

**Effective November 1, 2003**

**CHAPTER 4733-1. GENERAL PROVISIONS**

**4733-1-02. Name**

The name of this board as fixed by § 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."

**4733-1-03. Headquarters**

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

**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."

**CHAPTER 4733-3. DUTIES OF 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.

**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.

**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.

#### **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 surveyor, as required by law.

#### **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 (3) affirmative votes.

### **CHAPTER 4733-5. PROCEDURE**

#### **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, 77 South High Street, 16th Floor, Columbus, Ohio 43215."

(2) Calling the following telephone number during normal business hours: (614) 466-3650.

(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. In order to receive notification, such persons must provide to the board sufficient quantity of self-addressed, stamped envelopes for the mailing of the notices.

(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. A request for such notification shall be addressed to: "The State Board of Registration for Professional Engineers and Surveyors, 77 South High Street, 16th Floor, Columbus, Ohio 43215."

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 he 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.

### **CHAPTER 4733-9. REGISTRATION AS A PROFESSIONAL ENGINEER OR SURVEYOR BY EDUCATION, EXPERIENCE AND REGULAR EXAMINATION**

#### **4733-9-01. Qualifications for registration by regular examination.**

The board will consider applications from persons possessing one of the following qualifications:

(A) 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.

(B) 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.

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

- (1) Graduation from an approved curriculum in surveying of four years or more in a recognized school or collage, 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.
- (2) 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 of 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.

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

(E) An examinee may be late up to one hour in the a.m. examination portions and one-half hour in the p.m. portion from the start of the time the chief monitor starts the examination. Positive identification must be furnished by the late arrival examinee.

## **4733-9-02. Acceptable 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 of engineering subjects.

(B) The board will consider satisfactory graduate study resulting in a graduate degree, or degrees, in engineering or surveying equal to experience up to a maximum of two years' credit of the engineering or surveying experience required.

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.

(C) 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 the engineering work shows minimum technical competency.

#### **4733-9-04. Examinations, minimum grades, and intern certificates**

(A) Examinations for surveyors and engineers will be held two times each year.

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

(C) 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 minimum grade of seventy will be required for passing.

(2) For stage two of the written examination, covering the principles and practice of engineering, a minimum grade of seventy will be required for passing.

(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 minimum grade of seventy for each examination will be required for passing.

(D) 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 RAC/ABET accredited surveying curricula or Ohio board approved surveying curricula.

(E) 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.

(F) 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.

## **CHAPTER 4733-13. REGISTRATION BY COMITY AND TEMPORARY REGISTRATION**

### **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 board 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 blank 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 such 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 and fee 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.

## **CHAPTER 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 final action will be taken by the board until such information is received.

A photograph of the applicant shall appear in the space provided upon the application form. It shall be an unretouched photograph taken within six (6) months of the date of application, and the face shall be portrayed not less than three-fourths inch in width.

## **CHAPTER 4733-19. APPLICATION AND OTHER 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. The nonrefundable exam fee for procuring, administering and grading the examination or reexamination shall be remitted with the "Notice of Intention" when the applicant schedules for examination or reexamination.

(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) An applicant shall be considered scheduled for an examination upon receipt by the board of the applicant's notice of intention or the dean's statement letter. The examination fee shall not be returned after the applicant is scheduled for examination.

(F) 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.

(G) A 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).

(H) 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.

(I) As permitted by the provisions of section 4733.15 of the Revised Code, the board may upon request waive the payment of the renewal fees 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.

## **CHAPTER 4733-20. PRESENTATION OF CERTIFICATES**

### **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.

## **CHAPTER 4733-21. CERTIFICATES OF REGISTRATION**

### **4733-21-01. Certificates 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.

## **CHAPTER 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 products issued by a registrant shall be stamped or embossed with the said seal, during the life of the registrant's certificate of registration, but 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.

## **CHAPTER 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. 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. The amount of the reinstatement fee shall be as prescribed in paragraph (H) 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.

## **CHAPTER 4733-29. PRINCIPLES AND PRACTICE 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 detailed, notarized, experience statement. This statement shall describe the nature of work performed, degree of responsibility, and dates of each engagement. 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. No special form for this experience statement is required; use eight-and-one-half-inch by

eleven-inch paper. 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 ninety days prior to the examination date.

## **CHAPTER 4733-31. SURVEYING DEFINED**

### **4733-31-01. Surveying defined**

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

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

## **CHAPTER 4733-33. EXAMINATIONS FOR SURVEYORS**

### **4733-33-01. Examinations for land 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.

## **CHAPTER 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 Ohio Revised Code, shall be binding upon every person holding a certificate of registration as a professional engineer or as a 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 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 his statements or written responses to the board or its representatives on matters pertaining to professional conduct.

