



**CHRIS CHRISTIE**  
Governor

**KIM GUADAGNO**  
Lt. Governor

## *New Jersey Office of the Attorney General*

Division of Consumer Affairs  
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### **STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS Minutes of July 17, 2014 Public Session**

#### **CALL TO ORDER**

The meeting of the State Board of Professional Engineers and Land Surveyors was called to order by Board President, James Cleary, 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**

Board President Cleary 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 Newark Star-Ledger, Trenton Times, the Camden Courier Post, Bergen Record, and the Atlantic City Press.

#### **ROLL CALL**

Present: James Cleary, PE/PLS, President      Richard Smith, Jr., PLS, Member  
Lawrence Koo, Public Member      James Valenti, Member  
James Purcell, PE, Member      Edward Vernick, PE, Member

Absent: Barry Jones, PLS, Vice President

Others: Michelle Albertson, Deputy Attorney General, Karl W. Reidel, Executive Director, Joseph Grabowy, Senior Mgt. Assistant, staff members, Martha Richardson, Yolanda Winston, and Peggy Hinkley, and one member of the public, Charles Blumeling, PE, PLS, GSLSA.

#### **ANNOUNCEMENTS**

Executive Director Karl Reidel, requested that Board Members return all outstanding applications received for review to the Board office by August 13, 2014. The deadline to register with NCEES to take the Professional Engineering and Professional Land Surveyors examination is August 28, 2014.

#### **APPEARANCES**

##### **Donald Meserlian and Wendy Leggit Faulk, DAG**

Appeared I/M/O Donald Meserlian, P.E. (24GE01507900) to present oral arguments on exceptions to the Initial Decision issued by the Office of Administrative Law, Jeffery A. Gerson, ALJ, on June 13, 2014.

Wendy Leggit Faulk, DAG filed written exceptions with the Board on June 25, 2012. Donald Meserlian forwarded various e-mails and faxes to the Board which were accepted by the Board as his written exceptions. Both parties presented their oral arguments in support of their exceptions.

**ACTION:** The Board, on a motion by BM Vernick, second by BM Purcell, unanimously approved a vote to enter into Executive Session for deliberation.

The Board returned from Executive Session and Michelle Albertson, DAG, read the final decision of the Board into the public record. The first issue addressed by the Board was the Board's 2004 Public Notice. The Board clarified its position that the 2004 Public Notice was nothing more than a reminder to licensees of the Board's well established existing law regarding their authorized scope of practice pursuant to the statute and the Site Plan Rule.

Addressing the various Counts in the Initial Decision, the Board found as follows:  
Count I: The Board adopted the ALJ's findings of fact and conclusions of law with modifications as to the unlicensed practice issue. The Board found that Mr. Meserlian's "Swimming Pool Site & Grading Plan" was a combined site plan and survey which was offered and prepared by him which constituted the unlicensed practice of surveying in violation of NJSA 45:8-27 and NJAC 13:40-7.2(a). The Board also corrected the reference to "Professional Misconduct" from NJSA 45:1-21(d) to NJSA 45:1-21(e).

Count II: The Board adopted the ALJ's findings of fact and conclusions of law.

Count III: The Board adopted the ALJ's findings of fact and conclusions of law with modifications as to the unlicensed practice issue. The Board found that Mr. Meserlian admitted he prepared and was paid for preparing a topographic survey as well as "setting stakes". The Board found that the June 2006 site and grading plan was a combined site plan and survey which was offered and prepared by Mr. Meserlian. The Board found that this constituted the unlicensed practice of surveying in violation of NJSA 45:8-27 and NJAC 13:40-7.2(a). The Board further found that setting the property corner markers constituted the unlicensed practice of surveying in violation of NJSA 45:8-27.

Count IV: The Board adopted the ALJ's findings of fact and conclusions of law.

Following the Board's Final Decision, the parties presented testimony pertaining to the penalty phase of the hearing. At the mitigation hearing, Mr. Meserlian testified that he had a long and unblemished career as a professional engineer, was an inventor, and that a suspension would harm him. DAG Faulk presented a Certification of Billable Costs which presented the investigative costs associated with this matter and a Certification of Costs and Restitution which outlined the expert fees, attorney fees, and court reporting/transcripts costs.

**ACTION:** The Board, on a motion by BM Vernick, second by BM Purcell, unanimously approved a vote to enter into Executive Session for deliberation on the penalty phase of the hearing.

The Board returned from Executive Session and Michelle Albertson, DAG, read the decision of the Board pertaining to the penalties into the public record.

