

State Board of Professional Engineers and Land Surveyors

Minutes of January 6, 2000

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 Robert C. Bogart at 9:00 am in the Hudson Conference Room, Sixth 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 Bogart 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

BMs present:

Robert Bogart	Albert Faraldi
James Kelly	Richard Frantz
Pravin Patel	Fred Rohn
Edward Vernick	Robert Marshall

BMs absent: Theodore Cassera and Louis Raimondi

Others present:

Arthur Russo, Executive Director, William Mandeville, Management Assistant, Sadiqa Smith, Recording Secretary, Joseph Grabowy, Management Assistant, Tracy Works, Staff, Ernest Gonzalez, Staff, Deputy Attorney General Olga E. Bradford and two members of the public.

APPEARANCE

Dr. Joshua Greenfeld, NJIT

Dr. Joshua Greenfeld appeared before the Board to discuss the NJIT BS Engineering Technology with Survey option degree an ABET approved surveying program and degree. He indicated the first two years of this program can be taken at a community college, while the last two years must be taken at NJIT. An evaluation form of the community college courses can be obtained from the NJIT website. The program is also offered in Mt. Laurel.

After Mr. Greenfeld's appearance, the Board discussed this matter and voted that the NJIT BS degree of Engineering Technology with Survey option satisfies the academic requirement of N.J.S.A. 45:8-35 (2) a (ii). This does not exclude other schools or programs from qualifying and meeting the N.J.S.A. 45:8-35 (2) a (ii) requirement.

On a motion by VP Kelly, seconded by VP Faraldi, the Board unanimously agreed that NJIT BS Degree of

Engineering Technology with Survey option satisfies the academic requirement of N.J.S.A. 45:8-35 (2) a (ii).

APPEARANCE

Neil H. Ellis, DE 149 Corporation

The Board noted for the record that Mr. Ellis canceled his appointment to appear before the Board, and that he will contact the Board to reschedule it.

COMMITTEE REPORTS

Legislation

BM Vernick submitted the following legislation report: Residential Site Improvement Standards - The revised standards have been published effective November 1, 1999. The Site Improvement Advisory Board (SIAB) continues to meet to discuss additional comments to these standards presented by the NJ Society of Municipal Engineers, including pavement standards. The basin maintenance issue has not been resolved.

A3025 Map Filing Law Revision - Amendments to the Map Filing Law were signed into law by the Governor on October 15, 1999.

S1937 Requirement for Minor Subdivision to be Filed by Map - Introduced June 7, 1999 and referred to the Senate Community Affairs Committee. No action since.

A494 & S14 versus A2245 & S1224 Impact Fee Legislation - S14 was introduced by William E. Schulter on October 18, 1999 to replace his previous bill (S60). S14 was passed by the Senate on November 15, 1999 and referred to the Assembly Appropriation Committee. The NJ Builders Association opposes S14.

A2739 Trust Fund Bridge Rehabilitation and Improvement Bond Act- Approved by the voters in the general election.

S15 Educational Facilities Construction and Financing Act (Abbott Districts) - Introduced by Senators Gormley and Lynch on November 15, 1999 and referred to the Senate Education Committee. No action taken.

A separate bill (A3625) was introduced by Jack Collins and Joseph Malone on December 9, 1999.

A3016 Broadens Education Requirements of Professional Planners - Passed in Assembly on November 15, 1999 and referred to the Senate Commerce Committee. No action taken by the Commerce Committee. The Board remains in opposition to this bill.

A717/S1562 Dissolution of MUAs - Introduced to the Assembly Local Government and Housing Committee on January 13, 1999. Reported out of Senate Commerce Committee on March 18, 1999

A2703/S1092 Emergency Appropriation for Preparation of Sanitary and Storm Sewer Map - Signed September 13, 1999.

A3024 Establish a Land Use Court - Introduced and referred to the Assembly Judiciary Committee on March 18, 1999.

S1807/A3576 Rules concerning Professional and Occupational Licensing Boards - Passed in the Senate December 6, 1999. Identical bill introduced and referred to the Assembly Consumer Affairs and Regulated Professions Committee on December 2, 1999. This bill is scheduled for a vote prior to the end of the session.

Administration

No report.

Examination

No report.

Education

No report.

Finance

"NCEES 1998-1999 Fiscal Year Financial Statement"

The Board tabled this matter until the February 3, 2000 Public Session meeting.

Special Committee Reports

Newsletter

ED Russo reported that the Board office has extra copies of the newsletter available.

Revisions to PE Applications/Design Experience

President Bogart reported that the committee is continuing to work on the revisions.

