

State Board of Professional Engineers and Land Surveyors

Minutes of April 5, 2001

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 Albert Faraldi at 9:00 am in the Hudson Conference Room, Sixth 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 Faraldi read the statement required by Chapter 231, Laws of 1975 known as the Open Public Meeting 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:

Albert Faraldi	James Kelly
Robert Bogart	Richard Frantz
Robert Marshall	Louis Raimondi
Edward Vernick	

BMs absent: Theodore Cassera, Pravin Patel and Rishi Raj

Others present: Arthur Russo, Executive Director, William Mandeville, Program Development Assistant, Joseph Grabowy, Management Assistant, Sadiqa Smith, Recording Secretary, Martha Richardson, Board Staff, Olga E. Bradford, Deputy Attorney General and one member of the public.

APPROVAL OF MINUTES

February 15, 2001

On a motion by BM Bogart, seconded by BM Raimondi, the Board unanimously voted to approve the minutes of February 15, 2001 as amended.

March 1, 2001

On a motion by BM Raimondi, seconded by BM Frantz, the Board unanimously voted to approve the minutes of March 1, 2001 as amended.

COMMITTEE REPORTS

Legislation

BM Vernick submitted a legislation report outlining the following:

A1712/S842 - Authorizes assessment of development impact fees by municipalities - On January 11, 2000 this bill was introduced and referred to the Assembly Housing Committee. It appears similar to A494 from the 1998/99 session which was supported by the League of Municipalities but opposed by the Builders' Association.

A2336/S789 - Capital and Educational Facility Financing Act (Impact Fees) - On May 1, 2000 this bill was introduced and referred to the Assembly Local Government Committee. It appears to be the Builders' Association response to A1712 (above).

A755 - Changes the duration of contracts for professional services under the "Local Public Contracts Law" from 12 months to 24 months - On January 11, 2000 this bill was introduced and referred to the Assembly Local Government Committee.

A1142 - Establishes the Professional, Occupational and Trades Licensing Review Commission - On January 11, 2000 this bill was introduced and referred to the Assembly Consumer Affairs and Regulated Professions Committee.

A1180/S1557 - Broadens the education requirement for professional planning licensure - Passed the Assembly on March 27, 2000 and the Senate on February 15, 2001. The Board, at its April 6, 2000 meeting, initially opposed this bill. After a later discussion, however, it voted to take "no position". Its position on A1180 has been communicated to the Director's Office. The bill was signed on March 8, 2001.

S1079/A2448 - Establishes ten year limitation on surveyor's liability with an exception for adverse possession cases - On March 16, 2000 S1079 was introduced and referred to the Senate Judiciary Committee. On May 22, 2000 A2448 was introduced and referred to the Assembly Judiciary Committee. S1079 passed the Senate on October 2, 2000, with amendments. A2448 is reported out of the Assembly Judiciary Committee as of September 25, 2000. The Board, at its September 7, 2000 meeting, voted to support both bills. On March 26, 2001, A2448 was replaced by S1079 and passed in the House.

A2567/S1408 - Provides broader investigative and enforcement authority to professional licensing boards and other amendments to the statute - On June 1, 2000 A2567 was introduced and referred to the Assembly Consumer Affairs and Regulated Professions Committee. On June 15, 2000, S1408 was introduced and referred to the Senate Commerce Committee.

A2768/S2282 - Interior Designers Certification Act - On September 25, 2000 this bill was introduced and referred to Assembly Consumer Affairs and Regulated Professions Committee. On March 1, 2001 this bill was reported out of this Committee and referred to the Assembly Appropriations Committee on March 29, 2001. Similar legislation (S2282) was introduced in the Senate.

The Board had previously reviewed the provisions of this bill along with comments from the Board of Architects. It generally agrees with the concerns and position that the Board of Architects expressed in its writing to the Director of Consumer Affairs, and, at its October 19, 2000 meeting, voted to support this position.

