

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Minutes of January 15, 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 10:45 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 Bogart
Robert Marshall
Albert Faraldi
Louis Raimondi
James Kelly

BMs absent:

Richard Frantz
James Valenti
Pravin Patel
Rishi Raj

Others present: Arthur Russo, Executive Director, Michelle Albertson, Deputy Attorney General, and staff members Joseph Grabowy, Ernest Gonzalez, Robert Welsh, and Yolanda Winston.

Appearance by Devon Graf, Regulatory Analyst re: corner marker waiver

Mr. Graf appeared before the Board to discuss changes to the proposed corner marker waiver regulation.

The Board concluded that there must be one ultimate user signing the waiver and that the land surveyor performing the work cannot serve as a witness.

APPROVAL OF MINUTES

September 18, 2003

The Board, on a motion by VP Kelly, second by BM Raimondi, voted to approve the minutes of September 18, 2003, as written.

October 2, 2003

The Board, on a motion by BM Raimondi, second by BM Faraldi, voted to approve the minutes of October 2, 2003, as amended.

October 16, 2003

The Board, on a motion by BM Marshall, second by BM Raimondi, voted to approve the minutes of October 16, 2003, as written.

November 6, 2003

The Board, on a motion by BM Raimondi, second by BM Faraldi, voted to approve the minutes of November 6, 2003, as amended.

December 4, 2003

The Board, on a motion by BM Raimondi, second by VP Kelly, voted to approve the minutes of December 4, 2003, as amended.

December 18, 2003

The Board, on a motion by BM Raimondi, second by BM Marshall, voted to approve the minutes of December 18, 2003, as amended.

COMMITTEE REPORTS

Legislation

President Vernick presented the Board with the following legislative information:

A1884/S1256 - Subjects minor subdivisions to the provisions of the Map Filing Law. This bill was defeated in the Senate on January 8, 2004.

A2949/S2407 - Requires the release of a bid list prior to the bid date - This bill passed the Senate on January 8, 2004.

Watershed Management Rules (D.E.P. rules & regulations) - The new stormwater rules were approved by the Governor on January 5, 2004 and will be published in the February 2, 2004 New Jersey Register.

Administration

No report.

Examinations

BM Raimondi informed the Board that the EES Board report is a useful tool and encouraged its continued use.

Education

No report.

Regulations

No report.

Finance

No report.

NCEES Report

BM Raimondi informed the Board that via the NCEES meetings, Canada has requested that any of its licensees applying to the United States be licensed through the comity process.

The Board informed BM Raimondi that any applicant can apply by comity but must meet the statutory and regulatory requirements.

Special Committee Reports

Newsletter

Joseph Grabowy informed the Board that the Board's 6th edition of the newsletter is in "blueline" and is expected to be printed in the near future.

Joint Committee

No report.

Website

Robert Welsh indicated that he met with Tim Brown and Cheryl Jenkinson, Print Production, and they will reconfigure the Board's website as previously requested. The website will include a list of municipal engineers, a list of Board approved continuing education providers and other items of interest.

Applications: Revisions PE/LS and Design Experience

No report.

Licensure Promotion Committee

The meeting with the Dean of Princeton University's School of Engineering has been scheduled for February 9, 2004.

Meetings with Rutgers and NJIT are upcoming.

Disciplinary Action Committee

After a discussion, the Board decided to implement a new form of examination for disciplinary matters.

Civil Service Committee

BM Marshall informed the Board that there has been some movement within the construction field to incorporate engineering design work to meet the Board's regulation.

REPORT OF THE EXECUTIVE DIRECTOR

General Report

ED Russo submitted licensure statistics for the Board's review.

He stated that the annual off-site meeting will be scheduled for May 7th. He also indicated that the meeting will no longer be conducted at the Lobster House in Cape May, NJ. He will advise the Board as to alternate locations.

The Board unanimously voted to nominate Louis Raimondi as the recipient of the New Jersey Society of Land Surveyors Lifetime Achievement Award.

