

State Board of Professional Engineers and Land Surveyors

Minutes of January 4, 2001

PUBLIC SESSION

CALL TO ORDER

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

SUNSHINE LAW ANNOUNCEMENT

President Kelly read the statement required by Chapter 231, Laws of 1975 known as the Open Public Meeting 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 Courier Post and the Bergen Record.

ROLL CALL

BM's present:

James Kelly Pravin Patel
Edward Vernick Robert Marshall
Robert Bogart Theodore Cassera
Rishi Raj Albert Faraldi

BM's absent: Richard Frantz and Louis Raimondi

Others present:

Arthur Russo, Executive Director William Mandeville, Program Development Assistant
Joseph Grabowy, Auditor/Accountant Assistant Sadiqa Smith, Recording Secretary
Deputy Attorney General Michelle Albertson and one member of the public.

APPROVAL OF MINUTES

September 6, 2001

On a motion by BM Bogart, seconded by BM Vernick, the Board unanimously voted to approve the minutes of September 6, 2001 as printed. BM Bogart abstained.

COMMITTEE REPORTS

Legislation

BM Vernick submitted a legislation report outlining the following:

A1712/S842 - Authorizes assessment of development impact fees by municipalities - On January 11, 2000 this bill

was introduced and referred to the Assembly Housing Committee. It appears similar to A494 from the 1998/99 session which was supported by the League of Municipalities but opposed by the Builders' Association.

A2336/S789 - Capital and Educational Facility Financing Act (Impact Fees) - On May 1, 2000 this bill was introduced and referred to the Assembly Local Government Committee. It appears to be the Builders' Association response to A1712 (above).

A755 - Changes the duration of contracts for professional services under the "Local Public Contracts Law" from 12 months to 24 months - On January 11, 2000 this bill was introduced and referred to the Assembly Local Government Committee.

A1142 - Establishes the Professional, Occupational and Trades Licensing Review Commission - On January 11, 2000 this bill was introduced and referred to the Assembly Consumer Affairs and Regulated Professions Committee.

S1079 - Establishes ten year limitation on surveyor's liability with an exception for adverse possession cases - S1079 passed the Senate on October 2, 2000, with amendments. Passed the House on March 26, 2001 and was signed into law on May 4, 2001.

A2567/S1408 - Provides broader investigative and enforcement authority to professional licensing boards and other amendments to the statute - Reported favorably out of the Assembly Consumer Affairs and Regulated Professions Committee on August 23, 2001. This bill passed the Senate on June 21, 2001.

A2768/S2282 - Interior Designers Certification Act - On September 25, 2000 this bill was introduced and referred to Assembly Consumer Affairs and Regulated Professions Committee. On March 1, 2001 this bill was reported out of this Committee and referred to the Assembly Appropriations Committee on March 29, 2001. Similar legislation (S2282) was introduced in the Senate.

The Board had previously reviewed the provisions of this bill along with comments from the Board of Architects. It generally agrees with the concerns and position that the Board of Architects expressed in its writing to the Director of Consumer Affairs, and, at its October 19, 2000 meeting, voted to support this position. S2282 passed the Senate on June 28, 2001.

A2913 - Prohibits limitations on a contractor's remedy for delay caused by contracting unit under the "Local Public Contracts Law." On November 9, 2000, this bill, which was introduced and referred to the Assembly Local Government Committee, would prohibit "no damage for delay" clauses in contracts made under the Local Public Contracts Law. The bill was reported out of Assembly Local Government Committee on January 18, 2001, with amendments to include the Public School Contracts Law. On March 26, 2001 this bill passed the Assembly and was referred to the Senate Education Committee. This bill passed the Senate on June 28, 2001 and was signed by the Governor on August 8, 2001.

AJR51/SJR26 - Establishes a "Local Public Works Contracting Law Study Commission" consisting of nineteen members - On October 12, 2000, AJR51 was introduced and referred to the Assembly Local Government Committee. On December 4, 2000 SJR26 was introduced and referred to the Senate Community and Urban Affairs Committee. A Senate Committee hearing was held on December 14, 2000, and passed the Senate on March 29, 2001 and referred to the Assembly Local Government Committee.

A2945/S1991- Authorizes public entities to use asphalt milling and recyclable concrete as a paving material, notwithstanding any other law, rule or regulation by NJDEP - On December 7, 2000, A2945 was reported out of the Assembly Transportation Committee. On December 15, 2000, S1991 was introduced and referred to the Senate Transportation Committee. A2945 passed in the Assembly on June 28, 2001 and was referred to the Senate Transportation Committee on October 3, 2001.

