

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Minutes of February 19, 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 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

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
Pravin Patel
Albert Faraldi
Richard Frantz
Robert Marshall
Rishi Raj (left at 11:30am)
James Valenti

BMs absent:

James Kelly
Robert Bogart
Louis Raimondi

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

BOARD ANNOUNCEMENTS

It was with great sorrow that President Vernick announced the death of Peter Cipriano, PE. The Board was reminded that Mr. Cipriano served the Board as a member for 4 years. Peter Cipriano was praised for his dedication to the Board and for his professionalism in the community of professional engineering.

A resolution memorializing the passing of Peter Cipriano was presented to the Board and signed by its members. It will be presented to the Cipriano Family and be memorialized into the minutes of this meeting. The Board paused for several minutes in silent prayer in memory of a former member and friend.

COMMITTEE REPORTS

Legislation

President Vernick presented the Board with the following legislative information:

A2949/ S2407 - Requires the release of a bid list prior to the bid date - Pocket veto by Governor

Proposed New Regulations - Professional engineer qualifications for home inspections - The proposed rules were published on February 3, 2003 (35 N.J.R. 503(a)). The comments were addressed and the rules were adopted January 20, 2004, with minor changes.

Proposed NJDOT Regulations - For the procurement of architectural, engineering and land surveying services - Proposed rules were published January 5, 2004 (35N.J.R.20 (a) to conform with QBS legislation. Comment period ends March 5, 2004.

Watershed Management Rules (DEP Rules & Regulations) - The new stormwater rules were published in the February 2, 2004 edition of the New Jersey Register.

Administration

No report.

Examinations

No report.

Education

No report.

Regulations

No report.

Finance

BM Faraldi reported that the finances are good.

NCEES Report

The North East Zone meeting in Portland, Maine will be held from April 22 - 24, 2004.

The Board, on a motion by BM Frantz, second by BM Patel, unanimously voted to appoint ED Russo as the Board's representative to this meeting.

Special Committee Reports

Newsletter

Joseph Grabowy informed the Board that the Board's 2004 winter edition of the newsletter is complete.

Joint Committee

The Board discussed the subject of fire sprinkler system designs, a matter which was previously referred to the

Joint Committee. The Joint Committee, as a subcommittee, recommended that both engineers and architects can design these plans. The Board will request that this matter be re-reviewed since it disagrees with the Joint Committee's determination and there was not a quorum present to make a full and fair determination.

Website

Robert Welsh indicated that the Print Production Unit is currently in the midst of adding the listing of approved continuing education sponsors to the Board's website.

Applications: Revisions PE/LS and Design Experience

No report.

Licensure Promotion Committee

BM Raj stated that the meeting with the Dean of Princeton University's school of engineering will be rescheduled for a future date.

Disciplinary Action Committee

No report.

REPORT OF THE EXECUTIVE DIRECTOR

General Report

The Board was presented with a copy of the ELQTF report submitted by NCEES. This matter will be further discussed at its March 4, 2004 meeting.

The draft law examination was tabled until the next scheduled meeting.

A request has been placed for printing an updated statute and regulation booklet.

The Board was informed that the Holiday Inn, Jamesburg, New Jersey is no longer on the State's approved vendor list. The Board requested that ED Russo contact the Director's Office to seek approval of this site for the upcoming event.

PE/LS license renewal applications for the 2004-2006 period will shortly be mailed to all Board's licensees.

ED Russo provided the Board with the names of three (3) examinees who wish to be proctored in New Jersey for the April 2004 examinations. On a motion by BM Faraldi, second by BM Frantz, the Board unanimously approved the requests.

BM Bogart was chosen by the Board to represent it at the upcoming NSPS 2004 Registration Boards Forum.

ED Russo informed the Board that it has received an invoice dated January 21, 2004 from NCEES representing payment by PCS of the October 2003 examinations in the amount of \$40,380. The Board unanimously approved the payment of this bill by PCS.

Incoming Correspondence

Eric P. Silvestro

RE: NJ State Specific Examination

(January 26, 2004)

Mr. Silvestro requests the Board's approval for him to review his October 2003 NJ State Specific Examination.