Shop Drawings

No report

Home Inspection Advisory Committee

ED Russo reported that copies of the ASHI Home Inspectors Training Curriculum was given to the BMs of the Board of Architects for their review.

Acceptance of Engineering Technology Degree

No report.

Foreign Degree Evaluations

No report.

Sunsetting Regulations

No report.

REPORT OF THE EXECUTIVE DIRECTOR

Incoming Correspondence

Angeline C. Kinnaird, State Board of Colorado (11/5/99)

Re: Request to consider offering some Group II Examinations which have decreasing candidate populations every other year.

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

Marvin R. Blethen, PE, WHIBCO Inc. (11/22/99)

Re: Dredge Design

The Board stated that based on the information provided in Mr. Blethen's correspondence, he is asking for a legal interpretation of contract language which is beyond the jurisdiction of the Board.

Saul Seltzer, PE (11/29/99)

Re: Newsletter

Congratulations to the Board for the publication of a newsletter.

The correspondence was noted for the record.

James Trenta, PE, Chestress Consultant Co. (11/29/99)

Re: Responsible Charge Engineer - N.J.A.C. 13:40-9.1

The Board requested that ED Russo send Mr. Trenta a copy of the regulation N.J.S.A. 45:8-28 (g) defining responsible charge, and to govern himself accordingly.

August C. Lozano, PE, Inc. (11/30/99)

Re: Newsletter

Mr. Lozano offered suggestions for the next Board newsletter.

The Board noted his comments for the record.

Barry Jones, PLS, Albert A. Fralinger, Jr., PA (12/1/99)

Re: Newsletter

Mr. Fralinger congratulated the Board on its newsletter.

The comments were noted for the record.

Raymond L. Holmes, Jr., PLS, PP, Professional Land Services Inc. (12/1/99)

Re: Wish List for the New Millennium

Mr. Holmes offered suggestions for the Board to consider in the future. Of particular interest was establishing an Emerging Technologies and Technics Committee.

The Board noted Mr. Holmes' correspondence for the record.

Frank T. Reilly, TransAction 2000 (12/4/99)

Re: State Transportation Conference

Mr. Reilly notified the Board that the NJ State Transportation Conference will be held on April 25, 26 & 27, 2000 at the Tropicana Resort & Casino, Atlantic City, NJ.

Robert C. Bogart, PE, Robert C. Bogart & Associates (12/6/99)

Re: "Unlicensed Persons-Attendance at Public Meetings"

The Board requested that this correspondence be included in it's policy manual and its position on this issue.

Mark Herr, Director Office (12/8/99)

Re: Bill positions

Director Herr requested that when the Board opposes or seeks amendments to a bill in the legislature, that it cite the

objectionable provisions in writing notifying Dawn Shanahan, Legislative Liaison. In addition, the Board must articulate its rationale any objections and amendments to proposed bills. This will be standard operating procedure.

John Q. Adams, III, PE, NCEES (12/13/99)

Re: Electrical Engineering Professional Activities and Knowledge (PAK) Survey

NCEES is updating its specifications for the Principle and Practices examination in Electrical Engineering. As a part of this process, candidates for the examination will be surveyed. NCEES is requesting that Member Boards assist them in providing survey booklets to candidates who apply to sit for the April 2000 examination.

The Board noted Mr. Adams' correspondence for the record.

Richard Barr, National Society of Professional Surveyors (12/15/99)

Re: 2000 Registration Board Forum

The National Society of Professional Surveyors will host in conjunction with the Annual Meeting of the American Congress on Surveying and Mapping a forum in Little Rock, Arkansas on March 20, 2000 in the Excelsior Hotel.

The Board would like President Bogart, VP Faraldi and BM Raimondi to represent it at this forum. VP Faraldi will definitely be attending. The Board office will make the necessary arrangements.

Betsy Browne, NCEES (12/17/99)

Re: Appointment of Associate and Emeritus Members

NCEES is asking for recommendations for appointment of Associate and Emeritus Members.

On a motion by VP Faraldi, seconded by BM Vernick, the Board unanimously voted to reappoint its Associate and Emeritus members.

Robert J. Curley, PE, PP (Lynch, Giuliano & Associates, Inc.) (12/17/99)

Re: Copying of sealed plans

Mr. Curley inquired if a consent order compelling a Zoning Board Secretary to copy and distribute sealed plans if requested by the public, is in violation of Board statutes.

The Board reviewed the consent order and stated there is nothing prohibiting the judge's ruling in this matter.

