

State Board of Professional Engineers And Land Surveyors

Minutes of March 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 9:00 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

BM's present:

James Kelly	Pravin Patel
Robert Bogart	Richard Frantz
Rishi Raj	Louis Raimondi
Edward Vernick	Albert Faraldi
Robert Marshall	

BM's absent: Theodore Cassera

Others present:

Arthur Russo, Executive Director, William Mandeville, Program Development Assistant, Joseph Grabowy, Auditor/Accountant Assistant, Ernest Gonzalez, Senior Clerk Transcriber, Martha Richardson, Staff, Deputy Attorney General Michelle Albertson, and 2 members of the public.

APPROVAL OF MINUTES

February 7, 2002

The Board reviewed the minutes of February 7, 2002. On a motion by BM Frantz, second by BM Vernick, the

Board unanimously voted to approve the minutes of February 7, 2002 as amended.

COMMITTEE REPORTS

Legislation

A1926/S1004-Concerns Project Labor Agreements - A1926 was referred to the Assembly Labor Committee on February 21, 2002, and S1004 was referred to the Senate Labor Committee on February 21, 2002. The Board, on a motion by BM Bogart, second by BM Raimondi, unanimously voted to take a "not favorable" position on A1926.

S581-Certification of Crane Operators- This Senate bill, formerly known as S2487, was referred to the Senate Commerce Committee on January 8, 2002. On a motion by VP Patel, second by BM Marshall, the Board unanimously voted to take a "not favorable" position on this bill. It suggested that this bill could be better monitored by the Department of Labor instead of the Board.

S1089-Allows inactive licensees to complete required continuing education at any time prior to reactivating licenses- This Senate bill, formerly known as S2648, was referred to the Senate Commerce Committee on February 21, 2002. On a motion by BM Frantz, second by VP Patel, the Board unanimously voted to take a favorable position on this bill. After further discussion, the Board, on a motion by BM Frantz, second by VP Patel, voted to modify its original motion to include that courses be taken during the last biennial period prior to the reinstatement/reactivation of license. The Board's position on S1089 was communicated to the Legislative area (Tisha Adams and Judy Gleason) on March 8, 2002.

A1945-Provides the awarding of contracts to one of the three lowest bidders under the "Local Public Contract Law." This bill will give local contracting units more flexibility in deciding how to award contracts to efficient, reliable builders.

Administration

BM Frantz stated that there are some minor operational problems with the building access cards and requested that the staff correct these matters.

Examinations

No report.

Education

BM Raj stated that he had attended and participated in the ABET accreditation/review of the Bioresource Engineering curriculum at Rutgers-New Brunswick campus. Based upon conversations with the Rutgers Provost, BM Raj stated that encouragement to take and pass the principles and practices examination was not evident in the curriculum, and suggested that the school include a one credit course which would emphasize the importance of taking and passing the principles and practices examination and the advantages of obtaining licensure.

BM Raj will forward a formal report on the ABET accreditation review of the Rutgers Bioresource Engineering curriculum in the near future.

BM Raimondi requested that a copy of the accreditation review be made available to the Board before responding or taking a position on this matter. The Board unanimously decided to revisit the Rutgers accreditation matter when the accreditation results are published by ABET.

The Education Committee will draft a letter to Rutgers-New Brunswick requesting that Board members be invited to speak with their senior engineering students.

Additionally, BM Raj suggested that the Board establish an open dialogue with the deans of the engineering schools in panel discussion to establish boundaries between engineering disciplines in an effort to differentiate the responsibilities of each. This matter will be placed on the annual meeting agenda.

Finally, on a motion by BM Faraldi, second by BM Raimondi, the Board unanimously voted to approve the state specific exam prepared by Professional Credential Services for the April 2002 examination.

Regulations

William Mandeville stated that the public comment period for the Board's proposed regulations ended in September and that they are still being reviewed internally by the Attorney General's office. A meeting will be scheduled with Regulatory Analyst Jake Gertsman and DAG Albertson to determine their status.

Finance

The Board noted an invoice received from Darlene Kane, Budget Analyst, dated February 21, 2002, for professional services rendered by the Division of Law.