The Board denied his request since it would compromise the integrity of the examination.

Linda Kellner, Director of Test Development/ PCS

RE: Draft New Jersey Law Examination

(January 6, 2004)

Ms. Kellner submits a revised draft of the NJ Law Examination for the Board's review and comments.

This matter was tabled until the next meeting.

Yuping Xie

RE: Use of title blocks

(January 14, 2004)

Mr. Xie would like the Board to clarify the title block requirements as it pertains to his particular situation.

This matter was tabled until the next meeting.

Richard W. Stone, PE

RE: Engineering signature & seal on reinforcing steel placing drawings

(January 8, 2004)

Mr. Stone provided the Board with more detail concerning his circumstances for clarification.

This matter was tabled until the next meeting.

Louis J. Morelli, PE

RE: Alterations

(June 14, 2003)

Mr. Morelli provides the Board with a particular situation for the Board's guidance.

The Board reviewed Mr. Morelli's correspondence and will inform him that his letter will be forwarded to the Joint Committee for further review.

Jud Wible

RE: Experience for PE license

(January 15, 2004)

Mr. Wible requested that the Board review his work experience and determine whether it would be acceptable to fulfill the experience requirement for licensure.

The Board will advise him to file an application for a complete and accurate review of his experience.

testaker@hotmail.com

RE: PE Exam

(January 21, 2004)

The individual who submitted this electronic mail message states his/her opinions for the decrease in the pass rate for the engineering examinations and would like the Board's insight in the matter.

The Board noted this correspondence for the record.

Ralph D'Aries/ Township of Sparta

**RE: Engineer establishing topographic lines & elevations
(January 22, 2004)**

Mr. D'Aries asked the Board if it is permissible for an engineer to establish topographic lines and elevations for a septic system repair.

The Board will advise Mr. D'Aries that professional engineers cannot establish topographic lines and elevations. It will also send him a copy of its regulations.

**Kenneth E. Fears, PE/ Oracle Engineering, Inc.
RE: Canal Walk Associates
(January 16, 2004)**

Mr. Fears writes to a Michael Sommer of A.T.A. Developers, Inc. regarding a traffic signal warrant analysis based on "faulty and invalid" assumptions. He further stated that he feels the practice is improper and unethical.

The Board will advise Mr. Fears to submit a complaint with appropriate documentation for a full review.

**James M. Colangelo, Jr., PE, PP
RE: Certification of traffic engineer by the Institute of Traffic Engineers
(January 27, 2004)**

Mr. Colangelo states that many professional engineers are utilizing the acronym of PTOE (Professional Traffic Operation Engineers) alongside their PE designation.

The Board noted that a person must be a licensed professional engineer in New Jersey to utilize the acronym PTOE alongside their PE designation. Therefore, the Board does not believe this is improper.

**Phillip Finamore
RE: Principles & Practice of Engineering/Architectural Engineering
(January 15, 2004)**

Mr. Finamore asks the Board if there is a separate application for individuals who wish to be considered to sit for the Architecture/Engineering examinations.

The Board will advise Mr. Finamore that there is no specific application for an individual to be considered to sit for the architecture/engineering examinations. If a person is interested in sitting for this examination, then he/she would file an application for licensure.

**Jiangtao Luo
RE: PE Examination Location
(January 27, 2004)**

Mr. Luo requested that the Board grant his request for proctoring of the Principles & Practices of Engineering examination for the State of Ohio.

The Board approved Mr. Luo's request.

**Michael McGurl, PES
RE: Map Filing Law, NJSA 46:23-9.11 Subsection "r", Paragraph 9
(January 28, 2004)**

Mr. McGurl is requesting an interpretation of the Map Filing Law.

The Board will advise Mr. McGurl that when a monument cannot be found, then a new map must be completed. Additionally, it will inform him that his interpretation is correct.

Robert L. Churchill, PE, CME, PP/ Churchill Consulting Engineers

RE: Minor subdivision & site plan

(February 3, 2004)

Mr. Churchill submitted a scenario pertaining to a possible conflict of interest in preparing a minor subdivision and site plan for property he owns in the same municipality in which he serves as the township engineer.

