

# State Board of Professional Engineers and Land Surveyors

Minutes of February 6, 2003

## PUBLIC SESSION

### CALL TO ORDER

The meeting of the State Board of Professional Engineers and Land Surveyors was called to order by President Pravin Patel at 9:00am 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 Patel 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 Courier Post and the Bergen Record.

### ROLL CALL

#### BMs present:

James Kelly	Richard Frantz
Rishi Raj	James Valenti
Edward Vernick	Pravin Patel
Robert Marshall, Jr.	

**BMs absent:** Albert Faraldi, Louis Raimondi and Robert Bogart

**Others present:** Arthur Russo, Executive Director, Joseph Grabowy, Auditor/Accountant Assistant, Deputy Attorney General Michelle Albertson, Yolanda Winston, Staff, and Martha Richardson, Staff.

### MINUTES

The public session minutes of October 17, 2003 were reviewed and approved as submitted.

### COMMITTEE REPORTS

#### Legislation

**A2908** - Permits property owners to waive requirements for certain land surveying work. This bill was

signed into law on January 29, 2003. After a discussion on this matter, the Board will work with its regulatory analyst, Jake Gertsman, to modify its existing regulation to conform to the new law.

**A3208** - This bill introduced January 23, 2003 would authorize municipalities to require conformity with traffic performance objectives as a condition of subdivision or site plan approval. After a discussion on this matter, the Board agreed to monitor this bill.

### **Administration**

No report.

### **Examinations**

No report.

### **Education**

BM Frantz expressed a general concern about the continuing deterioration of the educational system.

### **Regulations**

No report.

## **SPECIAL COMMITTEE REPORTS**

### **Newsletter**

ED Russo informed the Board that the President's message of the newsletter will be modified to incorporate a reference to assembly Bill A2908, recently signed into law on January 29, 2003, which would continue to give consumers the option of having their corner markers set as part of a survey.

### **Joint Committee**

BP Patel reported that the recently scheduled meeting was cancelled. The next scheduled meeting is on April 1, 2003.

### **Website**

Staff member Joseph Grabowy presented a general update on the Board's Website.

### **2003 Northeast Zone Meeting**

ED Russo reminded the Board of the upcoming Northeast Zone meeting to be held in Orlando, Florida on April 3, 4, and 5, 2003.

### **Applications: Revisions & Design Experience**

ED Russo reported that he is awaiting final approval of the revised applications from Deputy Director Tony Miragliotta.

### **Soil Conservation Committee**

No report. The next meeting is scheduled for the end of February, 2003.

## **Disciplinary Committee**

With the absence of BMs Bogart and Faraldi, BM Valenti indicated he had no report at this time.

## **REPORT OF THE EXECUTIVE DIRECTOR**

### **General Report**

ED Russo mentioned that he received a call from the Executive Director of the Delaware Board who wanted to know if New Jersey had a continuing education requirement for Professional Engineers. He was told that it did not and seemed pleased.

Lobbyist Joseph Simonetta also called requesting the status of the application to be utilized for PEs who want to become licensed as a home inspector. He was informed it was in the final review stages and would be available soon.

ED Russo requested that the Board review the \$5,000.00 invoice received from NCEES representing its 2003 membership fee, and a \$42,130.00 invoice from Professional Credentials Services, Inc. (PCS) for examination services stemming from the October 2002 examinations. On a motion by BM Frantz, second by BM Marshall the Board unanimously approved the two invoices for payment.

ED Russo indicated that President Patel and himself will be traveling to Alaska to participate in the NCEES President's meeting in mid-February, 2003.

### **Incoming Correspondence**

**Dave Walstad, VP of Manufacturing., US Components, Inc.**  
**RE: Raised Seals and Electronic Seal processing for Engineering**  
**(January 21, 2003)**

Mr. Walstad requests information from the Board regarding its position on engineers to be required to have raised seals on drawing vs. electronic seals/stamps on shop drawing, etc.

The Board noted this correspondence and requested that an invitation be extended for him to attend a future Board meeting to address his concerns. Additionally, Mr. Walstad will be advised of the Board's existing regulations on this matter.

**James Riney, PE, PLS**  
**- VP of Colonial States Board of Land Surveyors**  
**RE: Colonial States Boards of Land Surveyors Registration**  
**(January 29, 2003)**

Mr. Riney is requesting the name of a representative(s) from the New Jersey Board of Professional Engineers and Land Surveyors.

