

State Board of Professional Engineers and Land Surveyors

Minutes of May 3, 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 James Kelly 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 Kelly 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

BM's present:

James Kelly
Pravin Patel
Edward Vernick
Albert Faraldi
Robert Marshall
Robert Bogart
Richard Frantz
Theodore Cassera (9:30am)

BM's absent:

Rishi Raj
Louis Raimondi

Others present: William Mandeville, Program Development Assistant, Joseph Grabowy, Management Assistant, Ernest Gonzalez, Acting Recording Secretary, Yolanda Winston, Board Staff, Martha Richardson, Board staff and Olga E. Bradford, Deputy Attorney General.

SPECIAL THANK YOU FROM FORMER PRESIDENT FARALDI

BM Faraldi extended his gratitude to the entire Board and staff for all their efforts and hard work during his term of office.

APPROVAL OF MINUTES

March 15, 2001

On a motion by BM Frantz, seconded by BM Vernick, the Board unanimously voted to approve the minutes of March 15, 2001 as printed.

April 5, 2001

On a motion by BM Vernick, seconded by BM Faraldi, the Board unanimously voted to approve the minutes of April 15, 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 the 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. SJR26 was amended to add two members, one from NJSME. Passed the Senate on March 29, 2001 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, S1991 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 became effective on March 20, 2001. The rule is adopted as N.J.A.C. 7:15-8

Administration

No report.

Examinations

BM Frantz reported on the conditions of the April 20, 2001 PE examination administered at the northern location at the Crystal Springs Spa in Vernon, NJ. He advised the Board that there were significant improvements in the lighting conditions since the prior examination.

In addition, BM Marshall informed the Board of the testing conditions at the West Trenton examination site. He

indicated that the lighting conditions were adequate. The only difficulty he encountered was gaining admittance into the examination room. He suggested that the staff send a letter in advance of the examination date to Professional Credential Services, Inc. (PCS) advising them of the Board member(s) who will be attending the examination. The staff will also explore the possibility of obtaining official identification badges for Board members to utilize at external functions.

Education

BM Frantz reported that he is continuing work on a draft letter to the Board of Education in opposition to high schools denying credit for courses in the manual arts.

Regulations

A memorandum will be sent to Stacy Mola, Regulatory Analyst, requesting an updated status of the proposed new rules regarding title blocks and seals, preparation of land surveys and continuing competency.

Finance

No report.

Special Committee Reports

Newsletter

William Mandeville informed the Board that the newsletter was in its final stages of revision and will be returned shortly for staff approval. He anticipates it being printed fairly soon.

Applications: Revisions Design Experience

No report.

Applications: Revisions PE/LS

No report.

Joint Committee

The Board discussed this matter in Executive Session.

Website

BM Vernick informed the Board that there have been five recent enhancements to its Website. They include the following: the Home Inspection Advisory Committee's (HIAC) Public Session minutes for 1999, 2000 and thru February 2001 have been posted, as well as the HIAC year 2001 meeting dates; a complaint form for the HIAC has been added, along with the HIAC Statutes (Title 45, Chapter 8) have been posted. Finally a hyper-link to the National Society of Professional Engineer's (NSPE) Website has been added and is fully operational.

He informed the Board that if other organizations would like to be linked from our Web page, a formal request would have to be submitted to the Board.

Certificate of Authorization (C/A)

BM Frantz informed the Board that a few letters have been received in the Board office regarding their need for a C/A. These letters are currently under review by the sub-committee.

Annual Meeting

VP Patel mentioned that the scheduling of all necessary arrangements for the annual meeting at the Liberty Science, Jersey City, NJ are running smoothly. Mr. Hiran Patel, a staff member of the finance section of the Consumers Affairs Administration Department, has issued a certificate of insurance for the meeting and has advanced payment for the rental of the premises at the Liberty Science Center. Also, VP Patel advised the Board that there will be a sunset cruise around lower Manhattan that evening.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Mandeville presented a invoice for the administrative services rendered by Professional Credential Services, Inc. (PCS) during the April 2001 examination totaling \$25,322.00. On a motion by VP Patel, seconded by BM Bogart, the Board unanimously authorized payment for this bill.

Incoming Correspondence

**Charles Blumeling, P.E., L.S./ Director of the Department of Engineering for the City of Newark
(April 3, 2001)**

RE: DEP Certification

Mr. Blumeling is writing the Board in reference to the signing of a certification page used in an investigative matter in which he believes that, based upon his NJ PE license, he cannot sign the document since he did not supervise the consulting engineer's data within the report. The Board discussed this correspondence and concluded that signing this certification form does not conflict with the Board's statutes and regulations.

**Seymour Berkowitz, P.E., Berkowitz & Associates
(April 20, 2001)**

RE: Application # 52133

Based upon the new Uniform Enforcement Act (UEA) requirement stating that a licensed professional who has not renewed their license for 5 years or more, must reapply for licensure, Mr. Berkowitz is requesting that the Board accept the references he submitted with his initial licensure application. The reason for his request is that the supervisors named in his earlier application have since passed away. The Board discussed this matter and concluded that he submit references from a minimum of three professional engineers familiar with his work as a consultant, and at least two references from non-professionals also familiar with his work. Additionally, the Board will request that Mr. Berkowitz submit an affidavit stating that he has not signed or sealed any documents in New Jersey since the lapse of his license.