1. Mr. Meserlian's New Jersey Professional Engineering license shall be suspended for two (2) years, the first twelve (12) months will be served as a period of active suspension effective September 1, 2014. The remaining twelve (12) months to be stayed and served as a period of probation. During the probationary period, if the Board receives reliable information that Mr. Meserlian is in violation of any provision of the Board's Final Decision and Order, then any remaining period of stayed suspension shall be activated;
2. Mr. Meserlian shall immediately cease and desist from the unlicensed practice of land surveying;
3. Mr. Meserlian shall pay a civil penalty of Ten Thousand Dollars (\$10,000.00) to be stayed provided he fully complies with the provisions of the Final Decision and Order;
4. Within six (6) months of the filing of the Final Decision and Order, Mr. Meserlian shall pay attorney's fees and costs in the amount of Thirty Thousand Dollars (\$30,000.00);
5. Within thirty (30) days of the filing of the Final Decision and Order, Mr. Meserlian shall pay restitution as follows:
  - (a) payment of \$1,200.00 to R.B.;
  - (b) payment of \$1,750.00 to J.M.;
  - (c) payment of \$1,200.00 to C.P.; and
6. Prior to resuming active practice, Mr. Meserlian shall file an application for reinstatement and provide proof that he has fully complied with the terms and provisions of the Final Decision and Order and he meets the requirements for reinstatement.

DAG Albertson announced that the Board's written memorialization more fully setting forth its findings of facts and conclusions of law shall be issued in the near future.

## **REVIEW OF THE MINUTES**

**June 19, 2014**

**ACTION:** After reviewing the minutes of June 19, 2014, the Board, on a motion by BM Vernick, second by BM Valenti, voted to approve the minutes as submitted. BM Purcell abstained.

## **REPORT OF THE EXECUTIVE DIRECTOR**

### **General Report**

None

## **INCOMING CORRESPONDENCE**

Maryanne Weiss, Accreditation Director  
6/26/2014  
Re: Upcoming ABET Visit List

**ACTION:** This correspondence was noted for the record.

## **COMMITTEE REPORTS**

a. Standing Committees:

### **I. Legislation:**

**ACTION:** The current Legislation Chart was noted for the record.

### **ii. Regulations Committee:**

None

### **iii. Education Committee**

No report

### **iv. Joint Committee of Architects & Engineer**

The Joint Committee is scheduled to meet on September 9, 2014. Committee members are BP Cleary and BM Purcell with BM Valenti serving as an alternate.

### **v. NCEES**

BM Purcell informed the Board of the summary of actions and bylaws up for discussion at the 93<sup>rd</sup> Annual Meeting in Seattle, WA on August 20-23, 2014.

**ACTION:** The Board voted on a motion by BM Purcell, second by BM Vernick, to delegate BM Smith as voting delegate at the NCEES 93<sup>rd</sup> Annual Meeting in Seattle, WA on August 20-23, 2014.

## **REVIEW OF APPLICATIONS**

### **Licensure:**

**ACTION:** The Board, on a motion by BM Purcell, second by BM Vernick, voted unanimously to approve the following applications as indicated:

<b><u>Name</u></b>	<b><u>Application #,</u></b>	<b><u>Comity/Exam</u></b>	<b><u>Decision</u></b>
Adamo, Vincent	1782363	Exam.	Take PE
Bailey, Lawrence	1830018	Comity	Grant License
Bryant, Matthew	1834987	Comity	Grant License
Confair, Edward	1819966	Exam.	Take PE
Cooney, Jude	1796013	Comity	Grant License
Cross, Richard	1840947	Comity	Grant License
Crownover, Shannon	1824658	Exam.	Take PE

