

**STATE BOARD OF PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
Minutes of January 17, 2008
Public Session**

CALL TO ORDER

The meeting of the State Board of Professional Engineers and Land Surveyors was called to order by President Michael T. Angeline 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

Board President Angeline 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 Newark Star Ledger, Trenton Times, the Camden Courier Post, Bergen Record, and the Atlantic City Press.

Present: Michael Angeline Lawrence Koo
James Valenti Robert Marshall
Edward Vernick James Purcell
James Cleary Perry Schwartz
Barry Jones

Absent: Richard Frantz

Others: Arthur Russo, Executive Director, Michelle Albertson, Deputy Attorney General, Joseph Grabowy, Assistant to the Executive Director, staff member Yolanda Winston, and one member of the public.

REVIEW OF MINUTES

November 1, 2007

December 6, 2007

The Board reviewed the above minutes and, on a motion by BP Angeline, second by VP Valenti, voted to table them for further review by a Committee.

COMMITTEE REPORTS

Legislation/Regulations

BM Vernick advised the Board that A734 was approved and signed into law on January 13, 2008 as P.L. 2007, c.307. A734 provides that the place of residence of any applicant for, or holder of, a license, registration, or certificate shall not be disclosed to the public.

Joint Committee

VP Valenti reported that the Joint Committee is sending out the Notice previously approved by the Committee and Boards to all housing authorities in New Jersey.

Licensure Promotion

The Board requested that the visit to Rutgers on February 8, 2008 be rescheduled to another time due to conflicting schedules. In addition, the Board requested that Board staff follow up with Stevens Institute of

Technology to determine if it implemented the requirement for engineering students to take the fundamentals of engineering examination as a pre-requisite to graduation. BM Valenti provided information concerning the excellent pass-rate by seniors at the College of New Jersey which also requires all engineering students to sit for the FE Exam.

Continuing Education

On a motion by BM Jones, second by BM Schwartz, the Board voted to approve the following continuing education courses:

Sponsor Course PDH

The College of New Jersey CIV 211/Surveying 40

The College of New Jersey 3rd Annual CE Summer Camp 6

ACSM Conference Department Asset Management: Planning, Strategy and Implementation 4

ACSM Conference Department Risk Management for Surveyors... The Continuum 4

ACSM Conference Department Elements of the NGS 10 year plan 4

ACSM Conference Department Bureau of Land Management Case Studies 4

ACSM Conference Department BLM Riparian Boundaries 4

Sponsor Course PDH

ACSM Conference Department Situational Ethics for Surveyors 4

ACSM Conference Department Evidence, Exhibits & Testimony: Boundaries and Beyond 8

ACSM Conference Department FEMA Elevation Certificates - Then & Now 4

ACSM Conference Department The Surveyors Role in Flood Plain Management 4

ACSM Conference Department The Law of Easements 4

ACSM Conference Department CSI - Corner Site Investigation 4

ACSM Conference Department Asset Management: Planning, Strategy and Implementation 4

ACSM Conference Department The Role of Wood Evidence 4

ACSM Conference Department seven Deadly Sins of Surveying 4

ACSM Conference Department NTRIP - The Essential GPS/GNSS Communication Interface 4