A2913 - Prohibits limitations on a contractor's remedy for delay caused by contracting unit under the "Local Public Contracts Law." On November 9, 2000, this bill, which was introduced and referred to the Assembly Local Government Committee, would prohibit "no damage for delay" clauses in contracts made under the Local Public Contracts Law. The bill was reported out of Assembly Local Government Committee on January 18, 2001, with amendments to include the Public School Contracts Law. On March 26, 2001 this bill passed Assembly and was referred to the Senate Education Committee.

AJR51/SJR26 - Establishes a "Local Public Works Contracting Law Study Commission" consisting of nineteen members - On October 12, 2000 AJR51 was introduced and referred to the Assembly Local Government Committee. On December 4, 2000 SJR26 was introduced and referred to the Senate Community and Urban Affairs Committee. A Senate Committee hearing was held on December 14, 2000, and SJR26 was amended to add two members, one from NJSME. On March 29, 2001 this bill passed the Senate and was referred to the Assembly Local Government

Committee.

A2945/S1991- Authorizes public entities to use asphalt milling and recyclable concrete as a paving material, notwithstanding any other law, rule or regulation by NJDEP - On December 7, 2000 A2945 reported out of Assembly Transportation Committee. On December 15, 2000, S991 was introduced and referred to the Senate Transportation Committee.

A3154/S2269 - Permits issuance of home inspector licenses to professional engineers and architects - On January 23, 2001 this bill was introduced and referred to Assembly Consumer Affairs and Regulated Professions Committee. The Board reviewed and discussed this bill and on a motion by VP Kelly, seconded by BM Patel, the Board unanimously voted to support A3154. A February 14, 2001 memo was sent to Director Herr stating the Board's position in support of this bill. On March 22, 2001 this bill was reported out of the Assembly Consumer Affairs and Regulated Professions Committee. On March 29, 2001 similar legislation was introduced in Senate (S2269) and referred to Senate Commerce Committee.

S2112 - Includes Certified Landscape Architect as a "closely allied professional" - On February 15, 2001 this bill was introduced and referred to the Senate Commerce Committee. The Board at a previous meeting reviewed and discussed the bill and on a motion by BM Vernick, seconded by BM Patel, it unanimously voted to take no position on S2112. Director Herr was notified of the Board's position in a March 5, 2001 memo. On March 26, 2001 it was passed in the Senate and referred to the Assembly Consumer Affairs and Regulated Profession Committee.

S1714/A2863 - Appropriate \$135 million to DEP for dam, lake and stream projects - On October 12, 2000 A2863 was introduced and referred to the Assembly Environmental Committee. On December 18, 2000 S1714 was passed in the Senate and referred to the Assembly. The Board reviewed and discussed both bills and on a motion by BM Vernick, seconded by BM Patel, unanimously voted to take no position on them. Director Herr, in a March 5, 2001 memo, was so notified.

Wetland Legislation - Watershed Management Rules (D.E.P. rules & regulations) - The Comment period ended on October 2, 2000. The D.E.P. reported that opposition was voiced to the rules and regulations by both builders and environmental groups. The Assembly has passed ACR 124 opposing the rules and the Senate is considering the same. A rule change is now on hold so that the NJDEP may consider some changes. The portion of the rules that covers discharge of wastewater to groundwater was published in the February 10, 2001 edition of the New Jersey Register and will become effective on March 20, 2001. The rule is adopted as N.J.A.C. 7:15-8

Administration

No report.

Examinations

ED Russo reported that the April 2001 exams are scheduled for April 20 and 21, 2001. President Faraldi and BM Marshall will be visiting the southern location at the West Trenton Volunteer Fire Co., and BMs Raimondi and Frantz will visit the northern location at the Spa at Crystal Springs, Vernon, NJ.

Education

At the March 1, 2001 meeting, BM Frantz spoke about plans by the Department of Education to remove practical arts courses from high school graduation requirements. The Board at that time reviewed and discussed this matter and on a motion by BM Frantz, seconded by BM Vernick, unanimously voted to oppose the dropping of these courses from the high school curriculum. BM Frantz will draft a letter in opposition to this change for the Board's review.