After reviewing his correspondence, the Board will advise Mr. Churchill to consult with his attorney and will refer him to the Board's relevant regulations.

Eric B. Labaska, RHU

RE: Health & safety hazard with surface water collection & drainage

(February 11, 2004)

Mr. Labaska has some concerns over the referenced subject matter.

The Board will inform Mr. Labaska that he must submit a complaint for further review with appropriate supporting documentation.

Frank Pannone

RE: Request for an opinion by the Board

(February 4, 2004)

Mr. Pannone requests the Board's opinion on a situation that has confronted his associate.

The Board will send to Mr. Pannone a copy of its statute and regulations pertaining to the responsible charge of engineering.

Sean Cudnoski

RE: Use of calculators on examinations

(February 11, 2004)

Mr. Cudnoski expresses his concerns and suggestions with regard to the use of calculators at examination sites.

The Board noted this correspondence for the record.

Outgoing Correspondence

Shirley S. Klinger, Board Administrator/ Pennsylvania Board

RE: Hydrology

(December 24, 2003)

This correspondence was noted for the record.

The Board will continue to discuss the subject of hydrologists performing engineering functions at upcoming meetings.

Information

The following informational items were noted by the Board:

- Rule Proposal - Volume 16, Number 1 - Contracts for Architectural, Engineering and Land Surveying Services
- "Demand for Engineers Rising Fast in U.S." Yahoo!FINANCE : by - Brian Deagon: January 20, 2004

- Letter to Jeffrey Hartke/ Township of Morristown re: Engineers & the practice of topography (CARRYOVER ITEM)
- Memorandum to James Hsu, Executive Director/Joint Committee of Architects & Engineers Re: Design of fire sprinkler systems.
- Proposed Amendment to Constitution & Bylaws (NCEES) (CARRYOVER ITEM)
- October 2003 exam results
- Licensure information for resident & non-resident engineers as of December 31, 2003
- 2004 Winter Edition newsletter
- NE Zone Nominations - The Board discussed this matter and unanimously voted to nominate Albert Faraldi as NE Zone Representative to NCEES and Chairman of the Nomination Committee, Tom Porseg as Secretary of Treasury and All Tarantula as Alternate NE Zone Representative.

REVIEW OF APPLICATIONS

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

| NAME | APP # | APPROVED FOR | NAME | APP # | APPROVED FOR |
|--------------|--------|--------------|-------------------|--------|--------------|
| T. CHILDRESS | 951390 | GRANT | S. PITERA | 979585 | TAKE P |
| P. PENMAN | 953093 | GRANT | A. LEMLI | 979580 | TAKE P |
| M. JEITNER | 953110 | GRANT | J.SILVA | 979558 | TAKE P |
| A. LEONE | 954367 | GRANT | K.WHITEFLEET | 971745 | TAKE P |
| N. ABMAD | 965527 | GRANT | S. CABO-FREIXEDAS | 971735 | TAKE P |
| W. RYAN | 971709 | GRANT | P. CLEARY | 964191 | TAKE P |
| B. WALLER | 966712 | GRANT | G. MENZEL | 979673 | TAKE P |
| J. SNYDER | 973296 | GRANT | C. MAHADY | 979666 | TAKE P |
| R. DOMEY | 953580 | GRANT | J. SCHAFFER | 979712 | TAKE P |
| C. MANAWES | 976324 | GRANT | L. PARIKH | 979694 | TAKE P |
| D. BROWN | 980495 | GRANT | R. ANTISS | 979705 | TAKE P |
| P. ATTREYA | 954839 | GRANT | J. KRUCZEK | 979695 | TAKE P |
| D. MYERS | 951177 | GRANT | A. DIROSA | 979659 | TAKE P |
| T. MAY | 980870 | GRANT | M. BENNETT | 979686 | TAKE P |
| | | | | | |