Special Committee Reports

Newsletter

BM Raimondi informed the Board that progress is underway in compiling the 5th edition of the newsletter.

William Mandeville informed the Board that the 4th edition of the newsletter was sent to the Print Production unit for final approval and production.

Applications: Revisions PE/LS and Design Experience

BM Bogart informed the Board that the design experience portion of the application is finalized. This will be utilized by the Board as a tool to help in assessing the design experience of applicants. Staff member Ernest Gonzalez was instrumental in compiling information from several professional societies which detailed the criteria for many engineering disciplines.

VP Patel will contact BM Cassera to advance the completion of the application form. The Board will discuss this matter at its annual meeting in May.

On a related issue, BM Marshall expressed his desire to modify the existing reference form.

Joint Committee

No report.

Website

BM Vernick informed the Board that an inquiry was made to the Print Production Unit to post the Board's statutes and regulations onto its Website. He stated that an agreement could be reached between the Board and Westlaw allowing it to use Westlaw's version of the statutes and regulations and for Westlaw to provide a WordPerfect document. He also indicated that both electronic and paper versions of the statutes and regulations must be made available to the public.

Additionally, BM Vernick stated that online address changes are now possible. As a safeguard against unauthorized changes, the date of birth field must be correctly completed before an address change can be performed. While the Consumer Intake Center will handle correct change requests, incorrect or forms missing pertinent data will be referred to the Board staff for further investigation and resolution.

Finally, the request to enhance the capability of the search engine to search a licensee via a license number will be tabled for a later date due to technical difficulties with the licensing system.

2003 Northeast Zone Meeting

BM Raimondi informed the Board that the 2002 Northeast Zone meeting will be held in Vermont on May 9 - 12, 2002. On a poll conducted, the Board members available to attend were VP Patel, BMs Raimondi & Bogart (possible) and ED Russo.

BM Raimondi requested that all BMs attend the 2003 Northeast Zone meeting in Florida during April 3-5, 2003. He also requested a Board member to serve as Treasurer for this event. BM Faraldi volunteered for this position.

Signing of Computer Generated Plans

BM Vernick stated that the Board should continue with its original position of not accepting drawings, prints, maps, etc. unless sealed with an embossed seal and unless signatures are on all engineering documents. He also indicated that 20+ states allow electronic signatures.

This item will be placed on the Annual Meeting agenda for discussion.

REPORT OF THE EXECUTIVE DIRECTOR

General Report

ED Russo informed the Board that software problems still plague the new licensing system and that licensee renewal notices have not been issued for the 2002-2004 licensing period. He stated that the problems are being addressed and the renewal notices will be released shortly.

ED Russo stated his concerns over possible faulty design and substandard construction practices utilized in the construction of the World Trade Center (WTC) in New York. After a discussion on this matter, the Board decided to revisit this matter once an investigation of the WTC's implosion on September 11, 2001 by federal, state and local authorities has been concluded. The Board will inform the American Society of Civil Engineers, the National Institute of Standards and Technology and the New York State Board of Professional Engineers, the bodies currently conducting investigations on this matter, that it is interested in monitoring these investigations, and to request of these bodies that they keep it abreast of findings pertaining to the engineering design failures and everything pertinent thereto.

VP Patel volunteered to maintain a central file to include newspaper, magazine, etc. articles, videos and other material related to this subject.

Incoming Correspondence

Betsy Browne, Executive Director/ NCEES

RE: Proposed Revisions to the NCEES Constitution and

Bylaws to be considered during the 2002 Zone and Annual Meetings

(February 8, 2002)

This correspondence was noted for the record.

Betsy Browne, Executive Director/ NCEES
RE: Appointment of Associate and Emeritus Members
(February 11, 2002)

After a review of these appointments, the Board on a motion by VP Patel, second by BM Faraldi, unanimously voted to approve this list.

Judy Kempker, Executive Director/ Missouri Department of Economic Development, Division of Professional Registration
RE: Candidacy of Donald L. Hiatte, PE for President Elect
(February 13, 2002)

After a review of this correspondence, the Board noted this correspondence for the record.