On a motion by BM Frantz, second by VP Vernick, the Board unanimously voted to submit BM Raimondi's name as the New Jersey representative.

**John R. Fenn, President, National Society of PS**  
**RE: Registration for the Boards Forum, 4/21/03**  
**(January 27, 2003)**

Mr Fenn requests participation from the Board at its April 21, 2003 forum to be held in Washington, D.C.

in conjunction with the Annual Meeting of the American Congress on Surveying and Mapping (ACSM). The National Society of Professional Surveyors (NSPS) will again host a forum in Phoenix, AZ on March 31, 2003 which will be in conjunction with the ACSM Annual Meeting.

The Board noted this correspondence and requested that it be placed on the next agenda for further discussion.

**Barnet M. Schmidt**  
**RE: Engineer vs. Microsoft Engineer**  
**(January 27, 2003)**

Mr. Schmidt requests the Board's review of the use of the term "engineer" in an industrial engineer certification such as a "Microsoft Certified Systems Engineer."

The correspondence was noted for the record.

**NCEES RE: National Pass Rates**  
**(January 7, 2003)**

ED Russo discussed the pass rates of the engineers and land surveyors examinations. The Board requested that ED Russo compare the state statistics with national results.

**Joan M. Quigley, Assemblywoman**  
**New Jersey General Assembly**  
**February 4, 2003**

The Board discussed a handout from Assemblywoman Quigley requesting that it compare two differing surveys on behalf of her constituent. After discussing the matter the Board concluded that this is not its role or function and suggested that a professional land surveyor be retained to settle the matter. The Board staff will advise Ms. Quigley of the Board's determination.

## **OUTGOING CORRESPONDENCE**

ED Russo reported that letters have been issued to all E-I-T applicants with junior status requesting them to submit letters from their undergraduate schools indicating that they are currently enrolled as a senior in good academic standing.

**Donald C. Messerlian, PE**  
**RE: Preparation of Topographical Surveys by PEs**  
**(January 23, 2003)**

The Board reviewed correspondence from Mr. Messerlian and reaffirmed its previous decision that professional engineers cannot prepare topographic surveys.

**Anthony P. Barile, Jr., PE**  
**Township of Montville**  
**RE: Preparation of Topographical Surveys by PEs**  
**(January 23, 2003)**

The Board reviewed correspondence from Mr. Barile and voted to advise him that professional engineers may not prepare topographical surveys.

APPEARANCE BY JAKE GERTSMAN, REGULATORY ANALYST, 10:45 am

The Board discussed with Mr. Gertsman the requirement that only students in their senior year can sit for the FE examination. The Board has requested that the regulation be changed to allow students in their junior year to sit for this examination. On a motion by BM Raj, second by BM Frantz, the Board unanimously voted to change this regulation.

The Board also discussed the need for a regulation on requiring a limited liability company to obtain a Certificate of Authorization. On a motion by BM Kelly,

second by BM Frantz, the Board unanimously voted to further review modifying existing regulations to provide for a LLC to be required to obtain a Certificate of Authorization.

The Board also discussed the need for a regulation on expert testimony. Further, the Board discussed establishing a sub-committee to address its existing regulation regarding corner markers in light of the recently signed law.

## **MOVE TO EXECUTIVE SESSION**

On a motion by VP Vernick, second by BM Frantz, the Board unanimously voted to enter into Executive Session to complete the agenda.

## **RETURN TO PUBLIC**

On a motion contained within the Executive Session minutes, the Board unanimously voted to return to Public Session for the purposes of adjourning.

## **APPROVAL/DENIAL OF APPLICATIONS**

**Jiwan Gandhi, application #52049.** On a motion by BM Raj, second by BM Vernick, the Board voted to approve this application for licensure.

**Daniel F. Ryan, application #923563.** On a motion by BM Vernick, second by BM Kelly, the Board voted to approve this application for licensure.

**Kurt M. Koederitz, application #918522.** On a motion by BM Kelly, second by BM Vernick, the Board voted to approve this application for licensure.

## **ADJOURNMENT**

On a motion by BM Kelly, second by VP Vernick, the Board unanimously voted to adjourn at 2:00 p.m.

## **APPROVED BY:**

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Pravin H. Patel, PE

President

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Arthur Russo

Executive Director

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