

**The Testimony Of**

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**Presented To**

The Ohio Senate Transportation, Commerce and Workforce Committee  
The Honorable Rob McColley, Chair

**Date**

December 2, 2020

**Regarding**

Ohio House Bill 263

Chairman McColley, Vice Chairman Johnson, Ranking Member Antonio and distinguished members of the Senate Transportation, Commerce and Workforce Committee, thank you for the opportunity to provide testimony on House Bill 263. This legislation revises the initial occupational licensing restrictions applicable to individuals convicted of criminal offenses.

My name is Joe Warino. I am an Ohio-registered professional engineer (PE), a professional surveyor (PS) and a vice president of the Ohio Society of Professional Engineers (OSPE). I am unable to attend today's hearing, so I decided it was important to submit this written testimony on the subject legislation.

Make no mistake, to be a professional engineer, it absolutely requires that you are worthy of the public's confidence. The members of our profession interact with the public, and our work product has a significant impact on the public's health, safety and welfare daily. A sacred trust exists between engineers and the public.

**Therefore, OSPE is opposed to House Bill 263, as written, because the bill would remove discretion from the State Board of Registration for Professional Engineers and Surveyors regarding criminal offenses. Furthermore, other than for sexually oriented crimes and crimes of violence, the legislation makes no provision for permanently denying professional licenses for very serious crimes.**

In ensuring that our designs are safe, professional engineers have a great many responsibilities including sealing our plans to demonstrate that they were created with our personal professional knowledge and our direct supervisory control. Criminal violations of

fraud, theft, bribery, perjury, forgery, and “plan stamping” (i.e., sealing engineering work that you didn’t oversee) – these crimes may be and have been dismissed as minor infractions, but these crimes listed are very serious in our profession.

Under House Bill 263, the Engineers and Surveyors Board could prevent applicants with these violations from entering our profession – **but only for five years**. And there are **no provisions** for denying a professional license for past disciplinary action or to a repeat offender.

We are keen observers of the Engineers and Surveyors Board, and we have seen great and just cause for allowing the Board to examine and consider circumstance and historical evidence in making their decisions on whether to grant or deny licenses. The Engineers and Surveyors Board is bound to Ohio law in issuing professional licenses and in taking disciplinary action. Furthermore, an assistant attorney general sits in on every meeting and works closely with the Engineers and Surveyors Board during its deliberations. In our experience, the Engineers and Surveyors Board fairly follows past precedent, thereby protecting license applicants from discrimination.

OSPE remains opposed to House Bill 263, as passed by the House, and we hope the Ohio Senate will make beneficial changes to the legislation. We have previously reached out to the bill sponsor, the House Commerce & Labor Committee, and to the members of this committee. We believe that you – public servants who take an oath to uphold the Constitution and the laws of the state – understand that we professional engineers also swear an oath. Our oath is to uphold the public health, safety and welfare of Ohioans. By swearing that oath we offer Ohioans peace of mind that we will “place service before profit, the honor and standing of the profession before personal advantage, and the public welfare above all other considerations.” To that end, through OSPE we work to safeguard the protections that keep bad actors from obtaining licenses that would allow them to design critical infrastructure or perform other engineering work that may have serious and negative impacts in real situations.

**OSPE leaders have agreed to remove our opposition if the following language changes can be added, which we believe will maintain the spirit of the intent of House Bill 263. We suggest two adjustments to the bill:**

- 1. Add language to allow licensing boards to deny a license based on past disciplinary action.**
- 2. Add language to allow licensing boards to deny licenses to repeat offenders.**

With these additions, OSPE can be fully supportive of House Bill 263.

Thank you for your consideration.