Delnero, William	1838216	Exam.	Take PE
Didok, Alexander	1825014	Exam.	Take PE
DiRaimondo, Kati	1828892	Exam.	Take PE
Eisensmith, Robyn	1762868	Comity	Grant License
Fairneny, Steven	1827376	Exam.	Take PE
Faust, David	1826929	Exam.	Take PE
Fox, Dennis	1825531	Exam.	Take PE
Frey, Mark	1806669	Comity	Grant License
Garafalo, Joseph	1817172	Exam.	Take PE
Georgy, Peter	1811661	Comity	Grant License
Girzi, Henry	1830609	Comity	Grant License
Hardesty, John	1809870	Comity	Grant License
Ippolitto, Brian	1827348	Exam.	Take FE & PE
Jakubicki, Paul	1806576	Comity	Grant License
Johnson, Edward	1821848	Comity	Grant License
Kakati, Ritwik	1832284	Exam.	Take PE
Kocot, Timothy	1828622	Exam.	Take PE
Krueger, Jeremy	1814677	Comity	Grant License
Krutovskiy, Aleksandr	1826450	Comity	Grant License
Lapatka, Allison	1822930	Exam.	Take PE
Latham, Paul	1741635	Exam.	Take PE
Lewis, Aaron	1824963	Comity	Grant License
Lidster, Steven	1659253	Exam.	Take PE
Liu, Sim	1828626	Exam.	Take PE
MacMillan, James	1696586	Comity	Grant License
McMahon, Donald	1796399	Comity	Grant License
Meiswinkle, Justin	1825008	Exam.	Take PE
Mersman, Curtis	1805342	Comity	Grant License
Meseha, Kyrillos	1832302	Exam.	Take PE
Natalis, Craig	1826351	Exam.	Take PE
Naugle, Jr., Robert	1834410	Comity	Grant License
Oppenheim, Aviva	1827455	Exam.	Take PE
Patel, Krupesh	1827571	Exam.	Take PE
Petreski, Alexander	1827390	Exam.	Take PE
Piciocco, Nicholas	1827594	Exam.	Take PE
Reece, Kyle	1834298	Comity	Grant License
Reuter, Richard	1823912	Exam.	Take PE
Reuther, Jonathan	1827521	Exam.	Take PE
Ripatranzone, Debra	1827368	Exam.	Take PE
Robles, Patty	1823817	Exam.	Take PE
Schorfheide, Maria Perlita	1827361	Comity	Grant License
Sengebush, Ryan	1827312	Exam.	Take PE
Shah, Ruchi	1817268	Exam.	Take PE
Snelling, Scott	1843137	Comity	Grant License
Spieker, Robert	1834657	Exam.	Take PE
Tabar, Jeffrey	1715478	Comity	Grant License
Tovmasian, Saro	1829149	Exam.	Take PE
VanDemark, Lance	1820843	Comity	Grant License
Vogelsang, Mark	1830704	Exam.	Take PE, Waive FE

Wasserman, Kenneth	1824127	Exam.	Take PE
Yamazaki, Ayumi	1829216	Exam.	Take PE
Yates, Thomas	1822255	Comity	Grant License
Young, Matthew	1822385	Exam.	Take PE
Zielinski, Jeffrey	1790312	Comity	Grant License
Zolotarev, Artem	1842534	Comity	Grant License

**ACTION:** The Board, on a motion by BM Purcell, and second by BM Vernick, voted unanimously to request additional information for the following applications:

<u>Name</u>	<u>Application #,</u>	<u>Comity/Exam</u>
Brigandi, Sean	1819156	Exam.
Cremeans, Angela	1784426	Comity
Dent, David	1824639	Comity
Fanone, Carlo	1819951	Comity
Fiorentino, Matthew	1816743	Exam.
Fitzgerald, Evan	1833708	Exam.
Gennaro, Andrew	1828782	Exam.
Howley, Rachel	1828506	Exam.
Laki, Franz	1826331	Exam.
Lanaro, Joseph	1834402	Comity
Mehta, Dipen	1826324	Exam.
Messina, Robert	1825021	Exam.
Mourad, Ibrahim	1832292	Exam.
Nielsen, Jon	1808756	Exam.
Parisi, Richard	1836509	Comity
Pietropaolo, Steven	1289604	Comity
Quinn, Kevin	1832270	Comity
Sales, Raymond	1823951	Exam.
Shah, Ritesh	1827304	Exam.
Yang, Wei	1810608	Exam.
Zuzulock, Andrew	1743198	Exam.

**Continuing Education:**

**ACTION:** The Board, on a motion by BM Smith, second by BM Vernick, voted unanimously to approve the following Land Surveyor CPC Course applications.

<b>Providers</b>	<b>Course</b>	<b>PDH</b>
Surveyors Association of West Jersey	Damages and Benefits in Partial Taking Cases	1.5
NY State Association of PLS Inc.	FEMA Elevation Certificate	1
McKissock 100% Education	Residential Sewage Disposal Systems	4
Lorman Business Center	Zoning, Subdivision and Land Development	7
	Law in New Jersey	

**Full Board Review:**

None

**Reinstatements:**

**John Kazawic, PE**

**ACTION:** The Board discussed Mr. Kazawic’s reinstatement application and on a motion by BM Vernick, second by BM Purcell, voted unanimously to request a more substantive explanation of the facts regarding the circumstances of Mr. Kazawic’s criminal conviction.

