

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Minutes of March 18, 2004

Public Session

CALL TO ORDER

The meeting of the State Board of Professional Engineers and Land Surveyors was called to order by President Edward Vernick at 9:00 a.m. at 124 Halsey Street, 3rd Floor Union Conference Room, Newark New Jersey. All parties were duly notified of the time, date and place, with all pertinent material being provided.

SUNSHINE LAW ANNOUNCEMENT

President Vernick read the statement required by Chapter 231, Laws of 1975 known as the Open Public Meetings Act, and announced that notice of this meeting was prepared in the office of the Board and mailed to the Secretary of State, the Star Ledger, the Camden Press, and the Courier Post.

ROLL CALL

BMs present:

Edward Vernick
Robert Marshall
James Kelly
Rishi Raj
Pravin Patel
Louis Raimondi
Robert Bogart
James Valenti
Albert Faraldi

BMs absent: Richard Frantz

Others present: Arthur Russo, Executive Director, Michelle Albertson, Deputy Attorney General, and staff members Joseph Grabowy, Ernest Gonzalez, Martha Richardson, Robert Welsh, Yolanda Winston, and one (1) public member.

APPEARANCE BY REGULATORY ANALYST DEVON GRAF

Mr. Graf appeared before the Board to discuss the status of the corner marker regulation. Additionally, VP Kelly and BMs Patel and Raimondi will form a committee to review the regulations for changes at sunset.

REPORT OF THE EXECUTIVE DIRECTOR

General Report

ED Russo stated that BM Bogart cannot attend the land surveying conference in Nashville, Tennessee.

The Board briefly discussed correspondence submitted by Jeffrey Hartke, PE, regarding the preparation of topographic surveys by professional engineers.

The Board tabled this matter until the next meeting.

ED Russo advised the Board of a subpoena issued by Anton Thomas, Esquire requesting information from the licensure file of William Grzyb. The Board, after reviewing this request and on a motion by BM Faraldi, second by BM Raimondi, unanimously voted to provide him with the transcript since NJIT could not locate it.

ED Russo advised the Board that Bernard Berson, PE, New Jersey Society of Professional Engineers, and Lawrence Powers, Esquire, attorney for the Society, would like to meet to discuss the subject of professional ethics. This meeting will serve to facilitate a dialogue with the Society on this subject. After a discussion, the Board agreed to invite Mr. Berson and Mr. Powers to appear at its April 15, 2004 meeting to discuss this topic.

The American Society of Professional Engineers (ASPE) submitted a request to the Board inviting a Board member to sit on its Board. The Board, after reviewing this request, will inform ASPE that such an arrangement may present a conflict of interest.

ED Russo informed the Board of the NCEES Northeast Zone Interim meeting and that the registration deadline is March 19, 2004.

The Board reviewed the PCS draft of the NJ State Specific Examination. On a motion by BM Faraldi, second by BM Raimondi, the Board unanimously voted to approve it based upon the Committee's recommended changes. The draft will be forward to PCS.

ED Russo stated that letters have been mailed to all companies holding current Certificates of Authorization advising of the new expiration date of August 31, 2004.

President Vernick stated that he will finalize the program for the upcoming Certificate Award Ceremony on April 15, 2004.

ED Russo informed the Board that Robert Welsh, Board staff member, will be leaving the Board. The Board thanked Mr. Welsh for all of his efforts and wished him well.

Incoming Correspondence

The following correspondence was carried over from the Board's previous meeting on March 4, 2004:

Richard W. Stone, PE

**RE: PE signature & seal on reinforcing steel placing drawings
(January 8, 2004)**

The Board reviewed its response dated December 18, 2003 to Mr. Stone regarding the responsibility for shop drawings. It also reviewed the additional information submitted by Mr. Stone.

This matter was tabled until the next meeting.

Yuping Xie

**RE: Use of title blocks
(January 14, 2004)**

Mr. Xie would like the Board to clarify the regulation concerning title block requirements as it pertains to his situation.

The Board discussed this correspondence and determined that all shop drawings which require engineering

calculations and/or engineering input must be signed and sealed pursuant to N.J.A.C. 13:40-1.1(b)1ii.

Robert F. McAllister
RE: Board Guidance
(January 25, 2004)

Mr. McAllister wrote to the Board requesting interpretations of certain items depicted on his survey of a property he purchased in Sea Girt, New Jersey.