A3154/S2269 - Permits issuance of home inspector licenses to professional engineers and architects - A3154 passed both the Assembly & the Senate and was signed by the Governor on July 13, 2001.

S2112 - Includes Certified Landscape Architect as a "closely allied professional" - Passed the Senate on March 26, 2001 and was reported out of the Assembly Consumer Affairs & Regulated Profession Committee on May 17, 2001.

S1714/A2863 - Appropriate \$135 million to DEP for dam, lake and stream projects - On October 12, 2000, A2863 was introduced and referred to the Assembly Environmental Committee. On December 18, 2000, S1714 was passed in the Senate and referred to the Assembly. The Board reviewed and discussed both bills and on a motion by BM Vernick, seconded by BM Patel, unanimously voted to take no position on them. Director Herr, in a March 5, 2001 memo, was so notified. Passed the Assembly on June 28, 2001.

A3496/S1740 - Local Bridge Bond Act of 2001 authorizes \$250 million in bonds for County and Municipal bridge improvements - On May 21, 2001, A3496 was reported out of the Assembly Transportation Committee and referred to the Assembly Appropriation Committee. On June 7, 2001, S1740 was introduced and referred to the Senate Transportation Committee.

Watershed Management Rules (D.E.P. rules & regulations) - Opposition voiced by both builders and environmental groups. Assembly has passed ACR 124 opposing rules. Identical Senate bill, SCR76 is being held by sponsor. The portion of the rules that covers discharge of wastewater to groundwater became effective on March 20, 2001 (N.J.A.C. 7:15-8.)

S2250/A3293 - Rescinds recent NJ DEP rules on subsurface sewage disposals for development of 6 lots or more, or 2,000 gpd or more (see above) - On March 22, 2001, A3293 was referred to the Assembly Environmental Committee. S2250 was referred to the Senate Environmental Committee on March 26, 2001.

Administration

No report.

Examinations

No report.

Education

No report.

Regulations

ED Russo reported that the proposed amendments to N.J.A.C.13:40- 1.1 and N.J.A.C. 13:40-5.1 were published in the New Jersey Register on September 17, 2001.

BM Patel discussed the regulation concerning the mandatory setting of corner markers and the additional fees being imposed upon consumers. The full Board will review all comments at the end of the public comment period.

Finance

No report.

Special Committee Reports

Newsletter

No report

Applications: Revisions PE/LS and Design Experience

No report.

Joint Committee

VP Patel reported that there was a Joint Committee meeting held on October 2, 2001. At this meeting two new officers were elected: Kyu-Juan Whang, President and Louis Raimondi, Vice President.

Website

BM Vernick reported that he would like to have the following items posted to the website as soon as possible:

1. 2002 Board meeting dates
2. An update of the cut-off dates for the acceptance of applications in the Board office.
3. Updated examination dates through 2003.
4. Post the northern (NJIT) and southern (Rowan and West Trenton Fire House) examination sites.
5. New engineering discipline examination offerings.

Certificate of Authorization

No report.

2003 Northeast Zone Meeting

The Board noted that the format of the 2003 Northeast Zone Meeting has been changed to a joint meeting between the northeast zone and the central zone. While NCEES will facilitate the overall event, the Board will be responsible for implementing the daily functions and activities (sub-meetings, social outings, dinners, etc.). The meeting will be held in Orlando, Florida on April 3-5, 2003.

REPORT OF EXECUTIVE DIRECTOR

Incoming Correspondence

**Raymond T. Bolanowski, Esq., City of Elizabeth
(August 29, 2001)
RE: Ethics Opinion**

In his letter, Mr. Bolanowski is seeking clarification of a possible conflict of interest situation involving a public works contract.

The Board reviewed and discussed this correspondence and determined that additional information was required before it could effectively respond to this inquiry.

BMs Casserra and Bogart will prepare a draft response to Mr. Bolanowski detailing the information needed.

**Anil K. Agrawal, The City College of New York
(February 8, 2001)
RE: PE Licensure Requirements**

In his letter Mr. Agrawal is requesting a waiver of the Fundamental of Engineering exam and the TOEFL/TSE requirements based upon his many years of experience. The Board directed ED Russo to send Mr. Agrawal a copy of the statutes and regulations pertaining to the FE waiver and TOEFL/TSE requirements.

On a motion by BM Cassera, seconded by BM Faraldi, the Board unanimously voted to accept the above recommendation.

