

# STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Minutes of July 17, 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 9:00 a.m. 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 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 Camden Press, and the Courier Post.

## ROLL CALL

### **BMs present:**

Edward Vernick  
Richard Frantz  
James Kelly  
Robert Marshall  
Pravin Patel  
Louis Raimondi  
Robert Bogart  
James Valenti  
Albert Faraldi

### **BMs absent:**

Rishi Raj

### **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, and Ashley Burke, intern, and other members of the public.

## APPROVAL OF MINUTES

March 6, 2003

The Board, on a motion by BM Faraldi, second by BM Kelly, unanimously approved the minutes of March 6, 2003 as written.

March 20, 2003

The Board, on a motion by BM Bogart, second by BM Raimondi, unanimously approved the minutes of March 20, 2003 as amended.

## **COMMITTEE REPORTS**

### **Legislation**

A1884/S1256 - This bill which would subject minor subdivisions to the provisions of the Map Filing Law was reported out of the Senate Community and Urban Affairs Committee on June 9, 2003.

S581/A2231 - This bill which deals with the certification of crane operators was passed by the Assembly on June 23, 2003.

S1089/A2363 - Allows inactive land surveyor licensees to fulfill the required continuing education requirements at any time prior to reactivating licenses. The amended version of this bill passed both houses on June 23, 2003 and was signed into law on June 30, 2003.

A706/S1543 - Pertains to contracts to privatize state services. The amended bill passed the Assembly on June 12, 2003.

A713/S1682 - This bill, which concerns contracts to privatize county services, was previously amended and passed the Assembly on June 12, 2003.

A2949/S2407 - This bill, requiring the release of a bid list prior to the bid date, was passed by the Assembly on June 12, 2003.

A3210 - Permits the disqualification of bidders under the "Local Public Contracts Law" with whom any contracting unit has had any prior negative experience. It passed the Assembly on June 12, 2003 and was referred to the Senate Community and Urban Affairs Committee.

A3697 - Provides immunity from liability to volunteer architects, landscape architects, land surveyors, and professional engineers during certain emergencies. It was introduced on June 5, 2003 and was referred to the Assembly Judiciary Committee. Amendments were reported out of the Committee on June 19, 2003.

A3737 - Clarifies the functions of land surveyors as distinguished from the functions of licensed professional engineers. It was introduced on June 5, 2003 and was referred to the Assembly Regulated Professions and Independent Authorities Committee.

The Board discussed this matter and decided to vote to advise the regulatory analyst, Jake Gertsman, that the Board opposes the bill. The Board stated that the bill if passed and signed into law will harm the consumer by allowing unqualified persons to perform land surveying services.

### **Administration**

No report.

### **Examinations**

No report.

### **Education**

BM Frantz expressed his concern about the elimination of some basic course requirements, the number of credit hours required for an undergraduate engineering education, and the overall general deterioration of the educational system.

## **Regulations**

No report

## **Finance**

No report.

## **Special Committee Reports**

Newsletter

Joseph Grabowy reported that the sixth edition of the newsletter had been previously forwarded to the Print Production Unit for editing and publication and that the disciplinary matters portion of the newsletter, currently being prepared, will also be forwarded shortly. The Board expressed its desire to send out this newsletter in the early Fall, if possible.

BM Frantz requested that the next newsletter include a section entitled "Where's Your Seal" to explain the importance of having physical control over all seals and a section discussing the electronic signing and sealing of documents. The Board agreed to incorporate these suggestions in its 7th edition.

## **Joint Committee**

No report. Meetings for the months of June and July, 2003 were canceled.

## **Website**

Robert Welsh indicated to the Board that a listing of licensed home inspectors, without street addresses, is currently available on the Home Inspection Advisory Committee website in addition to the on-line licensee search directories for both engineers and land surveyors and home inspectors.

He also indicated that the roster listing of the Board's licensees required pursuant to N.J.S.A. 45:8-34 would soon be included on the website.

## **Applications**

Ernest Gonzalez indicated that the draft applications are still with the Division for review. He indicated that Division-wide applications are on hold until questions concerning personal information are properly worded for consistency across all Boards.

As to the information which was gathered to guide the Board in making determinations on what constitutes design experience, the Board has been advised that a new regulation shall be required.

## **Disciplinary Committee**

No Report.

## **Licensure Promotion Committee**

ED Russo stated that he is still awaiting a response from NJIT to set up a future meeting with its Dean of Engineering for the purpose of discussing licensure promotion.