Wayne Rendely, PE
RE: Technical Question
(February 20, 2002)

After having reviewed this correspondence, the Board decided that it will notify Mr. Rendely that hypothetical and speculative scenarios will not be considered for review and response, only actual situations with fully disclosed facts. The Board will suggest that Mr. Rendely review the Board's statutes and regulations with his attorney for answers to his inquiries.

Gerry Curtis, President/ National Society of Professional Surveyors
RE: Hosting the April 21, 2002 Registration Boards Forum
(February 22, 2002)

A discussion ensued on this matter and on a motion by BM Bogart, second by BM Frantz, the Board unanimously voted to approve BM Faraldi's attendance to this forum.

Peter D. Holden, President/ East Coast Mapping, Inc.
RE: Municipal Mapping Project

This matter involves land surveying services provided by East Coast Mapping, Inc. (ECM). After reviewing these materials, and upon consultation with BM Faraldi, the Board will inform Mr. Holden which services provided by his company are surveying which will require a Certificate of Authorization. By examining the advertisement BM Faraldi will identify those land surveying services performed by ECM and will provide this information to staff member Martha Richardson.

Vincent J. Mangini/ Stark & Stark, PC
RE: Division of Duties Between Architects and Engineers
with respect to Preparation of drawings and performance of Site Work
(February 6, 2002)

The Board, after careful review, decided to refer this letter to the Joint Committee of Architects and Engineers for a response. Mr. Mangini will be advised that it has been referred to that Committee. VP Patel will report to the Board on the Committee's response.

NJ STATE SPECIFIC EXAMINATION

Upon review of the amendments to the NJ State Specific Examination, the Board, on a motion by BM

Faraldi, second by BM Raimondi, voted to approve the amendments. It will request from Professional Credentials Services, Inc. (PCS) a report on the effectiveness of this newly amended exam.

FINANCIAL REPORT - JANUARY 31, 2002

This report was noted for the record.

CERTIFICATE OF AUTHORIZATION REPORT - JANUARY 31, 2002

This report was noted for the record.

APPLICATIONS RECEIVED/ VERIFICATIONS PROCESSED REPORT - JANUARY 31, 2002

This report was noted for the record.

2002 LICENSING STATISTICS

This report was noted for the record.

ARTICLES OF INTEREST

"Landscape Architects Expand Their Definition of Practice" - Stateline

This article was noted for the record.

"State Board Activities" by: Edwin Jones, PE PErspectives

This article was noted for the record.

APPROVAL/ DENIAL OF APPLICATIONS FOR FEBRUARY 7, 2002

On a motion by BM Faraldi, second by BM Bogart, the Board unanimously approved the February 7, 2002 list of applications approved and denied.

DISCUSSION ON HOME INSPECTOR LICENSE APPLICATIONS FOR PROFESSIONAL ENGINEERS

BM Marshall distributed a draft version of the PE application for licensure as a home inspector. The draft application will be revised (with amendments) and placed on the next Public Session agenda for further review.

The topic of Home Inspection Regulations for Professional Engineers will be placed on the Annual Meeting agenda for May.

DISCUSSION ON THE PUBLIC RECORDS ACT

The Board discussed the Public Records Act which will become effective on July 8, 2002.

NOMINATION COMMITTEE

President Kelly appointed a Nominating Committee of himself, BM Raimondi and BM Frantz. BM Frantz will serve as chair. The Committee will select a slate of BMs for election to the positions of President and Vice-President.

BM Frantz will report the slate of nominees at the Board's Public Session meeting in April.

CONTINUING COMPETENCY REQUIREMENTS FOR LAND SURVEYORS

BM Faraldi informed the Board that the Garden State Society of Land Surveyors (GSSLS) conducts classes that are approved for PHD credits. The Board noted the course contents provided by the society are the same from year to year and that nothing new is being taught or learned by those in attendance.

After reviewing this issue, the Board decided to inform GSSLS that these courses will need to be updated with new subject matter.

BM Raimondi also suggested that licensees who attend one of the Board's hearings or investigative inquiries earn 2 PDH(s) of credit. This issue will be revisited when amendments to the regulations are adopted.

ADJOURNMENT

On a motion by BM Frantz, second by BM Raj, the Board unanimously voted to adjourn at 1:00pm.

APPROVED BY:

James D. Kelly
President

Arthur Russo
Executive Director