Irving E. Kinney, Jr., PLS,
(August 16, 2001)
RE: Surveyor's Measuring Devices Annual Calibration

The Board is in receipt of Mr. Kinney's correspondence in which he supplied the Board with a copy of his completed EDM Calibration Baseline Data Form. The Board directed ED Russo to thank Mr. Kinney for supplying this information.

Betsy Browne, NCEES
(August 27, 2001)
RE: Foreign Engineering Education Evaluation Program

The Board noted Ms. Browne's correspondence for the record.

John L. Yoder, Horn, Tyson & Yoder, Inc.
(August 31, 2001)
RE: N.J.A.C. 13:40-5.1 (i)

The Board is in receipt of Mr. Yoder's correspondence in which he asks if the May 29, 1985 opinion issued by the Board in answer to the question of whether a metes and bounds deed description is required when the deed one is working from and the survey prepared, refer to the filed map and agree with the same, is still current. The Board discussed this matter and concluded that the May 29, 1985 Board opinion on this subject is still current and stated that a metes and bounds description is not required provided there is no change in the dimensions of the lot as a result of the survey.

Joseph A. Donato, Jr.
(September 4, 2001)
RE: Title Blocks & Seals for Professional Engineers & Land Surveyors

In his correspondence, Mr. Donato is requesting the Board's opinion on a proposed title block. The Board reviewed and discussed his letter and concluded that it generally does not respond to hypothetical or fictitious situations and respectfully urges Mr. Donato to refer to the Board's statutes and regulations on this matter. However, the Board emphasized that Mr. Donato is welcome to submit an inquiry of a specific nature for its review. The Board staff will advise Mr. Donato accordingly.

Joseph A. Donato, Jr., PLS,
(September 4, 2001)
RE: NJDOT Title Blocks

Mr. Donato seeks clarification between the differences in the title block reporting requirements utilized by the NJDOT, and those indicated in the Board's statutes and regulations affecting same.

The Board reviewed and discussed this matter and concluded that Mr. Donato's concerns have already been addressed by the Board's February 16, 2001 correspondence to Mr. Dennis Keck of the NJDOT, and also in a March 20, 2001 reply from Mr. Brian J. Strizki, PE, of the NJDOT. The response from Mr. Strizki highlighted the different reporting requirements utilized between the two agencies.

Stanley C. Magenta, G.S. Winters & Associates, Inc.
(September 10, 2001)
RE: Land Surveyor Application #40320

Mr. Magenta's correspondence refers to his eligibility to take the Principles and Practices of Land Surveyor

examination.

The Board reviewed and discussed Mr. Magenta's application and on a motion by BM Faraldi, seconded by BM Patel, unanimously voted to allow Mr. Magenta to sit for the April 2002 Land Surveyor exam.

Scott Hatfield, PE, Burlington Township
(September 17, 2001)

RE: Verification of Deed Descriptions

In his letter Mr. Hatfield asked the Board if a professional engineer can prepare and seal a legal description for a deed of dedication. The Board discussed this matter and concluded that only a land surveyor, and not a professional engineer, is permitted to prepare and seal a legal description for a deed of dedication.

Joseph Donato, Jr., PLS, Garden State Land Surveyor Alliance, Inc.
(September 17, 2001)

RE: Proposed Changes to N.J.A.C.13:40

The Board reviewed Mr. Donato's correspondence regarding the GSLSA's request to place on hold any proposed changes to the administrative rules. The Board reviewed this request and directed ED Russo to thank Mr. Donato for his comments, and to advise him that the proposed changes were already printed in the September 17, 2001 edition of the New Jersey Register.

Harry J. Kyler, Department of Personnel
(September 18, 2001)

RE: Engineering Technology Curriculum

In his letter Mr. Kyler asked the Board to clarify the term "design sequences" as it relates to engineering curriculum requirements. The Board reviewed and discussed the regulations on this subject and concluded that "design sequences" refers to a set of progressive courses in design. ED Russo will notify Mr. Kyler of the Board's clarification.

On a motion by BM Cassera, seconded by VP Patel, the Board unanimously voted to accept the recommendation.

C. Becht, III, PE, Becht Engineering Company, Inc.
(September 20, 2001)

RE: Energy Efficient Safety Systems, Inc.

The Board reviewed Mr. Becht's letter regarding the firm "Energy Efficient Safety Systems, Inc., (Energy), along with a copy of its advertisement. Mr. Becht seeks to determine if this Company has a Certificate of Authorization to offer engineering services in the State of New Jersey and also, if it is in the public's best interest for Energy to advertise free engineering services.