BM Frantz reported that since this legislation has been put on hold, BM Frantz will file his draft response opposing this change for future use.

Regulations

No report.

Finance

No report.

Special Committee Reports

Newsletter

BM Raimondi stated that he began working on the fourth edition of the Newsletter. William Mandeville indicated that he has reviewed the draft of the third edition.

Applications - Design Experience

No report.

Application - Revisions PE/LS

No report.

Joint Committee

The Joint Committee meeting scheduled for April 3, 2001 was canceled.

ED Russo reported that the Board discussed this matter at its March 1, 2001 meeting at which time it requested that ED Russo write to James Hsu to obtain clarification of the Board of Architects' response to Al Vasy's letter of December 29, 2000. Mr. Vasys asked who may perform the energy/insulation calculations to determine if newly constructed residential buildings comply with the BOCA code. In response to the inquiry the Board of Architects stated that "in accordance with N.J.S.A. 45:B, Building Design Services act, only an architect can sign and seal plans for alterations or renovations."

Mr. Hsu responded to the Board in his March 9, 2001 correspondence in which he mentioned that the statement refers to plans involving energy calculations for a BOCA use group R structure. Although both architects and engineers may perform the energy calculations for use group R structures, pursuant to the Building Design Services Act, only an architect can sign and seal plans for the purposes of filing a permit for alterations or renovations

ED Russo will respond to Mr. Vasys's correspondence.

Website

Joseph Grabowy stated that the Division of Consumer Affairs has revised the standardized complaint form for use by all Boards. The new form includes a notation that the complaint information supplied on the form may be subject to public disclosure. Also, deleted from the old complaint form and not included on the new complaint form was the indication that in order to resolve a complaint, it may be necessary for the Board to forward the complaint to the licensee.

The Board expressed its concern with the first change in that information provided may be released to the public prior to a final determination being made on the complaint.

In addition, the Board stated that all public requests for information on a complaint should be reviewed by the Board before any information is disseminated. This directive will be placed in the policy manual.

On a motion by VP Kelly, seconded by BM Raimondi, the Board unanimously voted to adopt this position as a Board policy.

All Public Session minutes from January 2000 thru February 2001 have been posted on the Board's Website.

Certificate of Authorization (C/A)

The sub-committee developed numerous recommendations to enforce adherence to the C/A requirements. This matter will be discussed in greater detail at the next Executive Session meeting.

Brokering of Land Surveying Services

BM Raimondi noted that at the recent NCEES northeast zone meeting he attended, it was generally agreed that there was nothing wrong with the out-of-state brokering of land surveying services. After a brief discussion on this matter, the Board agreed to remove this sub-committee from future public session agendas and to monitor this subject periodically.

Annual Meeting

The Board's Annual Meeting is scheduled for May 18, 2001. ED Russo reported that final approval has been given to hold the meeting at the Liberty Science Center, Jersey City, NJ.

Nominating Committee

Election of Officers

The names of the following nominees were presented in nomination to the Board by BM Frantz:

President - BM Kelly

Vice-President - BM Patel

On a motion by BM Vernick, seconded by BM Raimondi, the Board unanimously voted to accept the slate of officers proposed by the Nominating Committee for the May 1, 2001 to April 30, 2002 term.

On a motion by BM Bogart, seconded by BM Raimondi, the Board unanimously voted to elect the officers as nominated.

On behalf of the Board, President Faraldi congratulated the newly elected officers.

REPORT OF THE BOARD PRESIDENT

President Faraldi stated that BM Raimondi was elected Assistant Vice-President of the Northeast Zone of the National Council of Examiners for Engineering and Land Surveying.

