



State Board of Professional Engineers and Land Surveyors

Minutes of June 20, 2002

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 Pravin H. Patel at 9:00 am in the Union Conference Room, Third 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 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

BMs present:

James Kelly	Pravin Patel
Robert Bogart (11:15 am)	Richard Frantz
Louis Raimondi	Edward Vernick
Albert Faraldi	Robert Marshall
Theodore Cassera (10:00 am)	

BMs absent:

Rishi Raj

Others present:

Arthur Russo, Executive Director, William Mandeville, Program Development Assistant, Joseph Grabowy, Auditor/Accountant Assistant, Ernest Gonzalez, Senior Clerk Transcriber, Yolanda Winston, Staff, Deputy Attorney General Michelle Albertson, and 1 member of the public.

REPORT OF THE EXECUTIVE DIRECTOR

General Report

- ED Russo requested the review status of the NJ State Specific Examination which Professional Credential Services (PCS) had provided for approval. On a motion by BM Faraldi, second by BM Raimondi, the Board unanimously voted to approve the NJ State Specific Examination as written.
- ED Russo informed the Board that PCS is ready to release the exam results for the April 2002 examinations. The Board, on a motion by VP Vernick, second by BM Marshall, unanimously voted to have PCS release the examination results for the April 2002 examination.
- President Patel informed the Board that he continues to assemble information (i.e. news articles, magazine clippings, etc.) pertaining to the World Trade Center Disaster. VP Vernick stated that the federal investigation on this matter has been concluded and that he will attempt to obtain a copy of the transcripts pertaining to the investigation.
- ED Russo informed the Board that he had a telephone conversation with Joseph Simoneta, NJ Society of Professional Engineers, regarding the issue of professional engineers becoming licensed as home inspectors. As a result, the Board discussed the Home Inspection Advisory Committee's rules and regulations, starting at N.J.A.C. 13:40:15, which were recently adopted on June 3, 2002.

The Board noted that under N.J.A.C. 13:40-15.1(c) of the new home inspector rules and regulations, individuals performing home inspections do not have to become licensed until May 29, 2003 (360 days from the adoption date of June 3, 2002). Therefore, licensed professional engineers and/or other individuals currently performing home inspections while unlicensed, are not impacted by the new regulations until May 29, 2003.

Under N.J.A.C. 13:40-15.4 and N.J.S.A. 45:8:72, individuals may apply for initial licensure (grandfather clause) within 360 days from the effective date of the rules and regulations, or by May 29, 2003. ED Russo informed the Board that the home inspector - grandfather clause application has been finalized and over 1,500 applications were mailed out during the week of June 3, 2002.

Further, the Board expressed a concern that licensed engineers must have the same opportunity to pursue home inspector licensure in a timely fashion so they are not in violation of the home inspector rules and regulations after May 29, 2003. The Board was advised that the draft application for professional engineers applying as home inspectors is currently in the final review stage and is expected to be available within the next month or two. The Board agreed to accept home inspector applications from licensed professional engineers as soon as the approved application is made available.

APPEARANCE BY REGULATORY ANALYST JAKE GERTSMAN TO DISCUSS THE PUBLIC HEARING OFFICER'S REPORT OF MAY 22, 2002

Jake Gertsman distributed draft copies of the public comments, Board responses and Richard Read's recommendation, who served as the Hearing Officer for the May 22, 2002 Public Hearing on the mandatory setting of corner markers.

After a review of the draft comments and responses, the Board, on a motion by BM Raimondi, second by BM Frantz, unanimously voted to approve the regulation without change together with the draft responses to the comments, with minor modifications to the draft by the DAG. The proposed regulations will not become effective until published in the New Jersey Register.

Further, the Board voted to accept the Hearing Officer's report with two clarifications as follows: (1) the Board does not believe that the existing regulation was put into place for merely reasons of consumer choice; and (2) the changes to the regulation are being implemented as the result of the Board's experience over the years, as well from

correspondence and complaints, not just disciplinary actions, which have proven to the Board that the current regulation does not adequately serve the public's health, safety and welfare.

FULL BOARD REVIEW

Marc Raymond Acampora #868141

VP Vernick informed the Board that Mr. Acampora received a undergraduate degree from Lafayette University, a graduate degree from Texas University, EIT certificate in Pennsylvania, and his PE license in Georgia. VP Vernick also stated that the applicant has been consistently working as a traffic engineer analyzing data and making recommendations on such.

The Board discussed Mr. Acampora's work experience, and on a motion by BM Cassera, second by BM Marshall, unanimously voted to grant Marc Acampora a New Jersey PE License.

MOVE TO EXECUTIVE SESSION

The Board, on a motion by BM Frantz, second by BM Marshall, unanimously voted to enter into Executive Session for the purpose of reviewing complaints.

MOVE TO PUBLIC SESSION

On a motion contained within the Executive Session minutes, the Board voted to enter into Public Session for the purpose of adjournment.

ADJOURNMENT

On a motion by BM Frantz, second by BM Marshall, the Board unanimously voted to adjourn at 4:00pm.

APPROVED BY:

Pravin H. Patel, PE

President

Arthur Russo

Executive Director

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Posted September 2002