# **REPORT OF THE EXECUTIVE DIRECTOR**

## **General Report**

ED Russo informed the Board that Bradley Campbell, Commissioner of the New Jersey Department of Environmental Protection, will be the honorary speaker at the October 2003 Certificate Awards Ceremony.

He also presented to the Board statistical information pertaining to the number of PEs licensed as home inspectors.

ED Russo also reminded the Board that a recusal form must be completed in all instances in which a conflict of interest situation may exist or does exist with a Board member in matters pertaining to complaints. In addition, he indicated that if the conflict is recorded in the minutes, completion of this form is unnecessary.

### **Incoming Correspondence**

Peter Allen, Executive Director/Consulting Engineers Council of NJ (CECNJ)  
RE: Mandatory Continuing Education  
(June 19, 2003)

Mr. Allen submitted a memorandum to all of its member boards regarding its opposition to mandatory continuing education for professional engineers.

The Board noted this correspondence for the record.

Walter Karpinia, PE  
RE: Engineer's Bill of Rights  
(May 31, 2003)

Mr. Karpinia wrote regarding the rights of professional engineers in Florida who have been formally disciplined. He expressed concern over the level of power that the Florida Board has over its licensees.

The Board noted this correspondence for the record.

J.G.S. Billingsley, PE/ Delaware Association of Professional Engineers  
RE: Expedited Comity Consortium  
(June 16, 2003)

Mr. Billingsley expressed the need for the Board to expedite comity applications.

The Board noted this correspondence for the record.

Charlene Raidy/ Pickering, Corts & Summerson, Inc.  
RE: Placement of Certificate of Authorization Numbers  
(July 2, 2003)

Ms. Raidy submitted a sample title block for review by the Board.

The Board will instruct her to spell out the words "Professional Engineers" and to include the certificate of authorization number in the title block.

Bob Seeberger/ Boston & Seeberger, PC  
RE: Internet sale of plans  
(July 8, 2003)

Mr. Seeberger submitted a request to the Board for clarification of the legality of purchasing an out-of-state architect's house plans over the internet. He inquired whether these plans must be signed and sealed by a local engineer or architect for submission to the Building Code Official.

The Board referred this matter to the Joint Committee for further review.

John Wang, PE  
RE: Waste and Abuse in School Roofing Projects  
(June 12, 2003)

Mr. Wang expressed his concern regarding waste and abuse in school roofing projects. He stated that roofing projects are important matters to the public. He volunteered his professional services to the Board and NJ schools should his assistance be required.

The Board noted this correspondence for the record.

Douglas E. Wicks  
RE: Waste and Abuse in Public School Roofing Projects  
(July 2, 2003)

Mr. Wicks provided the Board with a copy of his correspondence to the State Commission of Investigation regarding waste and abuse in public school roofing projects. He stated that he continues to see corruption in the NJEDA and the School Construction Corporation with regard to school roofing projects.

The Board noted this correspondence for the record.

George T. Lucas, PP, PLS, Executive Director/ Garden State Land Surveyors Alliance, Inc.  
RE: Board Administrative Rules  
(July 2, 2003)

Mr. Lucas stated that the Administrative & Legislative Committee of the GSLSA conducted a review of the Board's regulations and was submitting its report with suggested revisions.

The Board will take this report under advisement and noted this correspondence for the record.

Joseph A. Donato, Jr., PLS, Chairman of the Education Committee/ Garden State Land Surveyors Alliance, Inc.  
RE: Continuing Competency Approval - Home Study Course  
(June 30, 2003)

Mr. Donato stated that the format for home study courses was inadvertently missing from the Board's June 26, 2003 response to him and that one of the video tapes returned to him was damaged.

The Board requested that the materials be made available to Mr. Donato, but also stated that it believes the video tape was received by the Board Office in a damaged condition.

Roger B. Tate, PE, Unified Investigations & Sciences, Inc.  
RE: Projects extending across multiple jurisdictions  
(June 27, 2003)

Mr. Tate requested the Board's interpretation of the various scenarios outlined in his correspondence.

The Board will advise Mr. Tate that it does not address hypothetical situations, but rather only real situations with supporting facts and documentation.

Duane M. Paul, Jr., Real Estate Consultant  
RE: Appeal Process of State Board of Professional Engineers & Land Surveyors Decisions.  
(June 16, 2003)

This correspondence was forwarded to the Board by the Director's Office for review.

Mr. Paul previously filed a complaint against Author Senor, which has been concluded. Mr. Senor requests advice on how to appeal the Board's determination. The Board suggests that Mr. Paul seek the advice of legal counsel.