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|-----------------|--------|----------|--------------|---------|----------------|
| V. TIROLO | 979762 | GRANT | R. SCHAFFER | 979590 | TAKE P |
| D. CHIMEL | 962477 | GRANT | H.SHOTMEYER | 979633 | TAKE P |
| E. PENLAND | 986118 | GRANT | D. BALMA | 979662 | TAKE P |
| G. HANN | 979553 | TAKE F | J. FORDHAM | 979628 | TAKE P |
| A. RAZIQ | 979701 | TAKE F&P | L.MEDASKA | 979623 | TAKE P |
| Y.YUE | 946109 | TAKE F&P | D. HILL | 979612 | TAKE P |
| R. LAFORTUNE | 980503 | TAKE F&P | S. GOEL | 980876 | TAKE P |
| F. PEREZ | 982686 | TAKE F&P | T. SILLICK | 980496 | TAKE P |
| O. BARRIE | 947401 | TAKE P | R.SQUILLANTE | 979619 | TAKE P |
| D. SUDACKI | 979566 | TAKE P | D. GURALCHUK | 947946 | TAKE P |
| D.O'ROURKE | 979682 | TAKE P | M. FREDA | `893457 | TAKE P |
| J. KRYZAK | 979688 | TAKE P | P. RIPISH | 979625 | TAKE P |
| J. DROMSKY-REED | 979661 | TAKE P | B. PATEL | 950396 | TAKE P |
| D. KEMPS | 979557 | TAKE P | M. WITKOWSKI | 979716 | TAKE P |
| A. LASKOSKY | 979559 | TAKE P | M. BLACK | 980656 | TAKE P |
| T. MARALDO | 979591 | TAKE P | J. ROWE | 980465 | TAKE P |
| P.LEE | 980432 | TAKE P | W. STIMMEL | 979620 | TAKE P |
| K. GYI | 980434 | TAKE P | T.DAY | 980635 | TAKE P WAIVE F |
| P. MITCHELL | 980438 | TAKE P | R. STRAMARA | 974501 | TAKE P WAIVE F |
| D. MAILLET | 979715 | TAKE P | R. LAUB | 979564 | TAKE P |
| S. BILHEIMER | 979598 | TAKE P | | | |

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

| NAME | APPLICATION # | REASON | NAME | APPLICATION # | REASON |
|------------|---------------|------------|---------------|---------------|------------|
| J. KOCIUBA | 979551 | Experience | J. LIVINGSTON | 979709 | Reference |
| A. BUENDIA | 979710 | Experience | J. KNOP | 980638 | Reference |
| T.RIOUX | 981952 | Experience | N. AGNOLI | 976476 | Experience |
| W. WINDUS | 979615 | Experience | K. DUCKETT | 980469 | Experience |
| | | | | | |

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|----------------|--------|------------|------------|--------|------------|
| J. RIEDEL | 980484 | Experience | T. OSBORNE | 979720 | Experience |
| M. WESNIEWSKI | 917551 | Education | D. JENSEN | 974498 | Experience |
| G. BAKER | 962073 | Reference | A. WATERS | 979684 | Experience |
| S. NILSSEN | 977747 | Experience | R. ENG | 979574 | Experience |
| R. FLORES | 962064 | Experience | S. KLENK | 934625 | Experience |
| J. HE | 976342 | Experience | B.LEHMKUHL | 987768 | Experience |
| B. BROTHERSEN | 977625 | Experience | K. WARREN | 981967 | Experience |
| A.GORD-NOGHIAN | 985465 | Experience | A.BAKI | 983459 | Education |
| L. GREGROWSKI | 943877 | Experience | R. MESAROS | 981948 | Experience |
| J. TALERICO | 979707 | Experience | G. HANN | 979553 | Experience |

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

Fletcher Thompson Architecture Engineering, LLC
Three Corporate Drive
Shelton, CT 064484

Mott Associates, LLC
3122 Fire Road
Egg Harbor Township, NJ 08234

Reale Associates, LLC
791 So. Main Road
Vineland, NJ 08360

Stout & Caldwell Engineers, LLC
705 US Route 130 South, Suite A
Cinnaminson, NJ 08077

Princeton Professional Engineering, LLC
7 U-Hibben Faculty Road, PO Box 7441
Princeton, NJ 088543

Trinity Land Surveying, Inc.
192 US Highway 22 West
Green Brook, NJ 08812

Center Point Engineering, Inc.
Two Market Plaza Way
Mechanicsburg, PA 17055

Lehigh Valley Technical Associates, Inc.
1584 Weaversville Road
Northampton, PA 18067

Jefferis Engineering Associates, LLC

801 Orchard Avenue,
Runnemede, NJ 08078

Applications For Full Board Review

Kevin H. Fruck - #937384

The Board tabled this matter until the next meeting.

