



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

**Minutes of May 17, 2002**

## **Public Session**

### **CALL TO ORDER**

The meeting of the State Board of Professional Engineers and Land Surveyors was called to order by Board President Pravin Patel at 12:00pm at the Lobster House Restaurant, Cape May, 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**

#### **BM's present:**

James Kelly	Robert Bogart
Richard Frantz	Rishi Raj (9:15am)
Louis Raimondi	Edward Vernick
Albert Faraldi	Pravin Patel

#### **BM's absent:**

Robert Marshall  
Theodore Cassera

#### **Others present:**

Arthur Russo, Executive Director, William Mandeville, Program Development Assistant, Deputy Attorney General Michelle Albertson and one public member.

### **APPROVAL OF MINUTES**

**April 4, 2002**

The Board, on a motion by VP Vernick, second by BM Frantz, unanimously voted to approve the April 4, 2002 minutes as amended.

## **COMMITTEE REPORTS**

### **Legislation**

**A953 - Rescinds recent NJ DEP rules on subsurface sewage disposals for development of 6 lots or more, or 2,000 gallons per day or more** - Formerly known as A3293, this bill was referred to the Assembly Environmental Committee. Recent court rulings, which voided the regulations, were upheld by the Appellate Division in March 2002.

**A1926/S1004 - Concerns Project Labor Agreements** - A1926 was reported favorably out of the Assembly Labor Committee on March 11, 2002 with committee amendments. It has since been referred to the Assembly Appropriations Committee. S1004 was referred to the Senate Labor Committee on February 21, 2002.

**A1814 - Concerns content of municipal tax maps following revaluation** - This Assembly Bill was introduced and referred to the Assembly Housing and Local Government Committee on February 11, 2002. The Board opposed this bill and expressed its concerns to the Acting Director, Reni Erdos, in a May 23, 2002 correspondence.

### **Administration**

No report.

### **Examinations**

No report.

### **Education**

No report.

### **Regulations**

No report.

### **Finance**

No report.

### **Special Committee Reports**

### **Newsletter**

BM Raimondi suggested expanding the Board's newsletter distribution to include the professional societies and agencies.

### **Applications: Revisions PE/LS and Design Experience**

No report.

### **Joint Committee**

No report.

## **Website**

VP Vernick informed the Board that the Public Hearing scheduled for May 22, 2002 is currently displayed on the Board's website.

## **2003 Northeast Zone Meeting**

The Board, on a nomination by BM Raimondi, elected BM Faraldi as the Secretary and Treasurer for the 2003 Northeast Zone Meeting.

BM Raimondi informed the Board that the 2002 Northeast Zone Meeting is scheduled for August 7-10 in New Hampshire. Those attending will be President Patel, VP Vernick, BM Raimondi, BM Bogart, BM Kelly and ED Russo.

## **REPORT OF THE EXECUTIVE DIRECTOR**

### **Incoming Correspondence**

**Donna Lentz**

**RE: Corner Marker Waiver  
(April 19, 2002)**

Mrs. Lentz advises the Board of a situation involving corner markers which were not set at the time a survey of her home was completed in 1994. She states that a waiver was never signed and that the surveyor in question does not have a copy of the waiver.

After reviewing her correspondence, the Board concluded to inform Mrs. Lentz that she would need to file a formal complaint in order for the Board to have a better understanding of her situation and requested she also submit copies of her 1994 & 1996 surveys.

**John A. Napolitano/ Lewis & McKenna**

**RE: Licensure as a Professional Engineer  
(April 29, 2002)**

Mr. Napolitano's correspondence is in response to the Board's inquiry of April 24, 2002 in which Mr. Napolitano was referred to as being "a licensed professional engineer" in a March 29, 2002 Bergen Record article.

In his response Mr. Napolitano informs the Board that he never represented himself as a licensed professional engineer in New Jersey. Additionally, he states that he is currently licensed in the State of New York.

After a review of this correspondence, the Board noted Mr. Napolitano's letter for the record.

