

# **State Board of Professional Engineers and Land Surveyors**

## **Public Session Minutes of March 20, 2003**

### **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:**

Louis Raimondi Edward Vernick James Kelly James Valenti Rishi Raj (9:30am) Robert Bogart Robert Marshall, Jr. Pravin Patel Albert Faraldi

#### **BMs absent:** Richard Frantz

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

### **COMMITTEE REPORTS**

#### **Legislation**

Discussion on Assembly Bill 3361, which requires disclosure by contractors of the costs of construction permits required for the construction or reconstruction of residential premises, will be carried over to the next meeting.

#### **Special Committee Reports**

#### **Website**

ED Russo informed the Board that the application to be utilized for the licensure of PEs as home inspectors is still being processed by Division Administration and will be posted to the website immediately on approval.

#### **2003 NE Zone Meeting**

BM Raimondi reported that events are progressing smoothly in preparation for this event in Orlando, Florida scheduled for April 3, 4, and 5, 2003. He also stated that the Northeast Zone will reimburse one member of each State Board for expenses to attend this meeting.

The Board, on a motion by BM Kelly, second by VP Vernick, unanimously nominated BM Faraldi to receive this reimbursement.

### **Soil Conservation Committee**

BM Bogart informed the Board that the meeting with the Soil Conservation District of the Department of Agriculture occurred last week. The Board's Sub-Committee met with Jim Sadley who reports to the head of the Department of Agriculture. The Soil Conservation District looks at such issues as storm water drainage, pipe calculations, and soil compaction. Mr. Sadley stated that he would like to assure the Board that licensed PEs qualified to review soil plans are being utilized and that unlicensed persons do not cross over into engineering functions.

The Board applauded the efforts of the Soil Conservation District members. Both groups will discuss any mutual concerns in greater length at a later date.

### **Nomination Committee**

With the absence of BM Frantz, ED Russo read the slate of nominees for the forthcoming election of Board Officers.

**Edward Vernick - President**

**James D. Kelly - Vice-President**

On a motion by BM Faraldi, second by BM Bogart, the Board unanimously voted to close the nominations.

On a motion by BM Bogart, second by BM Raimondi, the Board unanimously voted to accept the slate of nominees.

The newly elected officers will take office during the first meeting in May 2003.

## **REPORT OF THE EXECUTIVE DIRECTOR**

### **General Report**

ED Russo raised a previous issue involving an applicant, Bienvenido Macaraeg, #917357, who graduated from a university located in the Phillipines, and whether he should take and pass both the TOEFL and TSE. ED Russo stated that he was able to ascertain that English is not the official language of that country and therefore this applicant, and any other applicant from this country, should take those exams.

ED Russo informed the Board that the deadline for applying for a home inspection license is May 29, 2003.

Additionally, ED Russo stated that he was made aware of a discrepancy between the Board's statute and regulations pertaining to the number of professional development hours (PDHs) which may be carried over to the next biennial period. The Board requested that the staff draft a letter and notify all licensed land surveyors and professional engineers/land surveyors clarifying this matter. Additionally, the DAG and regulatory analyst shall review options on how to amend the existing regulation which is not in conformity with the statute.

He also reported that Regulatory Analyst Jake Gertsman will discuss the regulations pertaining to work experience requirements of foreign E-I-T applicants at a March 26th meeting with himself, Board staff and DAG Albertson.

ED Russo explained to the Board that a justification must be made to the Deputy Director for the printing of the roster book. The Board requested that ED Russo provide the Deputy Director with its position on the need for the book as required by the statute.

He also informed the Board that the public comment period on the proposed regulations pertaining to the licensing of PEs as Home Inspectors ends April 6, 2003. Also, ED Russo spoke about the current vacancies on the Home Inspection Advisory Committee. VP Patel expressed his opinion that current BMs should be allowed to sit on the Home Inspection Advisory Committee.

Finally, ED Russo spoke about the meeting with the Malaysia Board of Engineers scheduled for April 14, 2003, with VP Patel, BM Faraldi, ED Russo, Deputy Director Miragliotta, and Staff attending.

### **Incoming Correspondence**

**Clay E. Standish, PLS / Standish Surveying**  
**RE: Survey Affidavit for Re-sale of Property**  
**(February 28, 2003)**

Mr. Standish raised certain questions in his correspondence relating to a survey affidavit pertaining to the re-sale of a property.

The Board, after a review of Mr. Standish's questions, will advise him that his questions are of a business nature and that none of the issues he raised are addressed in the Board's regulations.

**Clay E. Standish, PLS/ Standish Surveying**  
**RE: Corner Marker Waiver**  
**(March 7, 2003)**

Mr. Standish requested the Board to advise him as to whether use of the corner marker waiver is or is not required.

The Board will advise Mr. Standish that it is in the process of promulgating a new regulation with regard to the recently enacted statute and that licensees may continue to utilize the waiver in accordance with the statute.

**Mohammad Baalbaki, PE**  
**RE: Advertising restrictions for engineers**  
**(March 10, 2003)**

Mr. Baalbaki would like to advertise that he provides architectural services in New Jersey as the result of his contractual agreement with an architect licensed in the state. He has requested advice from the Board.

The Board will provide him with a copy of the Building Design Services Act, which identifies the services performed by licensed architects and/or licensed professional engineers.

**Joseph A. Donato, Jr., PLS/ GSLSA**  
**RE: N.J.S.A. 45:8-36.3 and Board of PE&LS removal of N.J.A.C. 13:40-5.1(d)**  
**(March 3, 2003)**

Mr. Donato requested the Board's guidance as to how to comply with the newly enacted law requiring the use of the corner marker waiver form until such time the regulation is promulgated.