ED Russo also advised the Board that an informal record request was received from Joseph Donato, Garden State Land Surveying Alliance, who requested a copy of the Board's "policy manual". The Board will advise Mr. Donato that a "policy manual" does not exist, but it does compile subject matter files. It will request what particular subject matter he is interested in and will attempt to provide that information.

ED Russo stated that the request has been placed to print the statute and regulation booklets.

The Board reviewed and noted the 2002-2003 Fiscal Year Financial Statements.

The Board noted the billing statement from the Division of Law.

On a motion by VP Kelly, second by BM Faraldi, the Board unanimously voted to revise the emeritus member list to also include Michelle Albertson, DAG, as an Associate Member.

The Board will review the issue of utilizing the term "intern" over "engineer-in-training" at the annual meeting.

The Board will continue to review the draft law examination as it has some concerns about a few of the test questions.

Incoming Correspondence

Jeffrey Hartke, PE, CME, CPWM, Director of Public Works, Town Engineer/ Town of Morristown
RE: Preparation of roadway reconstruction plans
(November 21, 2003)

Mr. Hartke requests the Board's interpretation of the rules relating to roadway reconstruction plans for public bidding and construction.

The Board discussed this matter and requested that BM Faraldi assist in drafting a response to Mr. Hartke for board review.

Richard A. Moralle, PE, PLS, Senior Vice President/ T&M Associates
RE: Asbury Park Redevelopment Project - Outbound corner monumentation
(October 7, 2003)

Mr. Moralle outlines his interpretation and understanding of the previous meeting held with the Board on the issue of outbound corner monumentation.

The Board reviewed his interpretation and has revised it slightly. The Board will inform him of the revisions.

Martin F. Tirella, PLS, Vice-President/ Schoor DePalma
RE: Asbury Park Redevelopment Project - Outbound corner monumentation
(December 3, 2003)

Mr. Tirella, who received a copy of the response from Mr. Moralle, will be advised of the Board's revisions concerning the setting of outbound monumentation in accordance with the Map Filing Law.

John J. McKniff, Assistant Township Attorney/ Township of Wayne

RE: Civil service job titles

(November 24, 2003)

Mr. McKniff responds to the Board's inquiry regarding the Township of Wayne's use of engineering titles in civil service positions.

The Board noted this correspondence for the record.

Nicholas Viscio, Technical Support Manager/ Construction Equipment Service

RE: Engineering experience

(November 25, 2003)

Mr. Viscio requests the Board's assistance to determine the appropriate steps to take to ensure that the experience obtained with a company, which does not employ a professional engineer, is acceptable.

The Board will advise Mr. Viscio that acceptable engineering experience would need to be gained under the regular and effective supervision of a licensed engineer in accordance with the statutes and regulations.

Nicole Hrupchuk, Examinations Coordinator/ APEGGA

RE: Proctor for APEGGA examination

(December 2, 2003)

Ms. Hrupchuk originally requested approval from the Board to proctor one of its examination applicants. After speaking with the Board staff, the situation with the particular applicant was resolved. She would like to know if the Board will allow APEGGA applicants to be proctored in New Jersey. She also indicated the majority of the applicants wishing to be proctored in New Jersey are New Jersey licensees seeking licensure in Canada.

The Board will inform Mrs. Hrupchuk that there is no process to honor this request and therefore cannot approve this nor any future request for New Jersey licensees to take the APEGGA examination.

Lauren Coman/ Environmental Liability Management, Inc.

RE: Request clarification of N.J.A.C. 13:40-1.3(a)

(December 8, 2003)

Ms. Coman requests the Board's interpretation of title block regulation.

The Board will inform her of the applicable regulation and provide her with a copy of a sample title block format.

William K. Foerster, PE

RE: Use of the term "engineer"

(December 30, 2003)

Mr. Foerster believes that in the machinery manufacturing business it is common for individuals to use the title "engineer" without being licensed. Mr. Foerster requested stricter enforcement of the statutes/regulations on this subject.

The Board noted this correspondence for the record.

Kent A.F. Weisert, Esq.

RE: Thomas Bravante

(December 31, 2003)

Mr. Weisert requests an adjournment of his client's appearance until the February 5, 2004 meeting.

The Board will advise Mr. Weisert that due to the Board's schedule, he should appear on another meeting date.