Richard F. Smith, Jr., PLS (12/28/99)

Re: Examination and duplication of NJ Transit records - Proposed New Rule N.J.A.C. 16:82

The New Jersey Society of Professional Land Surveyors' position on the proposed new N.J.A.C. 16:82, is that a strict interpretation of these regulations could indefinitely stall the surveying of properties adjoining the acquired right of ways. N.J.A.C. 16:82 governs the issuance and sale of NJ Transit public records.

The Board discussed this matter and concluded that VP Faraldi draft a response to Mr. Smith for the Board's review.

On a motion by VP Kelly, seconded by BM Patel, the Board unanimously voted that VP Faraldi draft a response for the Board's review.

Upon further discussion, the Board noted that in accordance with the sunset provisions of Executive Order No. 66(1978), N.J.A.C. 16:82 expired on October 17, 1999.

Certificate of Authorization Report - November 1999

The Board noted the November 1999 C/A report for the record.

Application Received/Verifications Processed - November 1999

The Board noted the November 1999 Application Received/Verifications Processed for the record.

Meeting Dates and Locations - 2000

The Board noted the 2000 meeting dates and locations for the record.

APPEARANCE

Anthony Miragliotta, Deputy Director

Deputy Director Miragliotta appeared before the Board to discuss the PE compromise position whereby a PE who passes the ASHI examination will be licensed as a Home Inspector and can thereby perform home inspections and prepare home inspection reports. Conversely, PEs who do not take or do not pass the ASHI exam, would not be permitted to call themselves home inspectors and would not be permitted to prepare home inspection reports, but would be permitted to prepare residential engineering reports. Engineers who prepare residential engineering reports would be performing within their discipline.

BM Patel will forward to Deputy Director Miragliotta and the Board staff, a copy of an engineering report in an effort to differentiate between a home inspection reports and engineering reports.

APPEARANCE

Lewis Conley, PLS

Mr. Conley appeared before the Board to discuss land surveying curriculums and the need for a four year surveying degree program, and distance learning by ABET approved schools. He indicated Penn State University is one of the universities that offers distance learning courses in land surveying. He further explained that an individual with a BS degree in engineering can obtain a BS degree in land surveying by taking two additional years of concentrated land surveying courses. The total time for dual Bachelor of Science degrees in engineering and land surveying would be six years, not eight years, as thought by some.

REPORT OF THE DAG

Joseph L. Lazok, PLS

DAG Bradford submitted a report, dated December 17, 1999, in which she stated that the Board directed the issuance of a Provisional Order of Discipline (POD), determining that Mr. Lazok had failed to complete the requisite number of continuing competency credits for licensure renewal for the period of 1998-2000. The POD was issued on or about November 24, 1999.

Pursuant to the directives in the POD, Mr. Lazok, has responded in a timely manner with a written submission which must be reviewed by the full Board. Specifically, the Board must determine whether Mr. Lazok's response warrants a modification or dismissal of the findings of fact and conclusion of law as outlined in the POD.

The Board discussed and reviewed the information submitted and voted to rescind the Provisional Order of Discipline and to fine Mr. Lazok \$250.00 for failure to respond to the Board's notices regarding continuing competency credits. In addition, the Board reserves the right to audit Mr. Lazok's continuing competency credits in the next renewal period.

On a motion by VP Faraldi, second by VP Kelly, the Board unanimously voted to rescind the Provisional Order of Discipline, fine Mr. Lazok \$250.00 for failure to respond to the Board in a timely manner and reserve the right to audit Mr. Lazok's continuing competency credits during the license renewal period of 2000-2002.

ARTICLES OF INTEREST

- News from Delaware's Licensing Council for Professional Engineers (attachment)
- Star-Ledger "SCI school roof probe details conflicts and bid irregularities" (attachment)
- ABET "American Society for quality joins ABET" (attachment)

The Board noted the articles of interest for the record.

APPROVED/ DENIED APPLICATIONS FOR LICENSURE

The Board reviewed the listing of exam and comity applications, dated December 16, 1999, and voted to approve 140 exam and 26 comity applications, and to deny 20 exam and 10 comity applications. (list is attached)

On a motion by VP Kelly, seconded by BM Frantz, the Board unanimously voted to accept the list of approved/denied applications for licensure.

BOARD'S ANNUAL MEETING - 2000

The Board Annual Meeting will be held on May 19th, 2000 in Cape May, NJ. BM Marshall will be responsible making the necessary arrangements for this meeting.

ADJOURNMENT

On a motion by BM Frantz, seconded by BM Patel, the Board unanimously voted to adjourn at 3:30 pm.

Approved by:

Robert C. Bogart, PE, PLS
President

Arthur Russo
Executive Director

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Modified March 2002