REPORT OF THE EXECUTIVE DIRECTOR

ED Russo spoke about the low October 2000 examination attendance and results and requested suggestions on ways to improve scores. Suggestions from Board members ranged from inviting the Engineering Deans to speak with the Board, reviewing and discussing this issue with NCEES members, moving the examination date from April to January, and having Board members speak to junior and senior level engineering students on an annual basis.

John Q. Adams, III, PE, NCEES (January 16, 2001)

Re: National Pass Rates - FLS & PPLS, October 2000

FLS - 45%

PPLS - 49%

Mike Shannon, PE, NCEES (January 23, 2001)

Re: National Pass Rates - Fundamentals of Engineering examination (October, 2000, PM Portion)

Chemical - 85%
Mechanical - 82%
Electrical - 71%
Civil - 67%
General - 63%
Industrial - 62%
Total Group - 67 %

John Q. Adams, III, PE, NCEES (February 5, 2001)

Re: National Pass Rates - Principles/Practices of Engineering (October 2000)

Environmental - 72%
Chemical - 48%
Civil - 44%
Mechanical - 42%
Electrical - 28%

Mark S. Herr to Edward M. Neafsey, Inspector General (February 21, 2001)

Re: Database Checks

In his letter Director Herr assures the Inspector General of the Board of Professional Engineers and Land Surveyors and the Board of Architects cooperation in offering assistance in conducting moral integrity checks on persons applying to bid on school construction projects.

The Board noted this correspondence for record.

ED Russo spoke about an initial meeting held between the NJSPLS and NJSPE regarding ways to qualify professional engineers to become professional land surveyors. A dialogue between the two societies will be on-going on this subject.

John J. Pierce, Pierce Engineering, Inc., (March 6, 2001)

Re: PE Certification Form

Mr. Pierce submitted a copy of a PE certification form which he was requested to complete and sign for a project he was working on for the Northeast Monmouth Regional Sewer Authority. He claims that if he signs this certification his Professional Liability Insurance will not cover this project. On the other hand, the Authority will withhold payment to him and discontinue any further work with him until he complies with their request.

The Board reviewed Mr. Pierce's correspondence and stated that this is a contractual matter between the parties involved and that it does not have any jurisdiction over this subject.

Jerome Irick, PE, Irick Engineering (February 23, 2001)

Re: Statute Interpretation

Jerome Irick has written three letters to the Board. Two of these letters were presented to the Board on 2/14/01 & 2/15/01 respectively. Essentially Mr. Irick is trying to determine who may perform field measurements including topographical elevations, as necessary, for the design of drainage systems and or other engineering systems including site plans. A municipal engineer with whom he is dealing holds the position that a land surveyor may measure any and all existing conditions, and that only licensed land surveyors may measure existing elevations and prepare contour lines for these grades.

To illustrate his point, Mr. Irick quoted N.J.S.A. 45:8-28 (e) which states that "nothing in this chapter shall preclude a person licensed by the Board as a Professional Engineer from performing those measurements necessary for the

design, construction stake-out, construction and past construction records of an engineering project, provided that these measurements are not related to property lines, lot lines, easement lines, or right of way lines, the establishment of which are required to be made a land surveyor."

The Board directed ED Russo to write Mr. Irick requesting additional data regarding his correspondence of February 14 & 15, 2001. This request was mailed on March 5, 2001. Mr. Irick's letter of February 23, 2001 had not yet been received prior to the March 5, 2001 correspondence. ED Russo is still awaiting a response to the Board's March 5, 2001 letter which requested Mr. Irick to provide it with additional materials and to state his question more succinctly. Once this information is received this matter involving a difference between the Site Plan Rule and N.J.S.A. 45:8 - 28 will be placed on a future agenda for additional discussion.

Jerry R. Yeargan, Accreditation Board for Engineering and Technology, Inc. (ABET) (February 2001)
Re: Announcement of ABET's Annual Meeting

ABET's annual meeting is scheduled for November 1-2, 2001 in Incline Village, NV at the Hyatt Regency Lake Tahoe Resort & Casino. This correspondence was noted for the record.

