



# State Board of Professional Engineers and Land Surveyors

Minutes of July 11, 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 9:00am at 124 Halsey Street, 6th Floor, Hudson 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 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:

Robert Bogart    Richard Frantz  
Louis Raimondi   Edward Vernick  
Albert Faraldi    Pravin Patel  
Rishi Raj

#### BM's absent:

James Kelly        Robert Marshall

**Others present:** Arthur Russo, Executive Director, William Mandeville, Program Development Assistant, Ernest Gonzalez, Senior Clerk Transcriber, Joseph Grabowy, Auditor/ Accountant Assistant, Deputy Attorney General Michelle Albertson, two public members and Ted Cassera. Former Board Member Ted Cassera attended this meeting and voted as a board member on the matters listed on the agenda. Unknown to Mr. Cassera or the Board, a new board member replacing Mr. Cassera had already been appointed. However, upon review of the minutes, it has been determined that there were sufficient votes for each Board action without counting Mr. Cassera's vote. Further, the Board's actions would not be different, even with Mr. Cassera's participation.

## **APPROVAL OF MINUTES**

### **June 6, 2002**

The Board reviewed the June 6, 2002 Public Session minutes and on a motion by BM Bogart, second by BM Frantz, unanimously voted to approve the minutes as amended.

### **June 20, 2002**

The Board reviewed the June 20, 2002 Public Session minutes and on a motion by BM Frantz, second by BM Bogart, unanimously voted to approve the minutes as amended.

## **APPEARANCE BY GENE PRENTIS TO DISCUSS THE MATTER OF SCHOOL BOARD ROOFING**

Gene Prentis informed the Board of his experience as a school administrator and discussed the difficulties that local schools face in finding competent roofing contractors and roofing consulting firms.

The Board thanked Mr. Prentis for his informative insights on the matter.

## **COMMITTEE REPORTS**

### **Legislation**

**A1926/S1044** - Concerns Project Labor Agreements - The amended bill passed the Assembly on June 20, 2002, and the Senate on June 24, 2002. The Board opposes both bills.

**A706/S1543** - A706 passed the Assembly on June 24, 2002, with amendments. S1543 was introduced on May 16, 2002 and was referred to the Senate Labor Committee. Both bills concern contracts to privatize state services.

**A713/S1682** - These bills concern contracts to privatize county services. A713 passed the Assembly on June 24, 2002, with amendments. S1682 was introduced on June 24, 2002 and was referred to the Senate Labor Committee.

The Board, on a motion by BM Bogart, second by VP Vernick, unanimously voted to inform the Director's Office that it opposes A706/S1543 and A713/S1682 because of the long term life-cycle costs. The Board will also request that the Division inform it of its position on present and future bills concerning engineering issues.

### **Administration**

No report.

### **Examinations**

No report.

### **Education**

No report.

### **Regulations**

No report.

### **Finance**

No report.

## **Special Committee Reports**

### **Newsletter**

William Mandeville informed the Board that the 5th edition of the Board's newsletter is currently being edited for content and clarity.

### **Joint Committee**

President Patel informed the Board that the next scheduled Joint Committee meeting is scheduled for August 2, 2002. There was no further report.

### **Website**

No report.

### **2003 Northeast Zone Meeting**

BM Raimondi informed the Board that preparations for the 2003 NE Zone meeting, to be conducted in Orlando Florida, will accelerate after the National Convention scheduled for August 2002. BM Raimondi stated that the Colonial States will be represented at this upcoming meeting.

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

BM Bogart informed the Board that the Design Experience portion of the application will be completed by September. At that time William Mandeville will forward the completed drafts to Print Production for review.

### **Licensure Promotion Committee**

BM Raj informed the Board that the Committee will be meeting with various school representatives during the fall season to promote licensure to undergraduate engineering and land surveying students.

## **REPORT OF THE EXECUTIVE DIRECTOR**

### **General Report**

ED Russo advised all Board members to submit their travel reports for reimbursement since the 2001/2002 fiscal year ended on June 30, 2002.

ED Russo informed the Board that there have been 40 home inspection grandfathering applications received to date. After a discussion on this matter, the Board agreed to place a copy of an approved application for professional engineers seeking licensure as home inspectors on a future agenda.

Additionally, ED Russo advised the Board that efforts are underway to resolve the problems surrounding the retrieval of electronic NCEES member records. The Board will continue to discuss this matter at its next meeting on July 25.

Finally, ED Russo indicated that all inquiries on the Board's position regarding the status of the rules to license professional engineers as home inspectors must be made in writing before a response will be rendered.

### **Incoming Correspondence**

**Betsy Browne, Executive Director/ NCEES**  
**RE: Continuation of the Strategic Planning**

**(May 28, 2002)**

In her correspondence, Betsy Browne invited all Board Administrators to attend a Strategic Planning Roundtable Session at the NCEES Convention on August 8, 2002 in La Jolla, CA.

The Board noted this correspondence for the record.

**Joseph R. Tighe, Jr., PLS/ Omega Engineering**

**RE: Map Filing Law Clarification**

**(May 29, 2002)**

Joseph R. Tighe, Jr. requests from the Board its opinion regarding the necessity to file amendments to filed subdivision maps.

After a review of this correspondence, the Board determined that it will inform Mr. Tighe that all amendments to filed maps must be filed to serve as cross references and will refer him to the Map Filing Law. BM Faraldi will draft the response.

**Ricky Adair**

**RE: Engineering Registration/ Education**

**(June 6, 2002)**

Mr. Adair voices his opinion on the issue of requiring a graduate degree as a minimum evidence of education.

The Board noted this correspondence for the record.

