

State Board of Professional Engineers and Land Surveyors

Minutes of January 18, 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 Albert Faraldi at 9:15 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 Faraldi 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: Albert Faraldi	James Kelly
Robert Bogart	Theodore Cassera (arrived 9:45 am)
Robert Marshall	Pravin Patel
Louis Raimondi	Edward Vernick

BMs absent: Richard Frantz and Rishi Raj

Others present: Arthur Russo, Executive Director, William Mandeville, Management Assistant, Joseph Grabowy, Management Assistant, Sadiqa Smith, Recording Secretary, Martha Richardson, Board Staff and Olga E. Bradford, Deputy Attorney General.

REPORT OF THE DAG

Harry J. Duckinfield, PLS - #22711

DAG Bradford submitted a report dated January 3, 2001, in which she stated that the Board sent Harry Duckinfield a letter in June 2000 seeking verification that he had complied with the continuing competency requirements for the 2000-2002 licensure period. When the board had not received a response from Mr. Duckinfield by October 2000, it directed that a Provisional Order of Discipline be issued to Mr. Duckinfield for his failure to cooperate with the Board. The POD was issued on or about October 6, 2000.

In response to the POD, Mr. Duckinfield submitted proof that he had completed the requisite continuing competency credits. However, he did not advise the Board as to his failure to respond to the June 2000 correspondence or provide any mitigating evidence to allay the Board's preliminarily imposed civil penalty of \$1,000.00 for his failure to cooperate. Hence, the Board voted to finalize the POD with no modifications. The Final Order was issued on or about November 2, 2000.

Subsequent to the issuance of the Final Order, the Board received a letter requesting that it reconsider the disciplinary action taken against Mr. Duckinfield. This correspondence was not submitted by the licensee or his attorney, but by a

friend on behalf of Mr. Duckinfield. DAG Bradford advised the Board, that she believes that while the letter is neither timely nor submitted by a legally permissible agent in this matter, the Board should review this document and consider whether to reopen this matter or affirm its initial determination.

On a motion by BM Patel, seconded by BM Raimondi, the Board unanimously voted to reopen this matter for review and discussion.

The Board discussed this matter and on a motion by BM Raimondi, seconded by BM Marshall, the Board unanimously voted to rescind the final order.

REPORT OF THE EXECUTIVE DIRECTOR

General Report

A2232 - Requires Administrative Law Judges to make final decisions in contested cases, subject to review by the Appellate Division of the Superior Court - The Board reviewed and discussed this bill at its January 4, 2001 Public Session and initially voted to support it. A position paper supporting the bill as written was communicated to the Director's Office. ED Russo reported that he was informed by the Director's Office that this Board was the only one to support the bill and that they thought this was an error. The Board reviewed this bill further and determined that it had misinterpreted the meaning and intent of the bill, and noted that administrative law judges would lack the technical expertise in considering and administering final decisions on matters unfamiliar to them.

On a motion by BM Patel, seconded by BM Raimondi, the Board unanimously voted to oppose this bill. A corrected position paper opposing this bill will be forwarded to the Director's Office.

Meeting with the British Consulate-General New York

ED Russo reported that he has scheduled a meeting with Vice-Consul for Trade, Charles Picarelli, on January 25, 2001 at the Board office. The primary topic of discussion will focus on ways for UK and USA engineering firms to foster international trade. President Faraldi and BM Patel will be attending the meeting.

October 2000 Examination Results

ED Russo indicated that he received a call from PCS regarding the availability of the October 2000 examination results.

On a motion by BM Bogart, seconded by BM Patel the Board approved the release of the October 2000 results.

APPROVAL/DENIAL OF APPLICATIONS FOR LICENSURE

The Board reviewed the January 4, 2001 Examination/Comity Applications Report and voted to approve 52 exam and 19 comity applications, and to deny 22 exam and 5 comity applications. (list attached).

On a motion by VP Kelly, seconded by BM Patel, the Board unanimously voted to accept the January 4, 2001 list of approved/denied applications for licensure.

MOVE TO EXECUTIVE SESSION

On a motion by VP Kelly, seconded by BM Patel, the Board unanimously voted to move into Executive Session, for the purpose of an Investigative Inquiry.

RETURN TO PUBLIC SESSION

On a motion by BM Vernick, seconded by BM Marshall, the Board unanimously voted to return to Public Session for

the purpose of adjournment.

ADJOURNMENT

On a motion by BM Patel, seconded by BM Raimondi, the Board unanimously voted to adjourn at 4:15 pm.

Approved by:

Albert N. Faraldi, PLS
President

Arthur Russo
Executive Director

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Modified March 2002