

State Board of Professional Engineers and Land Surveyors

Minutes of June 19, 2003
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 9:04am 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 Edward 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 Courier Post and the Bergen Record.

ROLL CALL

BM's present:

Edward Vernick Richard Frantz
James Kelly Robert Marshall
Pravin Patel Louis Raimondi
Albert Faraldi Rishi Raj
Robert Bogarti James Valenti

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

APPROVAL OF MINUTES

February 20, 2003

The Board reviewed the February 20, 2003 minutes and on a motion by BM Faraldi, second by BM Marshall, voted to approve the minutes with an abstention by VP Kelly.

ANNOUNCEMENTS

BP Vernick advised the Board that Joseph Simonetta, Executive Director of the State Society of

Professional Engineers, requests an opportunity to speak to the Board at its July 17, 2003 meeting with regards to various issues. After discussing the request, the Board agreed to invite Mr. Simonetta to appear at its July 17, 2003 meeting.

COMMITTEE REPORTS

Legislation

A3697/S2614 - Provides immunity to volunteer architects, land architects, land surveyors, professional engineers, construction managers, and contractors during certain emergencies. On a motion by BM Patel, second by BM Marshall, the Board voted to support the bills provided the term "professional services" is substituted for "design services" since it is more encompassing.

A3737 - Clarifies functions of land surveyors as distinguished from the functions of professional engineers. A subcommittee was formed to develop an opinion on this bill. It will be chaired by BM Faraldi, along with BMs Raimondi and Bogart. It is anticipated this bill will not be presented to a legislative sub-committee until November 2003 at the earliest.

Examinations

A May 22, 2003 memo regarding proctor requests was received from Susan Whitfield of NCEES. In her correspondence she mentions that the NCEES Board of Directors took action to require that ELSEES would only proctor out-of-state exam candidates in states where ELSEES has contracts to administer exams. This decision was based on the liability associated with proctoring exams in states where ELSEES does not control exam administration. Since the New Jersey Board is under contract to administer its examinations, it determined that all applicants seeking licensure in New Jersey must come to this State to take its examinations. Further, all requests to proctor examinations in New Jersey will be evaluated on a case-by-case basis.

REPORT OF THE EXECUTIVE DIRECTOR

General Report

ED Russo notified the Board that the results from the April 2003 examinations were received by PCS. On a motion by BM Faraldi, second by BM Bogart, the Board approved the release of the examination scores by PCS.

The proposed 2004 Board meeting dates were presented by ED Russo. After making minor changes to the proposed schedule, on a motion by BM Patel, second by BM Raimondi, the Board approved the 2004 Board dates.

A June 4, 2003 memo from John Q. Adams of NCEES regarding national pass rates was discussed. This correspondence was noted for the record.

ED Russo spoke about a February 19, 2002 memo from Anthony Miragliotta concerning Board member recusal. After a brief discussion on this matter, this correspondence was noted for the record.

ED Russo discussed an Appellate Division case with the Board in which the appellants claimed violations of the Consumer Fraud Act by a licensed professional. This matter was noted for the record.

ED Russo spoke about the regulation pertaining to the review of examinations, namely, N.J.A.C. 13:40-2.17. This regulation states that exam candidates may request a hand-score of their examinations and a

review of the score tabulations of the examinations. In addition, an applicant who has taken the Principles and Practices portion of the examination may request to review their solution pamphlets and the correct solution answers. The Board was notified in or about January 2003 that hand-scores would no longer be available since the format of the examination had changed. As a result, the Regulatory Analyst will be notified of the need to change the regulation and NCEES shall be notified that hand scores are still a requirement under the Board's regulations currently in effect.

ED Russo indicated that BMs Marshall and Raimondi will take the lead on updating the state specific law exam for land surveyors.

The Board was notified by ED Russo that the cost of purchasing new binders to preserve old minutes would cost approximately \$800. This request to purchase new binders was previously approved by the Board.

Finally, ED Russo notified the Board that an invoice was received totaling \$6,200.00 for the printing of the Home Inspection Advisory Committee statutes and rules booklets.

INCOMING CORRESPONDENCE

David Walstad , VP of Manufacturing, US Components Inc.

RE: Electronic Seals and Signatures

(May 13, 2003)

Mr. Walstad discusses the issue of electronic seals and signatures.

The Board previously reviewed this issue, but decided against permitting electronic seals and signatures. Mr. Walstad shall be advised that while the Board may revisit this issue in the future, N.J.A.C. 13:40-1.1 continues to apply.

Russell U. Schenkman/ Schenkman Jennings & Howard LLC (June 5, 2003)

Mr. Schenkman inquired as to whether a New Jersey professional corporation practicing engineering can acquire all or a majority of the stock of a general business corporation that may or may not provide professional engineering services, which would result in the business corporation becoming a subsidiary of the engineering professional corporation.