Roberto J. Ramos - #922574

The Board tabled this matter until the next meeting.

Chowdhury Khaled - #974413

The Board reviewed Mr. Khaled's application for licensure by comity and determined that even though he has taken the principles and practices examination in California, he has not been licensed there since he has not passed the earthquake section of the examination.

The Board will inform him that he must have a license in another state in order to meet the requirements for licensure by comity.

Wynfred C. Sibrey - #52129

The Board, after reviewing his application, determined that Mr. Sibrey has not adequately presented evidence of fulfilling the Board's experience requirements under the supervision of a licensed professional engineer.

The Board will request that Mr. Sibrey appear to discuss his application before the Board.

Dianne Adamowitz - #956004

The Board reviewed Ms. Adamowitz's request for a waiver of the fundamentals of engineering examination. On a motion by BM Patel, second by BM Marshall, the Board unanimously voted to approve her request.

Mitchell A. Wisniewski - #917551

Previously, the Board denied Mr. Wisniewski's application to take the principles and practices portion of the engineering examination and he has since written to the Board requesting an appeal.

After a careful re-review of his application, the Board, on a motion by BM Patel, second by BM Marshall, unanimously voted to reaffirm its previous position and inform him that the ECEI evaluation of his foreign undergraduate degree indicates that additional course credits need to be obtained.

Patricia Bates Smith - #943894

The Board reviewed Ms. Smith's application and noted that she was a graduate of Thomas Edison University, a non-ABET accredited institution. The Board determined that she is deficient in certain course areas and will advise her of those areas.

Augustus LaDue - #901866

Mr. La Due appeared before the Board to discuss his application, specifically his request to seek a waiver of the fundamentals of engineering examination. Mr. La Due failed to present any new evidence or supporting documentation to demonstrate that he meets the requirements to obtain a waiver. He discussed his many accomplishments over his career and claimed to be the driving force behind many modern technological breakthroughs in the glass and ceramic areas. Mr. LaDue advised the Board that engineers worked for him and

that he never worked under the supervision of a licensed professional engineer, which re-affirms that he does not meet the requirements for a waiver. Mr. La Due argued that no one could fulfill the waiver requirements and he was advised that this was not the case. Mr. La Due also suggested that the test questions on the website were incorrect and further advised the Board that his son was offered an engineering license from Rutgers. However, the Board advised Mr. La Due that only this Board could issue a license. The Board attempted to answer all of his questions, but Mr. La Due disagreed with the Board's determination. After a discussion on this application, the Board, on a motion by BM Faraldi, second by BM Raj, unanimously re-affirmed its determination that Mr. La Due does not meet the waiver requirements.

DISCUSSION ITEM

The Board discussed the Computer Engineering program administered by the College of New Jersey. After discussing the matter, BM Valenti will contact the engineering department of the College of New Jersey to determine if this program is in the process of becoming ABET accredited.

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.

PROVISIONAL ORDERS OF DISCIPLINE FINALIZED

The Board, on a motion contained in the Executive Session minutes, unanimously voted to issue Final Orders of Discipline to the following licensees in connection with their practice of the profession while their licenses were lapsed:

- Gregory P. Matthews, PE
- Herbert Schlesinger, PE
- William A. Rogers, Jr., PE/PLS
- Jeffrey V. Yorick, PE
- Michael J. Abrahams, PE
- William M. Kurtz, PE, PLS

The Board considered the response to a POD submitted by Michael J. Abrahams but was unpersuaded. Therefore, on a motion by BM Patel, second by BM Faraldi, the Board unanimously voted to finalize the POD without any changes. The Board also considered the response to a POD submitted by William M. Kurtz, but the Board was unpersuaded. Therefore, on a motion by BM Frantz, second by BM Patel, the Board unanimously voted to finalize the POD.

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

Arthur Russo

President

Executive Director

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