**Ricky Adair**

**RE: Engineering Registration/ Education**

**(May 22, 2002)**

Mr. Adair provides his opinion on the issue of requiring a graduate degree as a minimum evidence of education. He also mentions a situation arising in South Carolina where the SC Board is requiring engineering technology graduates to take six plus additional college courses in engineering design in addition to passing three examinations. Two of the examinations are NCEES exams and one is offered by the SC Board.

After a discussion on this matter, the Board noted this correspondence for the record.

**Joseph A. Donato, Jr., PLS/ Garden State Land Surveyors Alliance, Inc.**

**RE: Continuing Competency Requirements for Land Surveyors**

**June 6, 2002**

Mr. Donato is responding to the Board's previous letter to the Garden State Land Surveyors Alliance (GSLSA) in which it informed the Alliance that information has come to the attention of the Board that the continuing competency courses offered by the GSLSA have not been modified for some time. Mr. Donato cites several examples in his letter in which GSLSA has presented new information in a very timely manner.

The Board noted this correspondence for the record.

**Katie Kennedy Sprute**

**RE: Seal Retraction**

**(June 17, 2002)**

Ms. Sprute requests information regarding current regulations pertaining to the retraction of professional seals.

The Board will advise Ms. Sprute that there are no current rules or regulations which deal with the retraction of seals.

**Theodore G. Miller, Construction Code Official/ Township of Franklin**  
**RE: Acceptance of rubber stamped documents**  
**(June 14, 2002)**

Mr. Miller states that he has an application for a manufactured house which plans were signed by a PA licensed engineer in 1991. He asks if he would be violating the Board's regulations if he were to accept the drawing without the signature and seal of a NJ professional engineer. He also requests clarification on various issues that seem to be unclear as to whether a signature and seal is required from a professional engineer or from a licensed architect.

After a discussion on this subject, the Board determined that it will advise Mr. Miller that a licensed professional engineer cannot sign any residential plan unless the plan is for incidental use in a non-permitted use group classification. It will also inform him that any engineering work performed in New Jersey must be signed and sealed by a licensed professional engineer in New Jersey.

All of the other questions raised by Mr. Miller will be forwarded to the Joint Committee of Architects & Engineers for response.

Mr. Miller informed the Board in this correspondence that a company owned and operated by Roy M. Benjamin, PE, has forwarded plans to him, some of which have been signed and sealed by a PE and some of which have not.

The Board requested that a letter be written to Mr. Benjamin requesting that he clarify this matter.

**Patricia S. Brown, PE, Director/ Architectural Engineering Institute**  
**RE: Architectural Engineering Examination**  
**(June 24, 2002)**

Ms. Brown informs the Board that the NCEES has recognized the Architectural Engineering examination which will be offered to all states that will accept the examination.

The Board will continue to monitor any requests to take this examination.

**George T. Lucas, II, PLS, Executive Director/ Garden State Land Surveying Alliance**  
**RE: Proposed Amendments to NJAC 13:40-5.1(d)**  
**(June 24, 2002)**

Mr. Lucas states that the Board did not allow adequate time for public responses prior to the commencement of the public comment period for the above referenced regulation.

The Board noted this correspondence for the record.

**Paul J. Fletcher, PE, PP/ Fletcher Engineering, Inc.**  
**RE: Board Interpretation**  
**(June 14, 2002)**

Mr. Fletcher requests that the Board give an interpretation of a situation in which he is involved. He states that a survey was performed for a title company in October 2001, for which was never paid. To date, a second title company informed Mr. Fletcher that the original sale in October 2001 did not take place and now another purchaser is interested in the property. This title company is requesting that Mr. Fletcher's firm change the certifications on the original survey to indicate the name of the new purchaser, the new title company, attorney and mortgage information, but leave the original date of the survey as October 2001.

After reviewing this correspondence, the Board determined to inform Mr. Fletcher that there is insufficient information upon which the Board can make a final determination. However, if there is any change in a survey, a new or updated survey should be prepared by a licensed land surveyor with the current date.

**Michelle Pinkney, NCEES Meeting Planner/ NCEES  
RE: 2002 NCEES Annual Meeting Registrants  
(June 18, 2002)**

Ms. Pinkney informs all Board administrators about the annual NCEES meeting.

The Board noted this correspondence for the record.

## **PROPOSED MEETING DATES**

The Board reviewed the amended meeting dates and unanimously approved the dates for the 2003 calendar year.

## **LICENSURE STATISTICS**

The Board reviewed and noted the June 2002 licensing statistics for resident and non-resident licensees.

## **PAYMENT FOR THE OCTOBER 2001 NCEES EXAMINATIONS**

The Board reviewed invoices for the NCEES October 2001 examinations and the NCEES membership fee. On a motion by VP Vernick, second by BM Raimondi, the Board voted to approve both invoices. BM Faraldi opposed making payment until the matter of the NCEES Record electronic transmittal process is resolved.

## **REPORT OF THE DAG**

DAG Albertson informed the Board that the Open Public Meetings Act (OPRA) became effective on July 7, 2002. She will continue to provide updates to the Board.

DAG Albertson also advised the Board that the Appellate Division had issued a decision on the appeal filed by Syed M. Tariq-Shuaib, application #40493. In that decision, the Appellate Division upheld the Board's decision to deny his application for licensure.

The Board has received, and will review, Mr. Tariq-Shuaib's updated application for licensure.

## **ADJOURNMENT**

On a motion by BM Frantz, second by BM Raj, the Board unanimously voted to adjourn at 1:30 p.m.

## **APPROVED BY:**

---

Pravin H. Patel, PE  
President

---

Arthur Russo  
Executive Director