

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Minutes of April 15, 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
Richard Frantz
James Kelly
Robert Marshall
Pravin Patel
Louis Raimondi
Robert Bogart
Rishi Raj
Albert Faraldi

BMs absent: James Valenti

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

APPEARANCE BY JOSEPH COTE, PRESIDENT OF PROFESSIONAL CREDENTIALS SERVICES (PCS)

Mr. Cote appeared before the Board to discuss PCS's examination services in general with an emphasis on the steps that are taken to secure the integrity of the examinations.

COMMITTEE REPORTS

Legislation

President Vernick presented the Board with the following legislative information:

A2088 - Clarifies that advertisements by licensed professionals are subject to the Consumer Fraud Act - This bill passed the Assembly with amendments on March 15, 2004.

A2442/S142 - Requires public bidding or competitive contracting for award of professional service contracts and requires certain vendors to fully itemize bills to school districts and local units and prescribes sanctions - The Senate version of this bill was referred to the Senate Community and Urban Affairs Committee.

Administration

No report.

Examinations

BM Raimondi informed the Board that Patsy Steel, PCS, will look into the Board's concerns over specific questions in the NJ State Specific Law Examination and will revise it accordingly for the October 2004 examinations.

Education

BM Frantz briefly stated that the schools offering technical professions are streamlining their curriculums and, therefore, not properly preparing their students.

Regulations

VP Kelly informed the Board that there will be a meeting of the Committee at the conclusion of this meeting.

Finance

BM Faraldi indicated that the Board's finances are good.

NCEES Report

BM Raimondi informed the Board that the annual NCEES Northeast Interim Zone meeting will be conducted next year in Portland, Maine. He also indicated that the Texas Board wants to change the NCEES constitution and bylaws. The Board, on a motion by BM Bogart, second by VP Kelly, unanimously voted to oppose the proposal presented by the Texas Board.

In addition, BM Raimondi reported that NCEES has provided all states and testing services with a list of prohibited calculators for the April 2004 examinations and future examinations.

Special Committee Reports

Newsletter

No report.

Joint Committee

The meeting was cancelled.

Website

A notice has been placed on the Board's website informing all licensees that renewal forms have been mailed to licensees at their mailing address of record as of March 4, 2004.

Applications: Revisions PE/LS and Design Experience

No report.

Licensure Promotion Committee

No report.

Disciplinary Action Committee

No report.

REPORT OF THE EXECUTIVE DIRECTOR

General Report

ED Russo reminded the Board that a response was needed to a letter submitted by Jeffrey Hartke regarding engineers who perform topographic surveys. The Board advised that a letter should be sent to Mr. Hartke informing him that professional engineers cannot perform topographic surveys.

ED Russo informed the Board that Barry Muller, P.E. submitted information concerning his progress in compliance with the Consent Order. Mr. Muller indicated that he satisfied the Order and will continue to advise the Board of his progress in subsequent renewal periods.

ED Russo presented the Board with a copy of the Board's administrative staff' budget for the 2004 fiscal year.

The Board, after a lengthy discussion, unanimously voted to cancel its annual off-site meeting previously scheduled for Cape May on May 7, 2004.

The Board, on a motion by BM Frantz, second by BM Raimondi, unanimously voted to approve printing the statute and regulation booklet at an estimated cost of \$55,000. The booklet will include a notice informing licensees to refer to the Board's website for updates.

ED Russo stated that all preparations are finalized for the upcoming April 2004 examinations. He also stated that eighty-six candidates have been scheduled for the Rowan University location, one hundred sixty-eight at the W. Trenton Firehouse and three hundred ninety four candidates at N.J.I.T.

ED Russo informed the Board that agendas continue to be posted regularly on the website.

He informed the Board that there is pending home inspection legislation that would extend the time required to become licensed under the grand fathering provision from June 30, 2004 to December 31, 2005.

Incoming Correspondence

Richard W. Stone, PE

**RE: Engineering signature & seal on reinforcing steel placing drawings [Shop Drawing]
(January 8, 2004)**

Mr. Stone has requested clarification from the Board regarding the sealing of documents, shop drawings, steel placing drawings, bar lists, etc. which require engineering calculations and/or engineering input.

The Board discussed this subject and determined that N.J.A.C. 13:40-1.1(b)(ii) applies. The Board will advise Mr. Stone that there are no specific provisions on contract specification requirements.