The Board shall refer Mr. Schenkman to the applicable statute, N.J.S.A. 45:8-56, which deals with the requirement of a corporation obtaining a Certificate of Authorization.

John Burnes P.E.

RE: SCI Report

(May 31, 2003)

Mr. Burnes requested information about actions taken by the Board as a result of the State of New Jersey's Commission of Investigation (SCI) report on "Waste and Abuse - Public Schools Roofing Projects."

The Board Office shall make available a copy of the SCI report for a fee in accordance with OPRA. Further, Mr. Burnes shall be advised that the Board has two closed complaints filed against individuals named in the report.

Earle B. Hallowell, Jr. LS.

Wood Engineering Associates, Inc.

**RE: Map Filing Law
(May 10, 2003)**

Mr. Hallowell asked the Board if subdivisions perfected by the filing of deeds have to be prepared in accordance with the Map Filing Law (N.J.S.A. 46:23-9.11).

The Board discussed this matter and concluded that if a subdivision map is filed, then all requirements of the Map Filing Law must be followed. However, if the subdivision is perfected by the filing of deeds and no map is filed, then the Map Filing Law does not apply.

**Kevin Spear, PE/ACT Engineers
RE: Clarification About AutoCAD Pitfalls
(May 14 2003)**

Mr. Spear wrote to the Board regarding an article entitled "AutoCAD Pitfalls" which appeared in the Board's recent newsletter. He asks the Board to explain some of the pitfalls.

After discussing this matter, the Board concluded that missing a layer of information, namely the title block information, could be a potential pitfall.

**Charlene Raidy
RE: Location of Certificate of Authorization Number on Design/Survey Drawings
(May 20, 2003)**

Ms. Raidy asks where is the proper location of the certificate of authorization number within the title block area.

The Board discussed this matter and determined that Ms. Raidy could submit a copy of her title block for review pursuant to the regulations. The Board also noted that there is no designated area within the title block for a certificate of authorization number.

**Nancy Hazlett
RE: Displaying C/A Numbers in Title Block
(May 14, 2003)**

Ms. Hazlett requests clarification regarding the display of a certificate of authorization number within the title block.

The Board discussed this matter and determined that Ms. Hazlett may submit a copy of her title block for review in accordance with the regulations. The Board also noted that there is no designated area within the title block for a certificate of authorization number.

**R Scott Lewis, PE
RE: Clarification of License Number Display
(May 13, 2003)**

Mr. Lewis inquired as to the proper display of his PE license number.

The Board discussed this matter and decided that all newly licensed individuals must obtain a seal that includes the full twelve characters/digits of the license number. Individuals with an existing seal may continue to use this seal which may contain less than twelve characters/digits. The Board requests that ED Russo check with the Division to determine if it has any other relevant information regarding the proper format for the use of a license number.

Randolph S. Laws, PE., PP.

RE: Professional Engineer Authorized Activities

(June 6, 2003)

Mr. Laws sought to determine if a professional engineer can prepare plans for internal, non-structural partition walls.

The Board discussed this matter and, based upon the information provided, concluded that a professional engineer cannot prepare plans for internal, non- structural partition walls in an existing commercial structure. This work must be performed by an architect.

Mark A Digennaro, PE.

RE: Inquiry Regarding Titles-Clarification

(May 14, 2003)

Mr. Digennaro requests clarification on whether the municipality where he is employed is permitted to assign the title "Assistant Engineer" to an employee who is not a licensed professional engineer in New Jersey.

The Board determined that use of the term "Assistant Engineer", or any derivative thereof, is not permissible under these circumstances pursuant to N.J.S.A. 45:8-27, et seq.

Craig A. Klingler, PE, Flexospan Steel Buildings, Inc.

RE: Need for a Certificate of Authorization

(May 30, 2003)

Mr. Klingler seeks to determine whether his company needs a Certificate of Authorization and if he is required to be a licensed engineer in this State in order to design components of products for use in New Jersey.

The Board discussed this matter and concluded that he must be a licensed PE in this State to design equipment for use in New Jersey. In addition, his firm, Flexospan Steel Buildings, Inc., must obtain a Certificate of Authorization in order to offer and/or provide engineering services in this State.

Thomas C. Mac Allen PE., PP. /Horner & Canter Associates

RE: Use of the term "Engineer"

(June 4, 2003)

Mr. Mac Allen seeks guidance on the use of the term "engineer" for individuals with a bachelors degree in engineering, but who are not licensed professional engineers in New Jersey.

The Board determined that use of the term "engineer", or any derivative thereof, is not permissible under these circumstances pursuant to N.J.S.A. 45:8-27, et seq.