ACSM Conference Department The Reality of Real Time GPS Networks 4

ACSM Conference Department Height Modernization for the United States 4

ACSM Conference Department OPUS, OPUS RS and HDTP Software 4

ACSM Conference Department Hands on GIS Lab 4

ACSM Conference Department Pins and Cushions and the Law 4

ACSM Conference Department Restoration of Lost Corners: The Private Side 4

ACSM Conference Department Precise Digital Leveling 8

ACSM Conference Department LIS: Where are all the Surveyors? 8

Beardslee Engineering Its more than Just The Science 6

Sponsor Course PDH

Beardslee Engineering Scholarships 5

Beardslee Engineering The Times, They are a Changin 8

NJ Society of PLS Treating Surveying as a Profitable Business 8

NJ Society of PLS Clark on Surveying and Boundaries 8

NJ Society of PLS High Definition Surveying 8

NJ Society of PLS Integrating GIS into a Survey Business 8

NJ Society of PLS Drainage Design for Land Surveyors 4

NJ Society of PLS Performing Surveys for Green Acres Approval 4

NJ Society of PLS Tax Map Integration in the Digital Age 4

NJ Society of PLS CAD Project Showcase 4

NJ Society of PLS From A to Z in the NFIP 16

NJ Society of PLS Land Use by Day and Night 8

NJ Society of PLS GPS Office to Field to Final 8

NJ Society of PLS The Administrative Code: Surveyor's Guide to Surveying 4

NJ Society of PLS Intro to Lease Squares Adjustments With STAR*NET 4

NJ Society of PLS Flood Hazard Area Control Rules & Category 1 Water bodies 4

NJ Society of PLS The Freshwater Wetlands Protection Act Rules 4

NJ Society of PLS Understanding OPUS - Online Positioning User Service 4

Sponsor Course PDH

NJ Society of PLS Controlling and "Accurate & Reliable" Map 4

NJ Society of PLS AutoCAD Map 2008 - The Carlson Civil Advantage 8

NJ Society of PLS Character and Nature of Claims Against Land Surveyors Today 8

NJ Society of PLS Constructing surveying 4

NJ Society of PLS Real World Experience with GIS 4

NJ Society of PLS Estimating & Contracting a Construction Survey 4

NJ Society of PLS Practical Approach to Height Modernization for NJ 4

NJ Society of PLS Environmental Regulations Update 4

RedVector.com Understanding Subsurface Utility Engineering for LS 4

RedVector.com Understanding Foundation Flood Vents: Where does our liability Begin? Where does it end? 1

RedVector.com The Theory of Measurement 4

RedVector.com The Real Deal on Marketing Land Surveying Services 2

RedVector.com Stefanci et al - A Dave Gibson Metes & Bounds Case 2

RedVector.com Statistical Analyses of Random Errors 4

RedVector.com Simple 300x100 Parcel - A Dave Gibson Metes & Bounds Case 2

RedVector.com Significant Figures & Round-Off Errors By Ben Buckner 3

RedVector.com Sequential vs. Simultaneous Conveyancing 4

Sponsor Course PDH

RedVector.com Rivers vs. Lozeau - A Dave Gibson Public Lands Case 2

RedVector.com Propagation of Random Errors in Measurements 8

RedVector.com PalmHarbor - A Dave Gibson Lot & Block Case 2

RedVector.com PalmCourt - A Dave Gibson Lot & Block Case 2

RedVector.com Lot 21 - A Dave Gibson Lot & Block Case 2

RedVector.com Introduction to FEMA Flood Maps & Flood Studies 3

RedVector.com Henderson et al - A Dave Gibson Metes & Bounds Case 2

RedVector.com Guide to the FEMA Elevation Certificate 2

RedVector.com Giving a Deposition 1

RedVector.com Geotechnology: Global Positioning System (GPS) 2

RedVector.com Geotechnology: Geographic Information Systems (GIS) 5

RedVector.com Geotechnology: Cartography, Mapping and Map Serving 3

RedVector.com General Property Surveys and Real Property Law 4

RedVector.com Frost's Survey: A Dave Gibson Metes & Bounds Case 2

RedVector.com FEMA Letters of Map Amendment/ Revision 4

RedVector.com Ethics for Surveyors & Mappers 1

RedVector.com Easements: Part 3 Reversion Rights 3

Sponsor Course PDH RedVector.com Easements: Part 2 Roads & Highways 2

RedVector.com Easements: Part 1 Basic Elements 3

RedVector.com Don Wilson's Court Decisions Every Surveyor Should Know About - Block 6 3

RedVector.com Don Wilson's Court Decisions Every Surveyor Should Know About - Block 5 3

RedVector.com Don Wilson's Court Decisions Every Surveyor Should Know About - Block 4 2

RedVector.com Don Wilson's Court Decisions Every Surveyor Should Know About - Block 3 2

RedVector.com Don Wilson's Court Decisions Every Surveyor Should Know About - Block 2 2

RedVector.com Don Wilson's Court Decisions Every Surveyor Should Know About - Block 1 2

RedVector.com Don Gibson's all Star Metes & Bounds Boundary Case 6

RedVector.com Communication & Leadership 4

RedVector.com Business Rules for Land Surveyors: The Gospel According to Dan 2

RedVector.com Boundary Agreements 4

RedVector.com Basic Financials for Land Surveyors: The Bottom line 1

RedVector.com Basic Concepts of Photogrammetry 3

RedVector.com Dbarba V. Walker Gibson Public Lands Case 2

Sponsor Course PDH

RedVector.com Analyzing Costs & Determining Fees For Land Surveyors 1

RedVector.com Akin V. Godwin - A Dave Gibson Lot & Block Case 2

RedVector.com Adverse Possession - An Advanced Course 2

ACF Environmental Geosynthetic BMPs for Storm Water Management 6* * This course has been denied for Land Surveyors, but is approved for Professional Engineers.

Petition for Rulemaking Committee

The Board was informed that there are approximately 220 public comments in connection with the pre-proposal. The public comment period ends on January 19, 2008.

Applications

The Board requested that the draft letter to all applicants with an inactive application of two (2) years or older be placed on the February 7, 2008 agenda.

Additionally, the Board requested that all engineering-in-training verifications be included in the application files prior to Board Member review.

Contract Renewal Committee

The Committee shall continue to review of the scope of services to be provided in connection with the bidding process.