Richard A. Moralle, PE, PLS, Senior Vice President/ T&M Associates  
RE: Map Filing Law  
(June 16, 2003)

BM Valenti recused himself from this matter.

In his correspondence, Mr. Moralle explained a situation related to a project for the City of Asbury Park inquiring if in lieu of corner markers, brass disks can be used and if monuments can be placed after construction rather than before since they may be destroyed during construction. Mr. Moralle believes that such a request by the contractor violates the Map Filing Law and asks for the Board's position.

After discussing this correspondence, the Board decided to refer Mr. Moralle to the Map Filing Law at N.J.S.A. 46:23-9.11(n)(3), regarding the setting of monuments at a later date, and N.J.S.A. 46:23-9.11(r), regarding the acceptable type and placement of monumentation.

Paul P. Darmofalski, PE, PP/ Darmofalski Engineering Associates, Inc.  
RE: Certificate of Authorization  
(June 12, 2003)

Based upon the scenarios outlined in his correspondence, Mr. Darmofalski requested the Board's clarification regarding compliance with the Certificate of Authorization requirements.

In discussing this correspondence, the Board noted that there were no land surveyors listed on his Certificate of Authorization. Rather, it includes the names of two professional engineers. The Board will request additional information on the nature of the services being provided.

Further, Mr. Darmofalski will be advised that the design and writing of utility easements on site plans and development plans based upon the surveys of others is the practice of land surveying. Such services must be performed by a licensed land surveyor and a Certificate of Authorization should include the name of the licensed land surveyor in response charge.

Lynne A. Dunn/ Hiering, Dupignac, Stanzione & Dunn, P.C.  
RE: Telecommunications Industry Exemption  
(June 16, 2003)

Ms. Dunn requested the Board's position on the telecommunications exemption at N.J.S.A. 45:8-43. Included with her correspondence was a letter from the Board dated January 17, 1996 which stated the Board's position on this matter.

The Board reviewed this correspondence and reaffirmed its position as set forth in its January 17, 1996 letter to Priscilla J. Thrall, Esquire.

Michael A. Lemmo, PE/ Vollmer Associates, LLP  
RE: Document Retention  
(June 19, 2003)

Mr. Lemmo states that his firm is in the process of developing a document retention policy for the firm and seeks direction from the Board on this matter.

After discussing this matter, the Board concluded that the applicable regulation is N.J.S.A. 13:40-8.1. However, this regulation is not specific on the issue of a retention schedule. The Board recommends that Mr. Lemmo use

his professional discretion in developing an appropriate retention policy, taking into consideration the above regulation.

Noel R. Young, PE  
RE: Clarification of N.J.A.C. 13:40-7.3(i)  
(June 26, 2003)

Mr. Young requested the Board's interpretation of the above regulation as it pertains to the signing of landscaping plans by professional engineers as part of site plan submissions which includes minimal numbers of shrubs or trees as required on lot areas 0-3 acres. The plans would indicate the names of licensed professional engineers.

The Board will inform Mr. Young that licensed professional engineers may provide landscaping services pursuant to N.J.A.C. 13:40-7.3(i), but must refrain from utilizing the title of a landscape architect.

Robert E. Walsh, PE, PP/ Robert Walsh Associates, LLC  
RE: Administrative Code Interpretation  
(July 9, 2003)

Mr. Walsh requested the Board's interpretation of N.J.A.C. 13:40-7.4 regarding the division of responsibility in the preparation of site plans and major subdivision plats.

The Board discussed this correspondence and determined that pursuant to N.J.A.C. 13:40-7.4(a), a professional engineer may perform a lot layout. Further, pursuant to N.J.A.C. 13:40-5.1(m), a subdivision plat, whether classified as major or minor, preliminary or final, shall be prepared by a licensed land surveyor. Mr. Walsh shall be informed of the Board's determination.

Bruce E. Johnson, PE  
RE: Request for Opinion of Possible Conflict of Interest  
(June 12, 2003)

Mr. Johnson requested the Board's opinion on any possible conflict that may be created by applying for a position as Municipal Engineer for the Township of Bethlehem in Hunterdon County while being employed by Hunterdon County as a staff member in its Engineer's Office. He further stated that while being employed by the Engineer's Office, his duties do not include signing and sealing documents, but rather performing engineering functions under the supervision of the County Engineer.

This matter was tabled until the September 4th meeting.

Joseph Simonetta, Executive Director/ New Jersey Society of Professional Engineers  
RE: Appearance at the July 17th meeting  
(July 1, 2003)

Mr. Simonetta informed the Board that both he and Eugene O'Brien, President of the NJSPE, will be present at this meeting.

