

# State Board of Professional Engineers And Land Surveyors

Minutes of February 7, 2002

## 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 James Kelly at 9:30 am in the Union Conference Room, Third 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 Kelly 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	Pravin Patel
Robert Bogart	Richard Frantz
Rishi Raj	Louis Raimondi
Edward Vernick	Theodore Cassera

#### **BMs absent:** Al Faraldi

**Others present:** Arthur Russo, Executive Director, William Mandeville, Program Development Assistant, Ernest Gonzalez, Senior Clerk Transcriber, Martha Richardson, Staff, Yolanda Winston, Staff, and Deputy Attorney General Michelle Albertson.

### APPROVAL OF MINUTES

#### **January 3, 2002**

The Board reviewed the minutes of January 3, 2002. On a motion by BM Frantz, seconded by BM Vernick, the Board unanimously voted to approve the minutes of January 3, 2002 as amended.

#### **January 17, 2002**

The Board reviewed the public minutes of January 17, 2002. On a motion by BM Raimondi, seconded by BM Bogart, the Board unanimously voted to approve the minutes of January 17, 2002 as amended.

## **COMMITTEE REPORTS**

### **Legislation**

**A190 - Concerns certain professional boards, councils and committees. Appears to impact medically related boards, etc., only** - Formerly A2995. Referred to Assembly Regulated Professions and Independent Authorities Committee.

**A594- Authorizes assessment of development impact fees by municipalities** - Formerly A1712. Previous bill was supported by the League of Municipalities but opposed by the Builders Association. Referred to Assembly Housing and Local Government Committee.

**A953- Rescinds recent NJ DEP rules on subsurface sewage disposals for development of 6 lots or more, or 2, 000 gpd or more** - Formerly A3293. Referred to Assembly Environmental Committee

**S391- Local Bridge Bond Act of 2001 authorizes \$250 million on bonds for County and Municipal bridge improvements** - Formerly S1740. Referred to Senate Transportation Committee.

**A2567/S1408 - Provide broader investigative and enforcement authority to professional licensing boards and other amendments to the statute** - This bill was signed into law on January 3, 2002.

**S1714/A2863 - Appropriate \$135 million to DEP for dam, lake and stream projects** - This bill was signed into law with line item veto on January 6, 2002. Final bill reduced appropriation to \$6,730,000.

**S2112-- Includes certified Landscape Architects as a closely allied professional** - On March 26, 2001 passed the Senate. On May 17, 2001 this bill was reported out of the Assembly Consumer Affairs and Regulated Profession Committee. Signed on January 8, 2002.

**S1013 - Exempts public employees, who engage in professional planning as part of their work, from being licensed as professional planners** - Passed Senate October 2, 2000. No vote in Assembly.

### **Administration**

No report

### **Examinations**

Mr. Mandeville informed the Board that the grades for the October 2001 examinations have be disseminated to all examinees.

### **Education**

There was no report.

### **Regulations**

There was no report.

### **Special Committee Reports**

## **Newsletter**

BM Raimondi informed the Board that progress is underway in compiling the 5th Edition of the newsletter. For the next edition VP Patel will author an article pertaining to School Roofing.

## **Applications: Revisions PE/LS and Design Experience**

BM Bogart informed the Board that research on this matter is almost finalized and this topic will be discussed in further detail at the March 7, 2002 Board meeting.

## **Joint Committee**

VP Patel stated that there was a Joint Committee meeting held on February 5, 2002. He also stated that the Department of Education has settled some of the outstanding matters related to the school roofing project.

## **Website**

BM Vernick informed the Board that the Board Meeting Dates for 2002 have been posted on the Board's Website. He also stated that severe computer glitches to the new licensing system (L2000) have delayed any new development work to enhance the search engine capabilities to allow searches by license number rather than just by name. Additionally, he stated that the Board staff is still awaiting a response as to the safeguards in place to disallow any unauthorized on-line address changes.

BM Vernick explained that posting the Board's statutes and regulations to its Website would first require the formal adoption of its proposed regulations, and the printing of a hard copy booklet. He will again make another request to have the statutes and regulations placed on the Website prior to the adoption of the corner marker and other related regulatory amendments.

## **2003 Northeast Zone Meeting**

BM Raimondi informed the Board that progress remains underway for the preparation of the 2003 Northeast Zone Meeting. He encouraged all Board members to forward any ideas to him regarding preparations for this event.

## **Signing of Computer Generated Plans**

BM Cassera informed the Board that this issue will be raised with the other members of its Committee who will report their findings to the Board at its February 21, 2002 meeting.