REPORT OF THE EXECUTIVE DIRECTOR

General Report

ED Russo stated that the Board currently offers nine (9) testing disciplines and that Professional Credentials Services received approximately \$198,000.00 in fees from applicants during the calendar year 2007.

ED Russo mentioned that the southern New Jersey location for the April 2008 professional examinations will be at the Colonial Fire House, Hamilton, New Jersey, not the West Trenton Fire House.

ED Russo stated that NCEES will be raising the fees it charges for examination materials and its scoring services by approximately \$30.00 per applicant.

ED Russo informed the Board of the new Deputy Director of Consumer Affairs, Elizabeth McKay, Esquire.

ED Russo advised that a representative from PCS will be attending the NCEES forum regarding examination administration. PCS will advise the Board on this matter.

ED Russo informed the Board that Acting Director DeMarzo approved his request for temporary help, but has since been advised that the Personnel Unit cannot accommodate this request.

Incoming Correspondence

**Eric R. Morgenweck, Esq.
Re: Practice of Professional Engineering
November 30, 2007**

Mr. Morgenweck requested clarification on whether entities or engineers can be personally liable and accountable for any negligent or wrongful act or misconduct.

After discussing this correspondence, the Board, on a motion by BM Purcell, second by BM Schwartz, voted to refer Mr. Morgenweck to the Board's statutes and regulations.

**E Taffera, Township of West Milford, Dept. Of Health
Re: Retaining Walls
December 07, 2007**

Mr. Taffera submitted the Construction Official's requirements under the Community Affairs guidelines regarding N.J.A.C. 5.23-2.14.

The Board noted this correspondence for the record.

**Henn Rebane, P.E., NCEES President-Elect
Re: NCEES Committee Preference Selection
January 2, 2008**

Mr. Rebane requested the names of individuals with an interest to serve on standing committees and task forces.

The Board noted this correspondence for the record.

REINSTATEMENT APPLICATIONS

Richard Thomas Shaw, P. E.

The Board, after reviewing Mr. Shaw's response to its request for additional information concerning his engineering proficiency, on a motion by BM Purcell, second by BM Marshall, voted unanimously to approve his reinstatement application.

Martin Robert Cerza, P. E.

The Board, after reviewing Mr. Cerza's response to its request for additional information concerning his engineering proficiency, on a motion by BM Purcell, second by BM Vernick, voted to approve his reinstatement application. BM Schwartz voted against his request.

Ahmad N. Awan, P. E.

The Board, after reviewing Mr. Awan's response to its request for additional information concerning his engineering proficiency, on a motion by BM Schwartz, second by BM Purcell, voted to reinstate his license.

Hugh G. Denny

The Board reviewed the response from Mr. Denny and on a motion by BM Purcell, second by BM Schwartz, voted to accept his request to withdraw his application for reinstatement. A total of \$400.00 will be refunded to Mr. Denny representing his current (\$80.00) and prior years of licensure fees (\$320.00). However, the \$125.00 reinstatement fee previously submitted will not be refunded.

Thomas Ehlke

The Board reviewed Mr. Ehlke's response and on a motion by BM Purcell, second by BM Schwartz, voted to accept his request to withdraw his application for reinstatement and to refund a total of \$880.00 representing his current (\$80.00) and prior years licensure fees (\$800.00). However, the \$125.00 reinstatement fee previously submitted will not be refunded to him.

Chien-Ih Pai

The Board reviewed the reinstatement application provided by Mr. Pai, and on a motion by BM Schwartz, second by BM Purcell, voted to have Mr. Pai take the principles and practices portion of the engineering examination.

David Lawrence Paden, P.E.

The Board reviewed the reinstatement application provided by Mr. Paden and on a motion by BM Cleary, second by BM Schwartz, unanimously voted to request a more detailed description of his experience in order to evaluate his proficiency. The Board shall check to ascertain whether there are any prior disciplinary actions taken in connection with any of his professional licenses.

David Reichman, P.E.

The Board reviewed the reinstatement application provided by Mr. Reichman and on a motion by BM Koo, second by BM Schwartz, voted to request a more detailed description of his experience in order to demonstrate proficiency. The Board office shall check to ascertain whether there were any prior

disciplinary actions taken in connection with any of his professional licenses.