Carol Reese, Office Manager/ K&E Fire Protection Corp.

RE: Architects signing fire sprinkler designs

(January 7, 2004)

Ms. Reese requests the Board's determination on the possibility of an architect signing fire sprinkler designs for K&E Fire Protection, Corp., which are currently being signed by professional engineers.

The Board unanimously voted to forward this matter to the Joint Committee for further review.

Leonard Katz, Assistant Commissioner/ State of New Jersey

RE: Tropicana Casino in Atlantic City, NJ

(January 5, 2004)

Mr. Katz informs the Board that the investigation surrounding the collapse of the Tropicana Casino parking deck in Atlantic City is being investigated by the US Department of Labor.

The Board noted this correspondence for the record.

Thomas Scowinski

RE: Request for waiver of continuing education

Mr. Scowinski is requesting a waiver of the continuing education requirements for renewal during the 2004-2006 biennial renewal period because he is a Sargeant in the National Guard and has been deployed overseas.

The Board unanimously voted to approve Mr. Scowinski's request for a waiver of the requirements, which was to be completed during the 2002-2004 biennial renewal period.

Outgoing Correspondence

The Board noted the following correspondences for the record:

Augustus LaDue

RE: Application #901866

Edward P. Naessens, Jr., Ph.D., Col./ United States Military Academy

RE: TAC Accreditation

Albert G. Kroll, Commissioner/ NJ Dept. of Labor

RE: Parking deck collapse at the Tropicana Casino in Atlantic City

Information

The following informational items were noted by the Board:

- **Nominations for the 2004 NCEES National Awards**
- **Lesley L. Rosier, PE/ Executive Director/ West Virginia State Board of Registration**
RE: Nominations for NCEES Northeast Zone Awards

PROVISIONAL ORDERS OF DISCIPLINE TO BE FINALIZED

The Board, on a motion by BM Faraldi, second by BM Bogart, unanimously voted to finalize the following Provisional Orders of Discipline without change:

- David Goodson, PE
- James Rotondo, PE
- Mark Baker, PE/LS
- Andrzej S. Porwit, PE

The Board reviewed the response from Andrzej S. Porwit, PE but was not persuaded to amend its Provisional Order of Discipline.

REVIEW OF APPLICATIONS

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

NAME	APP #	DECISION	NAME	APP#	DECISION
M. LAPILUSA	52638	GRANT	J. FRITZ	963363	GRANT
H. BROWNE	894845	GRANT	T. VOSSMEYER	951424	GRANT
A. GAGLIOSTRO	953513	GRANT	M. ENGLISH	972622	GRANT
K.G SZETO	969497	GRANT	F. HALLORAN	959414	GRANT

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

NAME	APPLICATION #	REASON
G. BLEDSOE	979742 Experience	
K. ALLEY	962091 Experience	

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

A.R. Hipolit PE, LLC
 15 Rockview Drive
 Sparta, NJ 07871

Polistina & Associates, LLC
 168 N. Main Street
 Pleasantville, NJ 08232

Gall Zeidler Consultants, LLC
 41034 Trotter Lane
 Paeonian Springs, VA 20129

Coughlin Porter Lundeen, Inc.
 217 Pine Street, Suite 300
 Seattle, WA 98101

Capital Structural Engineering Consultants, Inc.
 20 N. Market Square, Suite 600
 Harrisburg, PA 17101

Princeton Design Group, Inc.
601 Omni Drive
Hillsborough, NJ 08844

Robert C. Kirkpatrick, Inc.
16 Kary Way
Morristown, NJ 08008

SGT LTD
510 Carnegie Center
Princeton, NJ 08540

Aligned Energy Concepts, Inc.
4 White Birch Drive
Englishtown, NJ 07726

Innovative Client Solutions, Inc.
1144 Hooper Avenue, Suite 205
Toms River, NJ 08753

Blake and Vaughan Engineering, Inc.
1601 Beech Street
Wilmington, DE 19805

Tylk Gustafson Reckers Wilson Andrews, LLC
407 S. Dearborn, Suite 900
Chicago, IL 60605

Land Engineering, LLC
20 N. Main Street
Woodstown, NJ 08098

Full Board Review

Leonard Herman - #976432

The Board reviewed Mr. Herman's application and, on a motion by BM Bogart, second by BM Raimondi, unanimously voted to approve Mr. Herman's application for comity.