Andrew Feranda, PE.

RE: Use of the Term "Engineer"

(June 2, 2003)

Mr. Feranda writes to the Board regarding the use of the term "engineer."

The Board determined that use of the term "engineer", or any derivative thereof, is not permissible under these circumstances pursuant to N.J.S.A. 45:8-27, et seq.

Ronald Keller, PE./ R.C. Keeler & Associates, Inc.
RE: Anonymous Complaint Filing
(May 30, 2003)

Mr. Keller asks if individuals can file anonymous complaints.

The Board discussed this matter and determined that these complaints can be submitted for investigation by the Board.

MOVE TO EXECUTIVE SESSION

On a motion by BM Patel, second by BM Marshall, the Board unanimously agreed to enter into Executive Session for the purpose of reviewing the Executive Session agenda.

RETURN TO PUBLIC SESSION

On a motion contained within the Executive Session minutes, the Board entered into Public Session.

APPROVAL OF PE/PLS APPLICATIONS

Name	Application #	Approved For		Name	Application	# Approved For
Amy Sokalski	947447	Take P		James Dutko	947943	Take P
Janet Sharkey	947848	Take P		S. Jacobs	887903	GL
Jon Phillips	947531	Take P		R. Sebring	933257	GL
David Matlack	948653	Take P		S. Grubb	928643	GL
R. Alaimo	52244	GL		E. Ostinchuk	903231	GL
Vincent Mufferi	917443	Take P		A. Martino	910595	GL
A. Scheerer	940495	GL		J. Kuchubka	937358	GL
L. Yoder	918383	GL		R. Bernard	944122	GL
K. Scott	922471	GL		T. Sterns	888147	Take FLS/PLS
Karen Astarga	940428	GL		J. Mele	944471	Take FLS/PLS
D. Berozi	924095	GL		K. Nassiri	951353	GL
L. Rutledge	921043	GL		M. Rahgazar	921043	GL
A. Lindemann	934200	GL		L. Popoola	940564	GL
S. Varneckas	947411	GL		R. Ciallanzo	947382	Take P
R. Horenburger	930527	GL		S. Cruz	934230	GL
C. McHugh	936478	GL				

* **GI - Grant License**

On a motion by BM Kelly, second by BM Marshall, the Board voted to approve the above applications.

APPROVAL OF E-I-T APPLICATIONS

Ura, Mark, A.	#945679	Take E-I-T	Patel, Sneha U.	#945656	Take E-I-T
Montoya, Hernando, J.,	#945654	Take E-I-T	Miyoshi, Issei	#945652	Take E-I-T
McFadzean, Andrew, H.	#945646	Take E-I-T	Gandhi, Ronak, L.	#945590	Take E-I-T
Gandhi, Anishkumar	#945586	Take E-I-T	Feller, Ehren	#945581	Take E-I-T
Conforti, Angelo	#945576	Take E-I-T	Centrella, John A.	#945800	Take E-I-T
Carballo, Zayibeth	#945544	Take E-I-T	Morris, Meghann, M.	#915453	Take E-I-T
Burbelo, Andrew, E.	#946675	Take E-I-T	Shah, Ankur, N.	#945676	Take E-I-T
Burneyko, Jason, J.	#943581	Take E-I-T	Paletchev, Deltcho	#946862	Take E-I-T
Pasi, Siddika	#943593	Take E-I-T	Martinez, Olga, Y.	#945648	Take E-I-T
Deng, Haw-Yeun	#943557	Take E-I-T	Papadarat-sakis, Kyriaki	#945375	Take E-I-T
Pagano, Dario	#946802	Take E-I-T	Adams, Melody A.	#946956	Take E-I-T
Mariano, Matthew	#949463	Take E-I-T	Chase, Corey, M.	#946816	Take E-I-T
Burr, William H.	#945532	Take E-I-T	Zuffi, Robert W.	#946841	Take E-I-T
Vasiliadis, Vasilios	#945738	Take E-I-T	Michel, Gilda	#945651	Take E-I-T
Gigueiredo, Daniel, C.	#945583	Take E-I-T	Bennett, Sara E.	#945531	Take E-I-T
Butler, Stephan, E.	#945538	Take E-I-T	Malecki-Pour, Omid	#949523	Take E-I-T
Roedema, Kurt, L	. #945675	Take E-I-T	Indri, Robert T.	#945628	Take E-I-T
Patel, Nimeshkumar	#945683	Take E-I-T			

On a motion by BM Valenti, second by BM Marshall, the Board voted to approve the above applications and to extend the date to submit applications from June 7, 2003 until June 19, 2003.

DENIAL OF E-I-T APPLICATIONS

Lando, John E.	943584	Child support form	Shah, Nirav K.	915081	Needs two years work experience
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On a motion by BM Valenti, second by BM Kelly, the Board denied the above application.