After a review, the Board will inform Mr. McAllister that he may wish to seek legal advice and/or file a complaint if he believes that a licensee has violated the Board's statutes and/or regulations.

George E. Wittmann, Jr., PE
RE: Testimony from an electrical engineer on telecommunication issues before a Board of Adjustment
(January 27, 2004)

Mr. Wittmann asked the Board if an unlicensed electrical engineer can provide expert witness testimony on an issue involving telecommunications.

After discussing this matter, the Board decided that while the events indicated may constitute the unlicensed practice of engineering, the Board would need more information by way of a complaint. BM Patel was recused from this discussion.

Victoria Hsu, PE, Executive Director/ Texas Board of Professional Engineers
RE: Proposed Amendments to National Council of Examiners for Engineering and Surveying (NCEES) Constitution and Bylaws
(January 30, 2004)

Ms. Hsu provided a suggestion to NCEES member boards to create a committee which would address the constitution and bylaws.

The Board noted this correspondence for the record.

Dincer Egin
RE: Proctoring of examination
(February 9, 2004)

Dincer Egin requested approval to be proctored in New Jersey.

After considering this request, the Board, on a motion by BM Faraldi, second by BM Raj, unanimously approved Mr. Egin's request.

Augustus La Due
RE: PE Application
(February 25, 2004)

Mr. La Due requested information regarding the status of his application based upon information presented during his appearance before the Board on March 4, 2004.

The Board reviewed this correspondence, also sent to Governor McGreevey, and re-affirmed its prior position to deny Mr. LaDue's request for a waiver of the fundamentals of engineering examination since new information was provided. In addition, a memo shall be sent to Deputy Director Anthony Miragliotta providing an update on the status of Mr. LaDue's appearance before the Board.

Dennis Patrick Catalano/ Robert J. Catalano & Associates

**RE: Surveying examination
(March 5, 2004)**

Mr. Catalano wrote to the Board regarding his difficulties in obtaining a 4-year degree in surveying and requests that his 15+ years of experience be accepted in lieu of the formal education requirement.

The Board will advise Mr. Catalano that he will need to meet the statutory requirements of a 4 year degree in land surveying.

**Earle B. Hallowell, Jr./ Wood Engineering Associates, Inc.
RE: Setbacks HH009
(March 2, 2004)**

Mr. Hallowell asked the Board for clarification regarding the presentation of variances for lot areas, frontage, lot width, front setback and minimum side yards on final subdivision plans.

The Board will advise Mr. Hallowell to seek legal advice.

**George T. Lucas, II, PLS, PP, Executive Director/ Garden State Land Surveyors Alliance, Inc.
RE: Board Administrative Rule Proposal
(March 5, 2004)**

Mr. Lucas requested the Board's rationale for the proposed amendment to the corner marker regulation for including a witness line in the corner marker waiver form. In addition, he provided the opinion of the GSLSA on this matter.

The Board reviewed this correspondence and decided to advise Mr. Lucas that he may provide comments when the rule is proposed in the New Jersey Register.

Information

The following were informational pieces the Board noted:

National Council of Examiners for Engineering and Surveying issue of Licensure Exchange

- "New Jersey Board visits engineering colleges to promote licensure" by: Louis A. Raimondi, PE, PLS, NCEES Northeast Zone vice president
- Betsy Browne, Executive Director/ NCEES - Memorandum RE: Hand scoring of examinee answer sheets

APPEARANCE

Donald Meserlian appeared before the Board to discuss an issue regarding the performance of topographic surveys by professional engineers. The Board re-affirmed its prior determinations as set forth in its written correspondence stemming from the early 1990s.