After discussing this matter the Board concluded that it is not aware of any violations of its regulations by Energy offering free engineering services. ED Russo will notify Engineering Efficient Safety System of this decision and the Certificate of Authorization requirement.

William E. Beardslee, PE, PLS, PP, Beardslee Engineering Associates
(October 3, 2001)

RE: Sealing of Plans

The Board reviewed Mr. Beardslee's correspondence regarding clarification on its regulations regarding the sealing of multiple sets of engineering plans. The Board reviewed this inquiry and concluded that pursuant to N.J.A.C. 13:40-1.1, all plan sheets need to be signed and sealed in order to be official.

General Report

Waiver of the FE Examination

ED Russo discussed the need to expedite the processing of applications and about an effort to license more academic personnel. One way to accomplish this would be for the Board to recommend a revision of the statute pertaining to the 15 year waiver of the fundamentals of engineering (FE) examination. Currently, the Board has the discretion to waive the FE requirement if an applicant has 15 years of engineering experience of a character satisfactory to the Board. Of the 15 years, 8 years must have been gained in the United States or must have been acquired while working for a United States based firm. At least 2 years of experience in the United States shall be original engineering design experience demonstrating increased responsibility over time and gained under the regular and effective supervision of a licensed professional engineer.

BP Kelly strongly advocates the need for any applicant to have 2 years of original engineering design experience gained under the regular and effective supervision of a licensed professional engineer.

BM Cassera proposed that the Board use its discretion to allow academic design experience towards the 15 year waiver of the FE. ED Russo stated that a shift in this direction may encourage more teachers and professors to pursue licensure. He further emphasized that the Board should consider making a major move in this direction since the professional licensing examinations will now be offered at two academic institutions, NJIT and Rowan.

Renewal of Professional Credential Services (PCS) Contract

ED Russo reported that he received all the supporting contract data from PCS and requested the Board's approval for renewal of the PCS contract until the year 2005.

On a motion by BM Bogart, seconded by BM Vernick, the Board unanimously voted to renew the PCS Contract.

Certificate Award Ceremony - April 2001 Examinees

ED Russo reported that the Certificate Award Ceremony for the successful April 2001 examinees will be held on October 18, 2001 at the Holiday Inn, Jamesburg, NJ.

He also informed the Board that Dr. Dianne Dorland, Dean of the Rowan University School of Engineering, has been approved for PE licensure, via comity. Dr. Dorland will be among the first engineering school dean to be issued a professional engineers license in the State of New Jersey.

ED Russo voiced his desire to invite Dean Dorland to be the keynote speaker at the October 18, 2001 Certificate Awards Ceremony, where she will be awarded her professional engineer's license. The Board unanimously approved this decision. ED Russo will contact Dean Dorland to determine her availability that day.

October 2001 Exams

ED Russo reported that the upcoming NCEES examinations are scheduled for October 26 and 27, 2001. All candidates have been scheduled. Testing locations will include the New Jersey Institute of Technology (NJIT), Newark, NJ, and the West Trenton Fire House, West Trenton, NJ.

REPORT OF BOARD PRESIDENT

Amendments to the Home Inspection Law

BP Kelly led a discussion on the possibility of developing regulations clarifying the criteria for use in the evaluation of a professional engineer's training, education and experience requirements to perform home inspections.

After a lengthy discussion on this matter, BP Kelly suggested that professional engineers who wish to become licensed submit a letter to the Board outlining their expertise and qualifications to perform home inspections. The Board would then determine whether such an applicant is deemed qualified to perform home inspections and become a licensed

home inspector.

On a motion by BM Vernick, seconded by BM Casserra, the Board unanimously voted to accept BP Kelly's recommendation.

APPROVAL/ DENIAL OF APPLICATION FOR LICENSURE

The Board reviewed the September 20, 2001 Examination/Comity Applications Report and voted to approve 6 exam and 27 comity applications, and to deny 2 exam and 8 comity applications (list attached).

On a motion by BM Faraldi, seconded by BM Cassera, the Board unanimously voted to accept the September 20, 2001 list of approved/denied applications.

MOVE TO EXECUTIVE SESSION

On a motion by BM Bogart, seconded by BM Vernick, the Board unanimously voted to enter into Executive Session to discuss a complaint.

RETURN TO PUBLIC SESSION

On a motion contained within the Executive Session minutes, the Board unanimously approved to return to Public Session for the purpose of adjournment.

ADJOURNMENT

On a motion by BM Raj, seconded by BM Faraldi, the Board unanimously voted to adjourn at 1:30 pm.

APPROVED BY:

James D. Kelly
President

Arthur Russo
Executive Director

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Modified March 2002