**Jerome H. Irick, P.E./ Irick Engineering
(April 23, 2001)**

RE: Statute Interpretation

Mr. Irick's April 23, 2001 correspondence details several questions regarding whether a professional engineer can perform certain measurements on a site plan. This follow-up letter from Mr. Irick stems from the Board's earlier requests for Mr Irick to provide the municipal engineer's report, engineering plans submitted, and the survey of record related to this matter. After further discussion the Board directed the staff to ask for the previously requested materials again and for Mr. Irick to state his inquiry(s) succinctly.

**Vytas Maciunas, P.E. / Lindain Engineering, Inc.
(April 24, 2001)**

RE: Signing & Sealing of documents

In his correspondence Mr. Maciunas is requesting an interpretation of a situation regarding the signing and sealing of a design drawing. The Board discussed this matter and concluded to send Mr. Maciunas a copy of the governing statutes and regulations, specifically N.J.A.C. 13:40-9.1, as they relate to the supervision of work.

APPEARANCE BY ANDREA BLEDSOE & MATTHEW COOK/ PROFESSIONAL

CREDENTIAL SERVICES, INC. (PCS)

Andrea Bledsoe Director, Exam Administration Vice President, and Matthew Cook of PCS reviewed their proposed contract renewal with the Board. The proposed contract is for a four year term. Ms. Bledsoe advised the Board that there will be an examination fee increase from \$42.00 to \$65.00 per applicant to cover higher administrative costs including PCS staff and facility expenses. She also informed the Board that the loss of a few applicant records recently was due to the relocation of their offices. However, this situation was remedied and that the students were able to receive their grades. Ms. Bledsoe also addressed a concern over the 15 minute law examination. She stated that it interferes with the timing of the national examination and that one possible solution is to mail the law examination to applicants prior to the national examination and have those scores added to the final grade report when mailed to the applicants.

William Mandeville will speak with June Levy, Assistant Director, regarding a proposed Board examination fee increase and its impact on the Board's budget, to offset PCS's new rate schedule.

BM Marshall explained the difficulty he faced at the West Trenton site gaining admittance to the examination as a Board Member. Mrs. Bledsoe agreed with the Board's suggestion that notice should be sent from the Board office to PCS indicating those Board members who will be in attendance at the examination site that day.

A discussion ensued regarding moving the northern location in Vernon, NJ to one in the Newark area to better accommodate the majority of applicants sitting for the Fundamentals of Engineering examination. BM Cassera suggested using the facilities at the New Jersey Institute of Technology (NJIT) for this purpose. While the southern site in West Trenton was deemed satisfactory, BM Vernick advised the Board that a possible change from West Trenton to Rowan University, may result in an increase in examinees from southern New Jersey. The Board also discussed the possibility of adding a third location in central NJ so that examination locations in the State would be more readily accessible and attractive to examinees. This third site could be at Rowan University in Glassboro, with Newark and West Trenton rounding out the three. The Board will advise Ms. Bledsoe of their decision regarding a final determination on the number and locations of the examination sites.

Ms. Bledsoe explained to the Board the procedure by which PCS handles examination violations. She indicated that an incident report will first be reported to the contracting Board and secondly, to the National Council for Engineering Examination Services (NCEES) for possible disciplinary action. One preventive measure PCS has undertaken to minimize examination security breaches is to have all examinees read aloud the professional oath prior to taking the examination.

Finally, in the future PCS will pilot a reexamination sign-up process using the telephone and Internet. If approved and accepted by the Board this new process will eliminate the paperwork for re-examination candidates and reduce the work load on the Board staff.

General Report

Mr. Mandeville advised the Board that NCEES will be conducting their 2001 Annual Meeting in Little Rock, Arkansas during August 2001. On a motion by BM Bogart, seconded by BM Frantz, the Board unanimously designated the following individuals to represent the Board at this meeting: President Kelly, VP Patel, BM Raimondi and Executive Director Russo.

Licensee Total Report

Noted for the record.

Certificate of Authorization Report - March 2001

Noted for the record

Applications Received/ Verifications Processed - March 2001

Noted for the record.

Certificate Award Ceremony - April 2001 Licensees

Mr. Mandeville stated that the ceremony held at the Holiday Inn, Jamesburg NJ was very well attended by the newly licensed professional engineers and land surveyors along with their family and friends. The principal speaker for the evening was Deputy Attorney General, Olga E. Bradford. The events of the evening proceeded smoothly and seamlessly.

Schools of Engineering

Noted for the record.

ARTICLES OF INTEREST

"America's High-tech Dilemma"

Noted for the record.

APPROVAL/ DENIAL OF APPLICATIONS FOR LICENSURE - April 19, 2001

The Board reviewed the April 19, 2001 Examination/Comity Applications Report and voted to approve 4 exam and 9 comity applications, and to deny 7 comity applications (list attached).

On a motion by VP Patel, seconded by BM Vernick, the Board unanimously voted to accept the April 19, 2001 list of approved/denied applications for licensure.

MOVE TO EXECUTIVE SESSION

On a motion by BM Vernick, seconded by VP Patel, the Board unanimously voted to enter into Executive Session to complete the Executive Session agenda.

RETURN TO PUBLIC SESSION

On a motion contained within the Executive Session minutes, the Board unanimously approved to return to Public Session for the purpose of adjournment.

ADJOURNMENT

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

Approved by:

James D. Kelly, PE
President

William Mandeville
Program Development Assistant

Modified March 2002