Rose Cipriano

**RE: Resolution
(April 5, 2004)**

Mrs. Cipriano extended her gratitude to the Board for its resolution acknowledging the passing away of her husband, Peter Cipriano, a former Board member.

The Board noted this correspondence for the record.

**Colleen Campbell/ American Congress on Surveying & Mapping
RE: 2004 ACSM-TAPS Conference & Technology Exhibition
(March 18, 2004)**

Ms. Campbell provided the Board with changes to the above referenced conference.

The Board noted this correspondence for the record.

**Mark Gamba
RE: Professional engineering experience
(March 24, 2004)**

This letter was sent to Governor James E. McGreevey and forwarded to the Board for response. Mr. Gamba requests that the current experience requirements to become licensed as a professional engineer be revised to recognize research and development experience as professional experience.

The Board will advise Mr. Gamba that he would have to meet the experience requirements pursuant to the statute in order to qualify for licensure. The Board noted that Mr. Gamba indicated in his letter he had acquired 12 + years of experience working under a PE in the public sector, and, therefore, will encourage him to submit an application for its review.

D. Matthew Stuart, PE
Schoor DePalma Engineers & Consultants
RE: Plan review regulations
(March 31, 2004)

Mr. Stuart requested that the Board participate in a survey concerning plan review regulations which was completed by 30 other states.

The Board shall furnish Mr. Stuart with a copy of its statutes and regulations for his review.

**Patty Riggs, Paralegal/ Washington Group International, Inc.
RE: Communication from Deputy Director Anthony Miragliotta concerning certificate of authorization
(March 23, 2004)**

Ms. Riggs requests that the Board allow Washington Group International to designate an employee of the company, other than the engineer in responsible charge, to handle the renewal and any other licensing activity on behalf of the company.

The Board will advise Ms. Riggs that the licensee designated as being in responsible charge must be the contact person.

**Christopher Taylor, PE/ SYSTRA Consulting, Inc. RE: North Jersey Branch
Board of Directors of the American Society of Civil Engineers (ASCE)
(March 10, 2004)**

Mr. Taylor requests that a Board member speak at a future ASCE meeting.

The Board will advise Mr. Taylor that his invitation will be considered but needs to follow the policies established by the Division of Consumer Affairs regarding outside speaking engagements by current Board members.

Thomas E. Donahue, PE/ Donahue Engineering
RE: Certificate of Authorization
(March 23, 2004)

Mr. Donahue requests the Board's guidance on how to display a notation on his title block to inform the public that Donahue Engineering, a sole proprietorship, is not required to file an application for a Certificate of Authorization.

The Board will advise Mr. Donahue that sole proprietorships are not required to obtain a certificate of authorization and he should simply advise any individual who asks him why he does not have a certificate of authorization number.

Barry S. Jones, PLS/ Fralinger Engineering
RE: Notice that meeting agenda packages will no longer be mailed
(March 23, 2004)

Mr. Jones wrote to the Board expressing his disappointment with the discontinuation of the subscription mailings. He suggested that the Board post the materials normally included in the package on the website along with the agenda.

The Board noted this correspondence for the record.

Barry S. Jones, PLS/ Fralinger Engineering
RE: Rule Proposal N.J.A.C. 13:40-5.1(d)
(March 23, 2004)

Mr. Jones wrote to the Board expressing his agreement with the Board's proposed change to the above referenced regulation to include a witness signature on the corner marker waiver form.

The Board will advise Mr. Jones to provide his comments on this matter during the comment period.

Doug Cleary, Ph.D., PE, Associate Professor/ Rowan University
RE: Rowan ABET Status
(February 20, 2004)

Mr. Cleary provided the Board with information received by Rowan University from ABET regarding its effective date of accreditation.

After reviewing this correspondence the Board noted that it had previously agreed to recognize the accreditation of Rowan Universities in 1999.

Dave Walstad, USC/ The Strober Organization, Inc.
RE: Request for review of raised seal requirements and adoption of electronic seal alternative effective July 1, 2004 (March 10, 2004)

Mr. Walstad requested that the Board consider the electronic sealing of plans.

The Board discussed this matter and decided to continue to study this issue. Mr. Walstad will be advised that all originals and copies of engineering plans, drawings, etc. must contain a raised seal.