REVIEW OF APPLICATIONS

The Board, on a motion by BM Frantz, second by BM Bogart, unanimously voted to approve the following applications:

NAME	APP #	DECISION	NAME	APP #	DECISION
P. BOULOUBASIS	936907	GRANT	R. MONAHAN	990853	GRANT

L. MAYER	953054	GRANT	G. ELLIOTT	976336	GRANT
M. DASCHBACH	878331	GRANT	C.LUTTRELL	982692	GRANT
C. STASIUNAS	976143	GRANT	J. SEAVERTON	992070	GRANT
R. SCHMID	988733	GRANT	T. HESSLING	984501	GRANT
M. BABAZADEH	981961	GRANT	B. MASSEY	986135	GRANT
R. LUTZ	970451	GRANT	R. BOEITER	982158	GRANT
M. THOMEY	951376	GRANT	D. HORACEK	994160	GRANT
J. BIXEL	951730	GRANT	T. MELCHER	971341	GRANT
W. RISKO	955834	GRANT	T. CAVANAGH	983458	GRANT
W. CAPONE	986134	GRANT	M. YAKO	988994	GRANT
R. LAMAGNA	988755	GRANT	S.MESSINA	960852	GRANT
J. SARTORIO	986891	GRANT	R. MALEHORN	986124	GRANT
W. RITZER	990511	GRANT	G. FISHER	974653	GRANT
A.BHAGAT	990473	GRANT	D. IRWIN	951168	GRANT
J. LOOS	982159	GRANT	D. KNOWLTON	953120	GRANT
M. DILWORTH	969216	GRANT	G. BLEDSOE	979742	GRANT
W. MUNZ	970492	GRANT	A. HARRER	947504	TAKE F
I.NASSAR	971335	GRANT	J. D'SOUZA	979560	TAKE F
G. BLEDSOE	979742	GRANT	G. JEAN-PIERRE	986130	TAKE F&P
J. SHELTON	972626	GRANT	J. BASTO	976363	TAKE F&P
K. FRUCK	937384	GRANT	J. SHEARIN	989846	TAKE P
W. MEHL	983455	GRANT	M. COLECCHIA	976738	TAKE P
D. SPANGLER	966675	GRANT	C.MILLER	979576	TAKE P
J. MCCARTHY	980487	GRANT	D. KELLY	981955	TAKE P
T. ROLLMAN	988737	GRANT	T. CHIN	899193	TAKE P
W. MCCAIN	990819	GRANT	M, KAWA	943889	TAKE P
R.GUDITUS	940408	GRANT	V. LEE	979653	TAKE P
D. PUSKAS	52449	GRANT	S. COPPOLA	979550	TAKE P
S. KLENK	934625	GRANT	N. DALESANDRO	979554	TAKE P
J. WILSON	981950	GRANT	M. AL-SHUIAIRI	969481	TAKE P

J. SALMON	988243	GRANT	G. ANDERSON	979601	TAKE P
P. MARSENISON	977842	GRANT	N. PATEL	970489	TAKE P

The Board, on a motion by BM Frantz, second by BM Bogart, unanimously voted to deny the following applications:

NAME	APP #	DECISION	NAME	APP #	DECISION
B. MACLEOD	964150	DENIED	M.POLAND	980481	DENIED
S. RAHMAN	976447	DENIED	P. SMITH	943894	DENIED
G. MAALOUF	964967	DENIED	M. THOMAS	979669	DENIED
C. LIBRICO	984477	DENIED	S. EDINGER	979696	DENIED
K. YOST	971337	DENIED	J. KOCIUBA	979551	DENIED
M. MARCHESE	964137	DENIED	K. CHOWDHURY	974413	DENIED
A. LEVIN	954783	DENIED	R. RAMOS	922574	DENIED
J. HINES	954431	DENIED	A.BOROJERDI	986120	DENIED
K. JARIWALA	927038	DENIED	J. GROW	988262	DENIED
G. BURNLEY	973281	DENIED	F. KOHOUT	981972	DENIED
L. DOBLE	980873	DENIED	J.SPITZER	984361	DENIED
S. CHOKHOVATIA	934256	DENIED	S. JACOBS	987193	DENIED
T. YEUN	976137	DENIED	J.COWEN	979772	DENIED
C. SCOZZARI	988999	DENIED	A. POLATSEK	973301	DENIED
M. AFZAL	976718	DENIED	P. RIZZO	970821	DENIED
J.BUNGS	979664	DENIED	W. MAGNESS	954911	DENIED
B. PATEL	928636	DENIED	H. XU	985471	DENIED
A. WATERS	979684	DENIED	A. HARRER	947504	DENIED P
S.GURURAJ	979555	DENIED	J. D'SOUZA	979560	DENIED P

The Board, on a motion by BM Patel, second by BM Faraldi, unanimously voted to approve the following Certificate of Authorization applications:

3D Mapping & Positioning Services, LLC
130 Skyline Drive, No. 103
Ringwood, NJ 07456

AML Consulting Engineers, Inc.
8 Christy Drive
Warren, NJ 07059

Aligned Energy Concepts Engineering, LLC
240 Kensington Road
River Edge, NJ 07661

Damiano Long Engineering & Planning, LLC
129 North Broadway
Camden, NJ 08102

Full Board Review

Wynfred Sybley, #52129

Mr. Sybley appeared before the Board to discuss his design experience.