The Board noted this correspondence for the record.

Tom Panayotidi, Ph.D., PE  
RE: Proctoring of Examination  
(July 8, 2003)

Mr. Panayotidi informed the Board that he is applying in the State of Oregon for the October 24, 2003 structural engineering examination. He requested that the Board consider approving his request to have this examination proctored in New Jersey.

After discussing this matter, the Board concluded that Mr. Panayotidi may take the structural engineering examination in New Jersey on October 24, 2003 pending approval by NCEES and PCS.

## **APPEARANCES BY GENE O'BRIEN, PRESIDENT OF THE NJSPE, AND JOSEPH SIMONETTA, EXECUTIVE DIRECTOR OF THE NJSPE**

Both Mr. O'Brien and Mr. Simonetta appeared before the Board to discuss the following topics:

- Continuing Education for PEs
- Qualifications to sit for the PE examination
- Specialty areas of the PE examination
- Home Inspection regulations
- Listing of newly licensed PEs

Mr. O'Brien mentioned that the NJSPE will poll its members to determine their interest in requiring mandatory continuing education for licensed professional engineers. If interest in this matter is greater than 55%, then the NJSPE will approach the Legislature to address this subject.

He also inquired how unlicensed engineers can obtain two years of design experience while working in the industrial or construction fields which qualify them to take the principles and practices examination. BM Bogart responded by stating that few individuals are denied the opportunity to sit for the examination and that any potential problems seem to stem from comity applicants seeking licensure in this state. He also informed the Society that design experience is a statutory requirement.

The Board advised that it intends to promote licensure by adding a third examination site, by offering the fundamentals of engineering examination to juniors, and by speaking to engineering students and school Deans.

Mr. O'Brien asked the Board to consider the addition of the new examination subjects of fire protection engineering and telecommunications. In the case of fire protection engineering, BM Bogart requested examples of engineering design experience in this field to be used as guides from the Society of Fire Protection Engineers, an advocate of this examination discipline.

With regard to a telecommunications examination, the Board advised Mr. O'Brien that a separate examination in this discipline is not necessary in New Jersey since the telecommunications exemption allows unlicensed engineers to practice in this area.

On the subject matter of PEs seeking licensure as home inspectors, the Board advised the Society that upon adoption of the new regulation, it shall be forwarded to all PEs who have previously written and shown interest in this type of licensure. It was also clarified that PEs licensed as home inspectors must comply with the mandatory continuing education requirement for home inspectors and all other regulations governing home inspections.

Finally, the Board advised the Society that only lists of newly licensed individuals are available to the societies on request.

## **MOVE TO EXECUTIVE SESSION**

On a motion by BM Frantz, second by BM Patel, the Board voted unanimously to move to Executive Session to complete the agenda.

## **RETURN TO PUBLIC**

On a motion contained in the Executive Session minutes, the Board unanimously voted to return to Public Session.



## APPROVAL/ DENIAL OF APPLICATIONS

The Board, on a motion by BM Frantz, second by BM Bogart, unanimously voted to approve the following applications.

Name	Application #	Decision	Name	Application #	Decision
U. OKO	936468	GRANT	A. HARYANI	946115	TAKE F&P
M. KURZYNSKE	951429	GRANT	R.SHAH	950363	TAKE F&P
E. ETTINGER	936584	GRANT	J. ATMADJA	946117	TAKE F&P
J. MIZRAHI	52431	GRANT	A. CAUCCI	946169	TAKE P
P. ALARCON	923548	GRANT	E. MYHRE	947936	TAKE P
S. GENTILE	951406	GRANT	M. NAVARRO	948004	TAKE P
J. BOSCH	951398	GRANT	V. SALLUCE	950454	TAKE P
S. BACHMAN	940723	GRANT	R. JOHNSON	946131	TAKE P
J. REPP	931051	GRANT	J. MAYO	947126	TAKE P
C. SLAGE	933404	GRANT	J. RIVERA	947536	TAKE P
S. FLOOD	922552	GRANT	R. HUANG	947397	TAKE P
M. SEXTON	922546	GRANT	P. LYNAM	947847	TAKE P
J. BARTOS	51020	GRANT	W. FLYNN	947970	TAKE P
R. BURNS	920483	GRANT	C. PETERSON	943942	TAKE P
M. VANNICE	948498	GRANT	M. NEWMAN	946350	TAKE P
V.GALL	940729	GRANT	J. LEVITSKY	947500	TAKE P
S. ALI	918180	GRANT	K. APPELL	947541	TAKE P
R. AUTAR	894839	GRANT	C. O'BREIN	954473	TAKE P
P. TAPPER	929116	GRANT	S. YAO	592943	TAKE P
S. LEYDEN	947546	TAKE F	P. CALABRESE	944408	TAKE P
M. VANBRUNT	947876	TAKE P	B. CRILLIS	945409	TAKE F
N. MORELLI	916200	TAKE F	K. CUMMINGS	946674	TAKE F
M. FINA	946951	TAKE F	G. JUNANG	945686	TAKE F
J. KINKWAFIE	946996	TAKE F	A. PIERRE	945659	TAKE F
D. EICHENBLATT	946850	TAKE F	A. ABDUL	927174	TAKE F
S. HOLLAND	945402	TAKE F	J. CASACUBERTA	945560	TAKE F