Chen Song - #972624

Mr. Song received an undergraduate degree from China, but his transcript is unavailable. He also has a graduate degree from the University of South Dakota and is a licensed professional engineer in Connecticut. The Board, after reviewing his application, on a motion by VP Kelly, second by BM Faraldi, unanimously approved Mr. Song's application for licensure.

APPROVED CONTINUING EDUCATION COURSES

The Board unanimously voted to approve the following continuing education courses:

Sponsor Name	Course Name	CEU #
Garden State Land Surveying Alliance, Inc.	Internet Resources for the Land Surveyor	2

New Jersey Society of Professional Land Surveyors	NGS Activities in New Jersey	2
The American Congress on Surveying & Mapping	Mr. Lincoln, Please Answer My Question	7
The American Congress on Surveying & Mapping	Adjustment of Surveying Errors by Least Squares	4
The American Congress on Surveying & Mapping	ALTA/ACSM Land Title Surveys	8
The American Congress on Surveying & Mapping	Automated Mapping: From Field to Finish	8
The American Congress on Surveying & Mapping	Basic RTK Controller Workshop	8
The American Congress on Surveying & Mapping	CSI-Corner Site Investigation	4
The American Congress on Surveying & Mapping	Data Collector Workshop	8
The American Congress on Surveying & Mapping	Evidence, Exhibits & Testimony; Boundaries and Beyond	8
The American Congress on Surveying & Mapping	Fundamentals of Spatial Analysis	4
The American Congress on Surveying & Mapping	Geomapping for Data Visualization	8
The American Congress on Surveying & Mapping	Getting Into GIS Without Going Broke	4
The American Congress on Surveying & Mapping GPS and GIS Applications in Support of Urban Codes Enforcement and Neighborhood Audits 4		
The American Congress on Surveying & Mapping	GPS-Derived Heights Part I	4
The American Congress on Surveying & Mapping	GPS-Derived Heights Part II	4
The American Congress on Surveying & Mapping	GPS Vector Processing and Concepts	8
The American Congress on Surveying & Mapping	History of Land Surveying Measure Topics	7
The American Congress on Surveying & Mapping	Hydrographic Surveying	8
The American Congress on Surveying & Mapping	IBLA - Interior Board of Land Appeals	4
The American Congress on Surveying & Mapping	Implementing GIS	4
The American Congress on Surveying & Mapping	Improving Your Field Procedures	4
The American Congress on Surveying & Mapping	Introduction to CORS	4
The American Congress on Surveying & Mapping	NCEES Item Writing Workshop-LSIT and/or LS	8
The American Congress on Surveying & Mapping	Orthophotos and Their Application	4
The American Congress on Surveying & Mapping	Practical Surveying with GPS	8
The American Congress on Surveying & Mapping	Practical Use of State Plane Coordinates	8
The American Congress on Surveying & Mapping	Professionalism and Ethics for Surveyors	4

The American Congress on Surveying & Mapping	Retracement Evidence	4
The American Congress on Surveying & Mapping	The American Congress on Surveying & Mapping Risk Management Issues with ALTA Surveys and Contractual Obligations	4
The American Congress on Surveying & Mapping	Running A Successful Surveying Business	8
The American Congress on Surveying & Mapping	Statistics for Surveyors	4
The American Congress on Surveying & Mapping	Surveying Errors & Their Analysis	4
The American Congress on Surveying & Mapping	Test Drive GIS Lab-Part I	4
The American Congress on Surveying & Mapping	Test Drive GIS Lab-Part II	4
The American Congress on Surveying & Mapping	The Surveyor's Role in Flood Studies	4
The American Congress on Surveying & Mapping	The Surveyor's Role in Local Government and Multipurpose GIS	4
The American Congress on Surveying & Mapping	Utilities, Public and Otherwise	4

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
President

Arthur Russo
Executive Director

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