William Beardslee, PE, PLS, PP, NJSPLS (February 14, 2001)
Re: Statistical data of Land Surveyors

In his correspondence, Mr. Beardslee has requested annual population data for land surveyors and dual licensees from 1980 to the present.

ED Russo has requested this information from Centralized Licensing. However coverage of the entire period requested may not be available.

William Beardslee, PE, PLS, NJSPLS (February 23, 2001)
Re: Article from Surveying & Land Information Systems

Mr. Beardslee presented the Board with an article written by a Penn State Professor of land surveying and department head, Charles D. Ghilani, entitled "The Surveying Profession and Its Educational Challenge." The article looks at the interrelationships between the requirements for licensure in surveying, the role of surveying in the new technologies and the requirements for continuing education in relation to the professional status of the surveying community, educational and licensing requirements.

The Board noted this correspondence for the record

Joseph Simonetta, New Jersey Society of Professional Engineers (NJSPE), (March 1, 2001)
Re: NJSPE "Code of Ethics"

The Board reviewed the Society's Code of Ethics which was previously requested and noted for the record.

Albert H. Miller, PE, F.NSPE, President of the National Society of Professional Engineers (NSPE) (March 6, 2001)
Re: Linking to the NSPE Website (www.nspe.org)

In his letter, Mr. Miller has requested that the Board add a hyper-link to the NSPE Website on its own Website. A link to this Website would assist licensure candidates by providing numerous sources of information about becoming licensed and compliance with state licensure laws. After a brief discussion on this topic, the Board directed ED Russo to have this functionality added to the Board's Webpage.

James Kelly, PE, Boswell Engineering (March 21, 2001)
Re: Spring Issue 2001 - PERSpectives P/E

In his correspondence, Mr. Kelly Included several articles of interest concerning the proposed new model law for

licensure and legislative updates pertaining to the home inspection licensure bill.

The Board noted this correspondence for the record.

Brian J. Strizki, PE, Bureau of Quality Management (March 20, 2001)

Re: NJDOT Title Block

Previously, the Board sent a correspondence to Assistant Commissioner Dennis Keck, Capital Project Management, New Jersey Department of Transportation (NJDOT) regarding a conflict between the NJDOT's standard title block and its compliance with N.J.A.C. 13:40-1.3. (title block rule). In his response, Mr. Strizki indicated that on September 20, 1999 a Corrective Action Notice (CAN 025) was issued to assure that all projects advertised after July 1, 2001 are in compliance with the Map Filing Law.

Included in the notice is a requirement that Right-of-Way plans must contain the name of the firm, the printed name of the licensed surveyor in responsible charge and certificate number, signature line, seal and date when signed.

The Board noted this correspondence for the record.

MOVE TO EXECUTIVE SESSION

On a motion by VP Kelly, seconded by BM Vernick, the Board unanimously voted to move into Executive Session for the purpose of discussing an Executive Session matter.

RETURN TO PUBLIC SESSION

In accordance with a motion contained in Executive Session, the Board unanimously voted to return to Public Session to complete the Public Session agenda.

REPORT OF THE EXECUTIVE DIRECTOR (CONTINUED)

General Report

2003 Northeast Zone Meeting

ED Russo reported that New Jersey will act as host state for the April 2003 Northeast Zone Meeting to be held in Cape May, NJ at the Grand Hotel. BM Raimondi requested that Sub-Committees be established to prepare for this event. While NCEES handles the hotel and lodging reservation, all transportation arrangements will be the Board's responsibility. In addition, leisure time activities (e.g. excursions to Atlantic City, trips to wineries and whale watching and house tours) will need to be coordinated and executed by Board members. BP Faraldi will be responsible for obtaining contributions and donations (mugs, pens etc.) toward this effort from the PE and PLS Societies.

The next NCEES zone meeting is scheduled to be held in Burlington, Vermont.