**Paul J. Fletcher, PE, PP/ Fletcher Engineering, Inc.**

**RE: Requesting the Board's Interpretation  
(May 2, 2002)**

In his writing Mr. Fletcher has requested that the Board respond to two issues; the first involving service fees and the second regarding the preparation of subdivision plans.

The Board will advise Mr. Fletcher that it does not have any jurisdiction in the matter of rendering professional service fees. Additionally, it will advise him that anyone licensed as a professional engineer can undertake such a project as long as they are in compliance with the Board's regulations and any other municipal laws.

**Josef Silny, President/ Josef Silny & Associates, Inc.**

**RE: Foreign Evaluations**

**(April 29, 2002)**

Mr. Silny informs the Board of the foreign credential evaluation service that his company provides.

This correspondence was made part of the Public Hearing information.

**Senator Robert W. Singer/ New Jersey Senate**  
**RE: PRN 2001-363 (Corner Marker Waivers)**  
**(May 8, 2002)**

Senator Robert Singer expresses his opposition of the proposed amendments to the Administrative Rules regarding the removal of the corner marker waiver provision for land surveyors.

This correspondence was made part of the Public Hearing information.

**Ann B. Bradley/ Carton & Associates**  
**RE: Proposed Amendment to the Administrative Rules**  
**(May 2, 2002)**

In her writing Mrs. Bradley expresses her opposition to the proposed amendments to the Administrative Rules which would eliminate the corner marker waiver provision.

The Board noted Ann B. Bradley's correspondence for the record.

**Joseph A. Donato, Jr, PLS/ Garden State Land Surveyors Alliance, Inc.**  
**RE: Proposed Amendments to PRN 2001-363**  
**(May 1, 2002)**

Mr. Donato requests that the Board provide copies of all public comments to the above referenced rule proposal after claiming that an individual has seen such documents.

The Board will inform Mr. Donato that copies of such documents were never sent to the referenced individual and that his request for copies of the public comments from the May 22, 2002 public hearing will be provided when it is available to the general public.

**Joseph A. Donato, Jr., PLS/ Garden State Land Surveyors Alliance, Inc.**  
**RE: Amendments to N.J.A.C. 13:40-11.2 & 11.3**

Mr. Donato is requesting that the Board provide him with copies of the amended wording to N.J.A.C. 13:40-11.2 & 11.3 (continuing education).

The Board will forward a copy of the updated rules and regulations pertaining to the referenced citation.

**Financial Report - April 30, 2002**

The Board noted this report for the record.

**Certificate of Authorization Report - April 30, 2002**

The Board noted this report for the record.

**Applications Received/Verifications Processed Report - April 30, 2002**

The Board noted this report for the record.

**DISCUSSION ITEMS**

## How to improve attendance at the Certificate Award Ceremony

As a result of discussing this topic, President Patel created the Licensure Promotion Committee to encourage licensure by students. President Patel elected BM Raj as chair along with VP Vernick as assistant-chair. BMS Raj and Vernick will meet with departmental deans, faculty and students to advocate the importance of pursuing licensure.

## Signing of Computer Generated Plans

The Board continued its discussion on this topic and concluded that it is not in favor of the electronic signing and sealing of plans. It remains in agreement that the manual signing and sealing of documents with an impression type seal is essential to protecting the consumer and will safeguard licensees from potential tampering of their work.

## Discussion of Home Inspector Regulations for Professional Engineers

The Board discussed the issue of professional engineers being licensed as home inspectors.

On behalf of the NJ Professional Engineers Society, Joseph Simonetta expressed his concern over insurance coverage for professional engineers performing home inspections prior to the adoption of the Home Inspection Regulations. He indicated that some insurance companies have threatened to cancel existing insurance policies for those engineers performing home inspections without a license, after the adoption of the home inspection regulations.

Retesting of all licensees on the NJ PE/LS Statutes and Regulations in every other biennial renewal period

After a discussion on this topic, the Board concluded that it will not retest its licensees on the underlying statutes and regulations affecting the professions.

## ADJOURNMENT

On a motion by BM Frantz, seconded by BM Raj, the Board unanimously voted to adjourn at 2:00 p.m.

## APPROVED BY:

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James D. Kelly

President

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Arthur Russo

Executive Director

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Posted September 2002