The Board will advise Mr. Donato that it is in the process of promulgating a new regulation which shall set forth how to comply with the new law.

**Martin Lyons, PE/ Edison : Department of Public Works**  
**RE: Release of Plans**  
**(March 4, 2003)**

Mr. Lyons inquired of the Board whether Site Plans or Subdivision Plans filed with the municipality are

considered public information.

The Board will advise Mr. Lyons to contact the custodian of records for the Township since the Board does not have jurisdiction over county or municipal documents.

**David A. Stires, PE, PP/ Stires Associates, PA**

**RE: Conflict of interest**

**(March 5, 2003)**

Mr. Stires informed the Board of a possible conflict of interest regarding a matter at a public hearing where he represented his parents. He was informed by the planner for the borough that his representation creates an inherent conflict since he was related to the property owner and as a result requests the Board's advice. He also requested the Board's opinion on whether an engineer reviewing applications for a county can submit an application to the same county which employs him for consideration on behalf of a client.

In his first inquiry, the Board will advise Mr. Stires that based on the information submitted, N.J.A.C. 13:40-3.1 does not appear to be implicated as to a possible conflict of interest, although there may be other statutes and/or regulations not administered by the Board which may apply. Regarding his second question, the Board suggests that he submit additional information by way of a complaint for further investigation.

**Massimo Piazza, PE**

**RE: Four-Year Educational Requirement for Surveying**

**(March 5, 2003)**

Mr. Piazza writes to the Board stating his support of the four year educational requirement for surveyors.

The Board noted this correspondence for the record.

**Peggy Abshagen, Executive Director/ Delaware Association of Professional Engineers**

**RE: Examination Statement of Compliance**

**(March 5, 2003)**

After a brief discussion on this matter, the Board tabled this matter until its next scheduled meeting.

**National Council of Examiners for Engineering and Surveying**

**RE: NCEES Objectives**

**(March 1, 2003)**

This memorandum was submitted by NCEES to all its member boards outlining its educational objectives.

This memorandum was noted for the record.

**Outgoing Correspondence**

**John C. Oliveto/ Fletcher-Thompson, Inc.**

**RE: Application #51143**

**(March 10, 2003)**

This correspondence to Mr. Oliveto requests that he appear before the Board to further explain his engineering design work experience as it relates to the professional engineering licensing requirements in this State.

The Board noted this correspondence for the record.

**Thomas Zilinek/ New Jersey Society of Municipal Engineers**

**RE: Express Map**

**(March 10, 2003)**

This correspondence is in response to Mr. Zilinek's request for information on the Board's position on "Express Map" services of the First American Title Insurance Company. In its response the Board advised Mr. Zilinek that this matter is still under review and will advise him of its outcome at the appropriate time.

The Board noted this correspondence for the record.

**Joseph P. Kempker**  
**RE: Application #878113**  
**(March 12, 2003)**

This correspondence to Mr. Kempker requests that he appear before the Board to further explore his background, education and experience as it relates to the professional engineering licensing requirements in this State.

The Board noted this correspondence for the record.

## **MOVE TO EXECUTIVE SESSION**

The Board entered into Executive Session during the course of this meeting for the purpose of reviewing the Executive Session agenda.

## **RETURN TO PUBLIC SESSION**

On a motion contained in the Executive Session minutes, the Board re-entered into Public Session.

## **APPROVAL OF CERTIFICATE OF AUTHORIZATION APPLICATIONS**

On a motion by BM Raimondi, second by BM Faraldi, the Board approved the following applications for Certificate of Authorization:

**N.E. Fisher & Associates, Inc.**  
**329 East Second St., 2nd Fl.**  
**Boyertown, PA 19512**

**Maasarani Engineering, Inc.**  
**497 Washington Avenue**  
**Washington Twp., NJ 07676**

**Innovative Engineering Solutions, Inc.**  
**89 Access Road, Suite 28**  
**Norwood, MA 02062**

**JBC Associates, Inc.**  
**583 Shoemaker Road, #230**  
**King of Prussia, PA 19406**

**N.E. Fisher & Associates, Inc.**  
**329 East Second St., 2nd Fl.**  
**Boyertown, PA 19512**

## **APPLICATION REVIEW**

**Yuriy Monsastyrskiy #52101**

Mr. Monsastyrskiy's application for licensure had been previously reviewed, and denied since he lacks two years of design experience performed under a United States licensed PE. Upon further review of this application, the Board reaffirmed its previous determination and will inform Mr. Monsastyrskiy that he needs two years of design experience performed under a United States licensed PE.

**Dominic DiAntonio #927024**

Mr. DiAntonio has applied for licensure under the comity provision.

After reviewing this application and on a motion by BM Faraldi, second by BM Kelly, the Board will inform Mr. DiAntonio that his experience as a contractor is not acceptable for licensure as a professional engineer. He will have to demonstrate four years of engineering experience of which two of the four years being design experience gained under the regular and effective supervision of a United States licensed PE.

**Ping Guo #863525**

The Board had previously reviewed Mr. Guo's file and determined that his experience was not gained under a United States licensed PE. Subsequently, Mr. Guo requested that a Mr. Nagia submit a reference form on his behalf stating that he is a licensed U.S. PE who supervised his work.

The Board will evaluate the reference from Mr. Nagia and make its determination.

**ADJOURNMENT**

On a motion by BM Marshall, second by BM Faraldi, the Board unanimously voted to adjourn at 2:30 p.m.

**APPROVED BY:**

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Pravin H. Patel, PE  
President

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Arthur Russo  
Executive Director

[Back To Minutes Archive Page](#)

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