After discussing his application, the Board, on a motion by BM Patel, second by BM Bogart, unanimously voted to approve his application for licensure by comity since the Board was satisfied that he met all requirements.

Leonel V. Canjani - #990803

The Board reviewed this application and stated that Mr. Canjani received his land surveying degree from Brazil. The ECEI evaluation of his transcripts indicate that he lacks credits in mathematics, specifically, calculus. However, the Board re-reviewed the evaluation and determined there were sufficient credits and experience.

The Board, on a motion by BM Faraldi, second by BM Raimondi, unanimously voted to approve his application.

Yuli Kitaevich - #936477

Mr. Kitaevich received his undergraduate degree from a Russian university and is not able to obtain his transcripts from that institution. He has, however, acquired a PE license in 3 states which accept his educational background, with the first in 1979. The Board, on a motion by BM Raimondi, second by BM Raj, unanimously voted to approve Mr. Kitaevich's PE comity application.

Alexander Polatsek - #973301

The Board reviewed Mr. Polatsek's application file. He was previously licensed in New Jersey, but his license expired more than five years ago. Currently, he is licensed in New York, but does not have an undergraduate degree in engineering.

The Board requested that his prior PE application file be obtained for review.

Joseph J. Kociuba - #979551

The Board will continue to review this application.

Glen Tucker - #986615

The Board reviewed Mr. Tucker's application for licensure by comity as a PE. He obtained a degree from Oregon State in 1977 in general engineering, which is not listed in the ABET accreditation as an accredited engineering program. He has been licensed since 1984 and cannot provide references from professional engineers who supervised his work. In addition, he has been self-employed since 1981.

The Board will ask Mr. Tucker to describe what constitutes "general engineering" and to obtain a reference from a PE supervisor.

Kalpesh Jariwala - #927038

The Board reviewed this application and, on a motion by VP Kelly, second by BM Patel, unanimously voted to approve Mr. Jariwala for licensure by comity.

Nimeshkumar Patel, #970489

The Board reviewed this application and noticed that the evaluation of Mr. Patel's foreign degree indicated he was deficient in mathematics, basic science and engineering science courses. However, Mr. Patel received a graduate degree in engineering from Rutgers University.

The Board, on a motion by BM Marshall, second by BM Raj, unanimously approved him to take the examination.

Henryk K. Martyniuk, #51119

The Board reviewed a request by John D. Van Dorpe, PE, of Maser Consulting, Mr Martyniuk's employer, to waive the TOEFL and TSE requirements required for licensure as a PE.

After discussing this request the Board denied this request for a waiver since Mr. Martyniuk does meet any of the exemptions under N.J.A.C. 13:40-2.14.

UNIFORM PENALTY LETTERS

Michael Grafe, PE

The Board received a response from Mr. Grafe in connection with the uniform penalty letter which was served upon him. The Board was unpersuaded by Mr. Grafe's response and, on a motion by VP Kelly, second by BM Faraldi, unanimously voted to re-affirm its determination and require Mr. Grafe to pay the penalty within 30 days.

DISCUSSION ITEM

The Board tabled the following discussion items for its meeting on April 15, 2004:

- Professional engineers and the preparation of topographic surveys
- Hydrogeologists

MOVE TO EXECUTIVE SESSION

On a motion by BM Frantz, second by BM Patel, the Board voted unanimously to move to Executive Session to complete the agenda.

RETURN TO PUBLIC

On a motion contained in the Executive Session minutes, the Board unanimously voted to return to Public Session.

ADJOURNMENT

On a motion by BM Frantz, second by BM Faraldi, the Board unanimously voted to adjourn at 3:00 p.m.

Approved by:

Edward Vernick, PE

Arthur Russo

President

Executive Director

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