Michael W. Hyland, PE, PLS, RA/ Hyland Design Group

**RE: Continuing Education
(March 1, 2004)**

Mr. Hyland requests that the Board approve his testimony experience, which encompasses research and report writing, as acceptable continuing education experience. The Board noted that Mr. Hyland provides testimony as part of his employment. The Board does not believe his testimony experience meets the requirements to be utilized as continuing education.

Lukas Spies
RE: 4-year land surveying degree
(February 19, 2004)

Mr. Spies provides the Board with information relative to his undergraduate work in land surveying and would like to know if it is acceptable to meet the educational requirements of the Board.

The Board will continue to review this matter.

**John P. Pacana, PE/ Concord Atlantic Engineers, Inc.
RE: Engineering ethics inquiry
(March 9, 2004)**

Mr. Pacana wrote to the Board concerning engineering ethics related to contractual agreements.

After discussing this matter, the Board decided that since this is a contractual issue, Mr. Pacana should consult with his attorney and possibly file a complaint with the Board of Architects.

**Robert C. Kirkpatrick, PE, PLS, PP/ Robert C. Kirkpatrick, Inc.
RE: Compliance with Board's Rules and Regulations
(March 8, 2004)**

Mr. Kirkpatrick informed the Board that there are practices occurring within the wireless communications industry concerning the preparation of site plans that seem to violate the Board's regulations and Municipal Land Use Law.

The Board discussed this correspondence, but decided there were insufficient facts to make a determination. The Board will advise Mr. Kirkpatrick that he may file a complaint if he believes a person violated its statutes and/or regulations.

**Andre Schan, PLS/ Schan Associates
RE: Engineers & topographic surveys
(March 12, 2004)**

Mr. Schan provided the Board with his opinion on the referenced matter.

The Board noted this correspondence for the record.

Information

The following informational items were noted by the Board:

- Notice of Renewal Forms for the 2004-2006 biennial licensing period
- Home inspector license reciprocal licensing memorandum
- Notice regarding the renewal of certificates of authorization

NOMINATION COMMITTEE

The Nomination Committee presented the Board with the following names for the positions of President and Vice-President:

President - James Kelly

Vice-President - James Valenti

The Board, on a motion by BM Frantz, second by BM Patel, unanimously voted to accept the slate of officers.

The Board, on a motion by BM Frantz, second by BM Bogart, unanimously voted to close the nominations and voted unanimously to elect James Kelly as President and James Valenti as Vice-President.

REVIEW OF APPLICATIONS

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

NAME	APP #	DECISION	NAME	APP #	DECISION
K. JARIWALA	927038	GRANT	A. KELSEY	970823	GRANT
C. SUN	951420	GRANT	J. LANE	996558	GRANT
P. BEDDIA	953079	GRANT	R. LAMAGNA	988755	GRANT
M. COREY	990467	GRANT	J. LOOS	982159	GRANT
J. DUPRAS	988756	GRANT	C. LUBRICO	984477	GRANT
K. ALLEY	962091	GRANT	W. MCCAIN	990819	GRANT
D. SCHNEIDER	986128	GRANT	R. MENDT	960519	GRANT
C. DUDA	994799	GRANT	T. MILLER	988264	GRANT
L. GREGORY	996527	GRANT	P. NIEDZIELA	988266	GRANT
M. HOOVER	994326	GRANT	J. NOON	935227	GRANT
K. GERBER	927154	GRANT	R. PIERSALL	951340	GRANT
S. CHOKHAVATIA	934256	GRANT	J. POCIUS	990510	GRANT
S. BAIG	940911	GRANT	M. POMERLEAU	987207	GRANT
M. AFZUL	976718	GRANT	H. PROSS	954354	GRANT
I. KERITAM	961704	GRANT	D. PUSKAS	1004821	GRANT
S. SCHALLHASE	994813	GRANT	T. ROLLMAN	988737	GRANT
F. BECKER	979751	GRANT	M. RYER	988247	GRANT
R. BOEITER	982158	GRANT	D. SCHATTE	990850	GRANT
M. BRECHER	994334	GRANT	JIA SHUE	988304	GRANT