REVIEW OF APPLICATIONS

The Board, on a motion by BM Purcell, second by BM Cleary, voted unanimously to take the following action:

NAME APPLICATION # PE\COMITY DECISION

F. DEVITO 1228798 LS TAKE FLS/PLS
Y. TAI 1093259 COMITY GRANT
J. BRIAN 1251309 COMITY GRANT
S. DAVID 1296148 PE EXAM TAKE P
O. MALEKI-POUR 1296166 PE EXAM TAKE F & P
U. ANDERSON 1179397 COMITY GRANT
J. BUFFETT 1285962 COMITY GRANT
X. LIU 1287852 COMITY GRANT
M. PATEL 1272530 COMITY GRANT
J. HOSSEINZADEH 1273062 COMITY GRANT
G. VERMAAS 1273056 COMITY GRANT

The Board, on a motion by BM Purcell, second by BM Cleary, voted unanimously to take the following action:

NAME APPLICATION # PE/COMITY DECISION

K. HAYES 1263432 PE EXAM AIN
A. RAITE 1270268 PE\EXAM AIN
K. ROSEBROOK 1295646 PE EXAM AIN
J. DARGIGNAC 1276019 PE EXAM AIN
L. DIFRANZA 1296155 PE EXAM AIN
K. BOULDS 1029126 COMITY AIN
T. STRUTTMAN 1287892 COMITY AIN
S. KOZA 1287871 COMITY AIN
A. LOPEZ 1294280 COMITY AIN
F. BROWN 1263595 COMITY AIN

A.I.N. = Additional Information Needed

CERTIFICATES OF AUTHORIZATION

The Board, on a motion by BM Purcell, second by BM Cleary, voted to approve the following Certificates of Authorization:

JARMEL KIZEL WITCZAK LAND PLANNING & DESIGN, LLC
42 Oakner Parkway
Livingston, NJ 07039
Application # 1309043

HAINES FIRE & RISK CONSULTING CORPORATION
338 Kingfisher Road
Tuckerton, NJ 08087
Application # 1309042

STROUD, PENCE & ASSOCIATES, LTD.

**5032 Rouse Drive, St. 200
Virginia Beach, VA 23462
Application # 1309036**

**SMI-OWEN STEEL COMPANY, INC.
534 Old Howell Road, Ste. 100
Greenville, SC 29615
Application # 1308789**

**JM WHEELER & ASSOCIATES, INC.
10645 Lake Drive
Seminole, FL 33772
Application # 1308787**

**JACOBS ENVIRONMENTAL CONSULTING, LLC
116 CHESTNUT STREET, STE. 301.
Red Bank, NJ
Application # 1308781**

**FAY, SPOFFORD & THORNDIKE OF NEW YORK, INC.
111 John Street, Ste. 245
New York, NY 10038
Application # 1308252**

**CALIBRE SYSTEMS, INC.
6354 Walker Lane, Ste. 300
Alexandria, VA 22310
Application # 1308266**

**MORRIS ENGINEERING, LLC
5 Dumont Road
P.O. Box 422
Application # 1310666**

**SLX INFRASTRUCTURE, LLC
1204 Harbour Club Drive
Parlin, NJ 08859
Application # 1307624**

The Board, on a motion by BM Purcell, second by BM Schwartz, voted to carry the following Certificates of Authorization to the next meeting. The Board staff will have these applications available for review at that time.

**PMK ENVIRONMENTAL SERVICES, INC.
2100 Highway 35
Old Mill Plaza, Bldg. 28
Sea Girt, NJ 08750
Application # 1308270**

**KRECK, WOOD & HALLOWELL ASSOCIATES, INC.
1 Cherry Lane
Woodbury, NJ 08096
Application # 1310675**

SMITHCO ENGINEERING GROUP, INC.

**950 N. Kings Highway, Ste. 301
Cherry Hill, NJ 08034
Application # 1301582**

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FULL BOARD REVIEW OF APPLICATIONS

John Baur, #1287909

After discussing this application the Board on a motion by BM Cleary, second by BM Purcell, voted to approve Mr. Baur's application for licensure.

On a motion by BM Purcell, second by BM Marshall, the Board voted to remove CPEES from the approved list of education evaluators.

APPEARANCE BY TIMOTHY BOWE, #1231094 (PE COMITY APPLICANT)

Mr. Bowe appeared before the Board to discuss his application. On a motion by BM Cleary, second by BM Schwartz, the Board voted to grant licensure by comity.

APPEARANCE BY FRANK BROWN, #1263595 (PE APPLICANT)

Mr. Brown appeared before the Board to discuss his PE application by examination. The Board advised Mr. Brown that additional references from supervising professional engineers are necessary and that it will keep his application file open.

PUBLIC COMMENTS

None

MOVE TO EXECUTIVE SESSION

On a motion by VP Valenti, second by BM Vernick, the Board unanimously voted to enter into Executive Session to review disciplinary matters.

RETURN TO PUBLIC

On a motion contained within the Executive Session minutes, the Board re-entered into Public Session to adjourn.

ADJOURNMENT

On motion by BM Schwartz, second by BM Purcell, the Board unanimously voted to adjourn the meeting at 3:00pm.

APPROVED BY:

**Michael T. Angeline, PLS Arthur Russo
President Executive Director**