### **4733-35-02. Integrity**

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

### **4733-35-03. Responsibility to the public**

The engineer or surveyor shall:

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

(1) Sever the relationship with the employer or client;

(2) Refuse to accept responsibility for the design, report or statement involved;

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

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

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

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

#### **4733-35-04. Public statements and certifications**

(A) The engineer or surveyor will issue no statements, criticisms or arguments on engineering or surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the engineer or surveyor has prefaced his or her remarks by explicitly identifying the 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 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 will decline to sign and/or seal any form of certification, warranty, or guaranty that (1) relates to matters beyond his or her technical competence, (2) involves matters which are beyond the scope of services for which he or she was retained, or (3) relates to engineering or surveying work for which he or she does not have personal professional knowledge and direct supervisory control and responsibility. "Certification" shall mean a statement signed and/or sealed by an engineer or surveyor representing that the engineering or surveying services addressed therein have been performed, according to the engineer or surveyor's knowledge, information and belief, in accordance with commonly accepted procedures consistent with applicable standards of practice, and is not a guaranty or warranty, either expressed or implied.

#### **4733-35-05. Conflict of interest**

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

(B) The engineer or surveyor shall promptly inform the client or employer of any business association, interests, or circumstances

which could influence his or her judgment or the quality of services to the client or employer.

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

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

(E) The engineer or surveyor shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents or other parties dealing with the 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 he or she reviewed on behalf of another employer or client.

#### **4733-35-06. Solicitation of employment**

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

(B) The engineer or surveyor shall seek professional employment on the basis of qualifications and competence for proper accomplishment of the work. An engineer or surveyor may submit proposed fee information prior to selection.

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

(D) Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts

concerning employers, employees, associates, joint-ventures, or past accomplishments with the intent and purpose of enhancing qualifications and work.

#### **4733-35-07. Improper conduct**

(A) The engineer or surveyor shall not sign and/or seal professional work for which he or she does not have personal professional knowledge and direct supervisory control and responsibility.

(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 Ohio Revised Code, or any of these rules of professional conduct, he or she shall present this information to the board in writing.

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

#### **4733-35-08. Other jurisdiction**

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

#### **4733-35-09. Records**

Each registrant or certificate of authorization holder shall keep a true and correct record in the English language of all of the business transactions in the registrant's or holder's office relevant

to enforcement of Chapter 4733 of the Revised Code. Such records shall be available at all reasonable hours for inspection and copying by the Ohio state board of registration for professional engineers and surveyors.

## **CHAPTER 4733-37. MINIMUM 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 in 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 rules. 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.

### **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.

### **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.

#### **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/or 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.

#### **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 or record, if available.

#### **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 adjoining 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.

## **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 or 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.

## **CHAPTER 4733-38. MINIMUM STANDARDS FOR MORTGAGE LOCATION SURVEYS IN THE STATE OF OHIO**

### **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.

#### **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.

#### **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.

#### **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).

#### **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.

## **CHAPTER 4733-39. CERTIFICATE OF AUTHORIZATION**

### **4733-39-01. Preamble**

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

### **4733-39-02. Definitions**

As used in this rule:

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

(B) "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.

(C) "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.

(D) "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.

(E) "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.

(F) "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.

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

### **4733-39-03. Applications and filing requirements**

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

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

(C) In a corporation offering to provide engineering services, one or more professional engineers designated as being in responsible charge of professional engineering activities and decisions shall be a director of the corporation. In a corporation offering to provide surveying services one or more professional surveyors designated as being in responsible charge of professional surveying activities and decisions shall be a director of the corporation.

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

#### **4733-39-04. Annual renewal filing**

(A) Under provisions of section 4733.16 of the Revised Code, each firm, partnership, association, limited liability company or corporation holding a "Certificate of Authorization" shall annually file no later than June thirtieth with the board on forms provided by this board, the name and address of each owner and the name 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" letters will be issued by the board within thirty days after the approval of the renewal application.

(E) The "Certificate of Authorization" for all firms, partnerships, associations, limited liability companies or corporations whose annual renewal filing is not received by the close of business on June thirtieth will expire and be invalid. The "Certificate of Authorization" for all firms, partnerships, associations, limited liability companies or corporations which have expired may be renewed within twelve months of the expiration date. The delinquent fee established by rule 4733-39-06 of the Administrative Code, which shall be fifty per cent greater than the annual renewal fee, must be paid to the board. The requirements of paragraph (A) of this rule must also be met. If a "Certificate of Authorization" is not renewed within twelve months from the expiration date, the said firm, partnership, association, limited liability company or corporation must make application for a new "Certificate of Authorization" in accordance with the requirements of rule 4733-39-03 of the Administrative Code and pay the appropriate fee.

#### **4733-39-05. Certificate of authorization**

(A) A "Certificate of Authorization" shall be issued by this board to all firms, partnership, 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 "Certification 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 are qualified for the state fiscal year. A renewal will be required at the end of each state fiscal year. The "Certificate of Authorization" renewal letter shall indicate the professional service or services the business enterprise is authorized to provide.

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

#### **4733-39-06. Fees**

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

Application fee	\$ 50.00
Annual renewal fee	\$ 25.00
Delinquent fee (within twelve months of expiration)	\$ 37.50
Reapplication fee (beyond twelve months of expiration)	\$50.00
Duplicate certificate fee	\$ 5.00

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

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

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

### **4733-39-07. Exemptions**

Corporations which were granted a charter prior to August 7, 1943, to engage in providing engineering and/or surveying services in this state, or were otherwise lawfully providing engineering and/or surveying services in this state 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.