K. DAROCHA	949426	TAKE F	L.M. PETERSON	946825	TAKE F
J.M. GIO	945592	TAKE F	M. HOFFMAN	943531	TAKE F
M. LAW	945633	TAKE F	T. ZOUKO	945680	TAKE F
J. SARNOSKI	945405	TAKE F	G. NOVIELLI	945418	TAKE F
I. CHEANG	943511	TAKE F	Y. BAHAR	945505	TAKE F
R. REYES	936016	TAKE F	S. DAVID	949449	TAKE F
. GRIMSHAW	949530	TAKE F	S. BENSLIMANE	949461	TAKE F
J. ACCURSO	945501	TAKE F	J. ALVAREZ	945707	TAKE F
C. ROSAMILIA	943576	TAKE F	J. EDWARDS	945739	TAKE F
P. HUGHES	945594	TAKE F	C. RICHARDS	946846	TAKE F
C. LESNIAK	945640	TAKE F	L. LOJEK	946993	TAKE F
J. COOKE	947089	TAKE F	B. TOWERS	946698	TAKE F
S. HASAN	946950	TAKE F	C. PATEL	890894	TAKE F
D. LUXAMA	945642	TAKE F	A. MATEEN	947019	TAKE F
LICATA	946679	TAKE F	ZOBELLO	945702	TAKE F

In addition to approving the listed E-I-T files, the Board, on a motion by BM Valenti, second by BM Raimondi, extended the exam scheduling deadline to July 17, 2003 so that applicants may take the October 2003 fundamentals of engineering (Take-F) examination.

On a motion by BM Frantz, second by BM Bogart, the Board unanimously voted to deny the following applications:

Name	Application #	Reason for Denial	Name	Application #	Reason for Denial
R. DANK	947432	References	T. BOYD	946498	References
W. BUBECK	921109	References	M. BALDINO	947842	Experience
S. COUTO	947898	Experience	R. DAVID	947885	Experience
D. POLYNIAK	940762	Experience	D. DOMEN	946388	References
A. THAPER	950893	References & Experience	P. SMITH	943894	Education
R. UNDERWOOD	920354	Experience	C. KRAWICE	946106	Experience
J. CHIN	899193	References	A. ARKADIUSZ	944423	Reference & Exp.

On a motion by VP Kelly, second by BM Frantz, the Board unanimously voted to approve the following Certificate of Authorization applications:

Foth & Van Dyke and Associates, Inc.  
 2737 S. Ridge Road, Po Box 19012  
 Green Bay, Wi 54307-9012 Donly Engineering Group, Inc.  
 904 Boulevard, Suite B  
 New Milford, Nj 07646 Acer Associates, Llc  
 701 Route 73 South, Suite C-3  
 West Berlin, Nj 08091  
 Falcon Engineering, Llc  
 62 Grove Street  
 Somerville, Nj 08876 Bibb and Associates, Inc.  
 8455 Lenexa Drive  
 Lenexa, Ks 66214 Tangibl, Llc  
 301 Oxford Valley Road, Ste. 1604  
 Yardley, Pa 19067  
 Garden State Eng. Of Nj, Llc  
 25 E. Spring Valley Avenue  
 Maywood, Nj 07607 Meridian Engineering Group, Inc.  
 100 Woodbine Avenue  
 Avenel, Nj 07001

The Board, on a motion by BM Frantz, second by BM Bogart, unanimously approved the following PE/ Home Inspection applications:

Name	Application #	Name	Application #
B. Latel	954565	R. Trieste	955125
S. Tadrous	956247	R. Mehrman	958708
E. Charkey	958731	R. Buda	953400

**ADJOURNMENT**

On a motion by BM Frantz, second by BM Faraldi, the Board unanimously voted to adjourn at 3:30 p.m.

Approved by:

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Edward Vernick, PE President	Arthur Russo Executive Director
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