DENIAL OF PE/LS APPLICATIONS

Name	Application #	Basis of Denial	Name	Application #	Basis of Denial
W. Sibley	52129	References	D. Cano	921188	Design Exp
		Unsatisfactory academic			

C. Jepson	863532	courses	P. Cappetta	886299	Experience
M. Wisniewski	917551	Course Requirements	Adam Lysiak	947479	References
G. Ratta	946340	References Design Exp.	S. W. Yoo	880385	References Transcripts & Experience
D. Arcilla	883878	References			

On a motion by BM Patel, second by BM Raimondi, the Board denied the above applications.

APPROVAL OF CERTIFICATES OF AUTHORIZATION

Insite Engineering, LLC 1608 Doris Street Neptune, NJ 07753	Allegiance Resources Corporation 182 Glenside Place North Plainfield, NJ 07060 24GA28082700
Patrick Engineering, Inc. 4970 Varsity Drive Lisle, IL 65032	Mustang of New Jersey, Inc. 16001 Park Ten Place Houston, TX 77084 24GA28082800
Antaki & Associates, Inc. 49 Sweetbriar Trail Howell, NJ 07731 24GA28082900	Heritage Engineers, Inc. 439 Commerce Lane, Unit 1A West Berlin, NJ 08091
JJJ Associates, Inc. 17 Cartier Drive Franklin Park, NJ 08823 24GA28083000	AMEC E&C Services, Inc. One West Court Square, 7th Fl. Decatur, GA 30030
Sigma/Design Architects and Engineers, Inc.. 33 Mounthaven Drive Livingston, NJ 07039	

On a motion by BM Bogart, second by BM Kelly, the Board voted to approve the above applications.

APPROVED PE/HI APPLICATIONS

Joseph Rago	950373	GI	Richard Bornfreund	954248	GI
Dennis Pease	950855	GI	Richard Zaloum	954551	GI

***GL - Grant License**

On a motion by BM Kelly, second by BM Frantz, the Board voted to approve the above applications.

REVIEW OF APPLICATIONS

Charles Hanson, Application #927134

Mr. Hanson's undergraduate degree is in physics. His NCEES experience records end in 1990 and have not been updated beyond that time. Finally, Mr. Hanson only provided three current references, none of which were supervisors.

On a motion by BM Raimondi, second by BM Kelly, the Board denied Mr. Hanson's application.

Ronald Adams, Application # 930525

Mr. Adams failed to provide the Board with satisfactory evidence of having acquired two years of original engineering design experience under the regular and effective supervision of a professional engineer.

This application was assigned to BM Raimondi for further review.

Thomas Bravante, Application # 888095

Mr. Bravante initially applied by comity and requested a waiver of the fundamentals of engineering examination. Mr. Bravante passed the principles and practices portion of the examination in Wisconsin, a State which does not require successful completion of the fundamentals of engineering examination. However, this is not a comity application since the licensure requirements in Wisconsin, where the applicant received his initial PE licensure, were not comparable to the licensure requirements in New Jersey at that time of the applicant's initial licensure. Therefore, Mr. Bravante must meet the requirements for initial licensure in New Jersey.

Mr. Bravante also seeks a waiver of the FE exam. However, the Board determined that Mr. Bravante graduated from NJIT in 1997 and had only 6 years of experience, rather than the 15 years required to obtain a waiver. The Board also determined that Mr. Bravante took most of his engineering courses immediately prior to his graduation and therefore rejected his request to count of any of his experience prior to 1997.

After a careful review, the Board, on a motion by BM Kelly, second by BM Raimondi, voted to deny his request for a waiver of the fundamentals of engineering examination.

Robert Indri, Application # 945628

Mr. Indri submitted his application for professional licensure and included a statement explaining his prior criminal record.

BM Valenti discussed Mr. Indri's explanation of the criminal convictions and his rehabilitation efforts since that time. On a motion by BM Valenti, second by BM Frantz, the Board voted to approve Mr. Indri's application to take the fundamentals of engineering examination.

Brian Fabel, Application, #923553

Mr. Fabel submitted his application and the Board discussed his design experience as an engineer. After a discussion, the Board, on a motion by BM Valenti, second by BM Raj, voted to approve this application.

Paul Dombrowski, #873869

BM Patel discussed this application and requested that it be reviewed by another BM to determine if the applicant has the requisite amount of design experience. This application was assigned to BM Marshall for additional review.

ADJOURNMENT

On a motion by BM Frantz, second by BM Raj, the Board unanimously voted to adjourn at 2:15 p.m.

APPROVED BY:

Edward Vernick, PE
President

Arthur Russo
Executive Director

[Back To Minutes Archive Page](#)