R. CORDERO	982679	GRANT	W. SIBLEY	52129	GRANT
R. DARNELL	988996	GRANT	B. SIMS	988274	GRANT
J. ELLINGER	953121	GRANT	K. BOORMAN	980295	TAKE F
P. GEISSLER	991426	GRANT	M. VILLANUEVA	980424	TAKE F
R. GUDITUS	940408	GRANT	H.DANOVICH	995867	TAKE P
S. HAMWEY	994298	GRANT	N. PATEL	970489	TAKE P
M. HOOVER	994326	GRANT			

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

NAME	APP #	DECISION	REASON	NAME	APP #	DECISION	REASON
T. MAHER	966680	DENIED	Education	S. GRIBB	986616	DENIED	Experience
B. LEHMKUHL	987768	DENIED	Experience	J. DIRK	979768	DENIED	Experience
C. BONES	987210	DENIED	Experience	K. SWITALA	979552	DENIED	Education
C. DESOUSA	992073	DENIED	Experience	J. BENJAMIN	994821	DENIED	Experience
S. BRAY	990076	DENIED	Education	R. WRIGHT	989007	DENIED	References
Y. KITAEVICH	936477	DENIED	References	M. AZIZ	979622	DENIED	Education
G. TUCKER	986615	DENIED	Education	D. MARTINEZ	973302	DENIED	Experience
G. COURTNEY	995897	DENIED	license verification	T. GUSTAFSON	970819	DENIED	Experience
M. KROMKE	985473	DENIED	Experience	S. KRIEBEL	953100	DENIED	Experience
C. ANDERSON	961735	DENIED	Education	S. GBONDO-TUGBAWA	943884	DENIED	Education
R. HENDERSON	953126	DENIED	Experience	H. MARTYNIUK	51119	DENIED	TOEFL/TSE

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

Dashiell Corporation
12600 N. Featherwood, Suite 300
Houston, TX 77034 Stewart Surveying & Engineering, LLC
25 Pine Street, Suite 1, PO Box 50
Rockaway, NJ 07866

Shropshire Associates, LLC
709 Stokes Road
Medford, NJ 08055 Dallas Contracting Co., Inc.
1260 New Market Avenue
South Plainfield, NJ 07080

Structural Workshop, LLC
2001 Route 46, Suite 310
Parsippany, NJ 07054 Braginsky Surveying, LLC
264 Corona Avenue
Staten Island, NY 10306

ATC Engineering, Inc.
605 Third Avenue
New York, NY 10158

Associated Technology, Inc.

16 Card Street
Hamburg, NJ 07419

Builders Firstsource - Northeast Group, LLC
6870 Mimms Drive
Atlanta, GA 30340

Ballester & Associates, Inc.
1811 Union Valley Road
West Milford, NJ 07480

Eikon Planninc and Design, LLC
221 High Street
Hackettstown, NJ 07840

Leon Land Surveying, LLC
3 Sprague Landing
Turnersville, NJ 08012

Full Board Review

Jiang He - #976342

The Board reviewed Mr. He's application. He is a foreign graduate applying for licensure by comity.

After a careful review, the Board determined that he has acquired most of his experience in China and that he failed to provide proof that he completed the minimum two years of design experience under the direct supervision of a licensed professional engineer in the United States.

Ronald T. Helton - #980458

The Board discussed information that Mr. Helton was reprimanded by the Maryland Board for practicing engineering while his license was lapsed.

The Board, after reviewing his file, on a motion by VP Kelly, second by BM Patel, unanimously voted to approve his application for licensure by comity.

Martin P. Sewell - #946112

The Board, after a review of this application, determined that Mr. Sewell has an undergraduate degree in physics and two MS degrees in engineering.

The Board, on a motion by BM Bogart, second by VP Kelly, unanimously voted to approve Mr. Sewell's application to sit for the principles and practices examination.

Continuing Education

The Board reviewed courses previously submitted by the Garden State Land Surveyors Alliance (GSLSA).

The Board will advise GSLSA that times and dates must be submitted to obtain approval of these courses.

Philip Murray, PE

The Board received a signed certification and response from Mr. Murray in connection with the Uniform Penalty Letter issued to him.

After reviewing his response, the Board was unpersuaded and unanimously voted to reaffirm its previous decision. Mr. Murray has 30 days to pay the penalty or a Certificate of Debt shall be issued.

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.

ADJOURNMENT

On a motion by BM Frantz, second by BM Faraldi, the Board unanimously voted to adjourn at 3:30 p.m.

Approved by:

Edward Vernick, PE
President

Arthur Russo
Executive Director

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