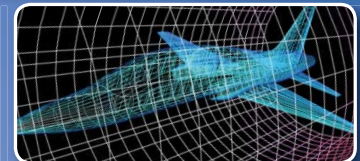
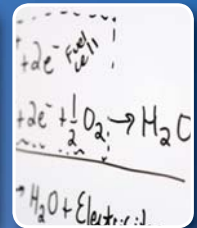
The current and future OSPE Boards will be reviewing, updating and revising the bylaws too accurately to reflect the society and its chapters' operations. The revised bylaws will establish a standing bylaw committee to assure continuous review and scheduled updates.

# Re-Energizing Ohio

## Spring CPD Conference & Annual Member Meeting

May 20 & 21, 2011  
Cleveland Marriott East  
Warrensville Heights, Ohio

Details in  
this issue!



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