## **REPORT OF THE EXECUTIVE DIRECTOR**

### **General Report**

#### **NCEES Payment for October 2001 Examinations**

Upon review of this invoice and on a motion by BM Bogart, seconded by BM Vernick, the Board unanimously voted to approve the payment of \$37,765.00 to NCEES for the examination materials for the October 2001 examinations.

In addition, and on a motion by BM Bogart, seconded by BM Vernick, the Board unanimously voted to approve the shipment fee for the above materials.

### **Public Records Act**

DAG Albertson informed the Board that legislation had been passed which will be effective in July 2002 allowing greater access to the Board's records upon a person's request and as more particularly set forth in the statute.

The Board expressed its concerns and requested that DAG Albertson work with the Board Office to relay these concerns to the Director and any other appropriate persons. This item will be placed on the next Public Session agenda as a discussion item.

### **Interim Director**

DAG Albertson informed the Board that Sharon Joyce, who serves as the Section Chief for the Consumer Affairs Counseling Section in the Division of Law, has been appointed as Acting Director. The Board is confident that Acting Director Joyce will handle this position very capably, as she has in her position as Section Chief.

### **Incoming Correspondence**

**Raymond T. Bolanowski, First Assistant City Attorney/ City of Elizabeth, NJ, Department of Law City Hall**

**RE: Response to Board Questions in regards to ethical opinion concerning the propriety of an engineer accepting a Public Works Contract  
(December 5, 2001)**

After reviewing the correspondence submitted by Mr. Bolanowski, the Board, on a motion by BM Cassera, seconded by BM Bogart, found no violation of its statutes and regulations based solely on the facts presented in this matter.

**Joseph A. Donato, Jr., PLS, PP/ Garden State Land Surveyors Alliance, Inc.**

**RE: Board "Website"  
(January 15, 2002)**

Joseph Donato requests that the Board place its statutes and regulations on the Website so that a licensee and the public can easily access them.

The Board will inform Mr. Donato that this issue is presently pending and the Board shall continue to explore adding the statutes and regulations to its Website.

**Robert M. Laurenson, Team Chair/ ABET**

**RE: Board Representative to observe Rutgers Accreditation  
(January 9, 2002)**

Mr. Laurenson invited a Board representative to observe the accreditation process of the bioresource engineering program at Rutgers University.

The Board unanimously voted to approve the attendance of BM Raj on February 10-12, 2002.

**Michael B. Adelhock, Attorney at Law**

**RE: Law Changes**

Mr. Adelhock expresses his opposition of the proposed revisions to N.J.A.C. 13:40-5.1.

The Board will respond to Mr. Adelhock that the comment period for the proposed revisions is now over and will thank him for his correspondence.

**Robert C. Bogart, PE**  
**RE: Expert Witnesses at Public Hearings**  
**(January 10, 2002)**

BM Bogart requests a better understanding of occasions where an unlicensed engineer testifies before a local body on engineering matters and whether this is a violation of the Board's statutes and regulations. After a discussion on this matter, the Board, on a vote of 7 to 1, decided to revisit this issue when a particular case on point is brought to the Board's attention.

### **Outgoing Correspondence**

**Hon. John E. Rooney/ Assemblyman, 39th District**  
**RE: Proposed changes to N.J.A.C. 13:40-5.1(d)**  
**(January 8, 2002)**

This correspondence was noted for the record.

### **CERTIFICATE OF AUTHORIZATION REPORT - DECEMBER 2001**

The Board noted this report for the record.

### **APPLICATIONS RECEIVED/ VERIFICATIONS PROCESSED REPORT - DECEMBER 2001**

The Board noted this report for the record.

### **APPROVAL/ DENIAL OF APPLICATIONS FOR JANUARY 17, 2002**

On a motion by BM Vernick, seconded by BM Bogart, the Board unanimously approved the January 17, 2002 list of applications approved and denied.

### **APPLICATION FOR FULL BOARD REVIEW**

**Clyde G. Hurst III - #52384**

VP Patel brought an application before the Board to discuss. Upon reviewing all the pertinent materials within the application, the Board, on a motion by VP Patel, seconded by BM Vernick, approved this application and to grant a license.

### **DISCUSSION ON HOME INSPECTOR LICENSE APPLICATION FOR PROFESSIONAL ENGINEERS**

This item will be carried over until the March 7, 2002 meeting.

### **ADJOURNMENT**

On a motion by BM Frantz, seconded by BM Raj, the Board unanimously voted to adjourn at 1:30pm.

APPROVED BY:

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James D. Kelly  
President

Arthur Russo  
Executive Director

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*Posted March 2002*