Exam Review

ED Russo reported that six examinees attended the exam review meeting held in the Board's office on March 29, 2001.

Home Inspection Advisory Committee (HIAC)

ED Russo reported that he signed off on the HIAC regulations and noted that there were a few minor changes since approved by the Board. The regulations are now in Trenton awaiting publication in the New Jersey Register. In a March 14, 2001 writing to Director Herr, he reported that the Home Inspection Advisory Committee expressed its strong opposition to Assembly Bill A-3154, previously introduced on January 23, 2001, which would permit licensed professional engineers or architects in New Jersey to be licensed as home inspectors.

Status of Regulations Affecting the Board

ED Russo reported that a request was sent to Regulation Analyst Stacy Mola for an update on the status of pending regulatory matters affecting the Board. In her response, Ms. Mola reported that the following proposed amendments are still being reviewed in Trenton:

N.J.A.C. 13:40-1.1 - Sealing documents

N.J.A.C. 13:40-1.2 - Title block on drawings; forms; removal

N.J.A.C. 13:40-1.3 - Title block contents

N.J.A.C. 13:40-5.1 - Land Surveyors; preparation of land surveys

N.J.A.C. 13:40-11.3 - Credit-hour requirements

N.J.A.C. 13:40-11.8 - Waiver of continuing competency requirements.

Report of Municipal Engineers & Land Surveyors

ED Russo reported that some municipalities have still failed to report the names of their municipal engineers and land surveyors for the current year.

Licensees Total Report

The Board noted this report for the record.

Certificate of Authorization Report- February 2001

The Board noted this report for the record.

Applications Received/Verifications Processed - February 2001

The Board noted this report for the record.

2000 Roster Book

ED Russo stated that the total cost for the printing of the 2000 Roster Book was \$69,949.85, an average cost of \$3.28 per book. Previously, the Board had requested DAG Bradford to research the issue of whether publication of the Board's licensees on its Website would eliminate the need for printing and mailing an annual roster book. At this time, DAG Bradford is still awaiting a review of her research by her superior before disclosing her opinion on this matter. The Board recognizes the significant expenditures involved in the distribution of this roster book and realizes the funds could be better utilized. This report was noted for the record.

Engineering Exam Services Status Report - October 2000 Exam

An analyses depicting October 2000 examination results for the fundamentals of engineering, principles and practices of engineering, and principles and practices of land surveying by school and engineering discipline was discussed. The Board appointed BM Raj to chair a new Statistical Analysis and Evaluation Sub-Committee to interpret this and future statistics regarding examination results.

Certificate Award Ceremony - October 2000 Licensees

ED Russo reported that the Certificate Award Ceremony for the October 2000 examinees will be held on April 19, 2001 at the Holiday Inn, Jamesburg, NJ. The principal speaker for the evening will be DAG Bradford.

ARTICLES OF INTEREST

The Nevada Register: "Wood Trusses: Who is Responsible?"

Star-Leger: "New Jersey Builders sue state over new septic proposal"

The Board noted these articles of interest for the record.

APPROVAL/DENIAL OF APPLICATIONS FOR LICENSURE

The Board reviewed the March 15, 2001 Examination/Comity Applications Report and voted to approve 3 exam and 12 comity applications, and to deny 2 exam and 7 comity applications (list attached).

On a motion by BM Patel, seconded by BM Vernick, the Board unanimously voted to accept the March 15, 2001 list of approved/denied applications for licensure.

ADJOURNMENT

On a motion by BM Frantz, seconded by BM Raimondi, the Board unanimously voted to adjourn at 2:00 pm.

Approved by:

Albert N. Faraldi, PLS President

Arthur Russo Executive Director

[Board of Professional Engineers & Land Surveyors](#)

[Other Professional and Occupational Licensing Boards](#)

[Feedback Survey](#)

[Consumer Affairs Home Page](#)

[NJ Dept. of Law and Public Safety Home Page](#)

[State of NJ Home Page](#)

Modified March 2002