**Esmail L. Ghadrnan, PE**

**ACTION:** The Board discussed Mr. Ghadrnan’s reinstatement application and on a motion by BM Vernick, second by BM Purcell, voted unanimously to approve Mr. Ghadrnan’s request for reinstatement.

**Certificates of Authorizations:**

**ACTION:** The Board on a motion by BM Vernick, second by BM Valenti, voted to approve the following companies for a Certificate of Authorization:

<b>COSTAL PLANNING AND ENGINEERING SERVICES, LLC 140 Four Winds Drive Middletown, NJ 07748 Application # 1850493</b>	<b>OZRUG ENGINEERING AND DESIGN, LLC 12 Stephenville Parkway Edison, NJ 08820 Application # 1850488</b>
<b>NORTON &amp; SCHMIDT CONSULTING ENGINEERS, LLC 311 E. 11<sup>th</sup> Avenue North Kansas City, MO 64116 Application # 1819775</b>	<b>RPA ASSOCIATES, INC. 400 Spring Ridge Drive Wyomissing, PA 19610 Application # 1841368</b>
<b>HILL PHOENIX, INC. 221 S. Berry Street Brea, CA 92821 Application # 1844356</b>	<b>KARBON ENGINEERING SERVICES, LLC 204 Fernwood Avenue Edison, NJ 08837 Application # 1849401</b>
<b>GRESHAM SCHELTON ENGINEERING, LLC 143 4<sup>TH</sup> Avenue, North Franklin, TN 37064 Application # 1848638</b>	<b>ARNA ENGINEERING, INC. 13 Croft Drive Fountainville, PA 18923 Application # 1848612</b>

<b>PATRIOT LAND SURVEYING OF NJ, LLC</b> <b>1 Woodrow Road</b> <b>Kendall Park, NJ 08824</b> <b>Application # 1848344</b>	<b>McGRATH SURVEYING AND WATERFRONT CONSULTING, LLC</b> <b>321 Mantoloking Road</b> <b>Brick, NJ 08723</b> <b>Application # 1848335</b>
<b>ROY LARRY SCHLEIN &amp; ASSOCIATES</b> <b>1903 Kings Highway, 2<sup>nd</sup> Fl.</b> <b>Swedesboro, NJ 08085</b> <b>Application # 1844349</b>	<b>S. DESIMONE CONSULTING ENGINEERS, LLC</b> <b>18 West 18<sup>th</sup> Street, 10<sup>th</sup> Fl.</b> <b>New York, NY 10011</b> <b>Application # 1850763</b>
<b>CONWAY &amp; OWEN, INC.</b> <b>1455 Bluegrass Lakes Parkway</b> <b>Alpharetta, GA 30004</b> <b>Application # 1850498</b>	<b>A/Z DESIGN SERVICES, LLC</b> <b>46 Norwich Westerly Road</b> <b>North Stonington, CT</b> <b>Application # 1845011</b>
<b>NORESCO, LLC</b> <b>One Research Dive</b> <b>Westborough, MA</b> <b>Application # 1853303</b>	<b>ENICA ENGINEERING, LLC</b> <b>330 W. 38 th Street</b> <b>New York, NY 10018</b> <b>Application # 1853319</b>
<b>INGENUITY ENGINEERS, INC.</b> <b>4798 New Broad Street, Ste. 300</b> <b>Orlando, FL 32814</b> <b>Application # 1853338</b>	<b>CONSPECS CONSULTANTS, INC.</b> <b>789 Congress Street</b> <b>Toms River, NJ 08753</b> <b>Application # 1853364</b>
<b>WILLIAM TAO &amp; ASSOCIATES, INC.</b> <b>7955 Manchester Road, Ste. 125</b> <b>St. Louis, MO 63143</b> <b>Application # 1853370</b>	<b>MENDENHALL SMITH STRUCTURAL ENGINEERS</b> <b>3571 Red Rock Street, #A</b> <b>Las Vegas, NV 89103</b> <b>Application # 1843845</b>
<b>UNIVERSAL TECHNICAL RESOURCE SERVICES, INC.</b> <b>950 N. Kings Highway, Ste. 208</b> <b>Flemington, NJ 08822</b> <b>Application # 1838317</b>	

**INFORMATIONAL/DISCUSSION ITEMS:**

None

**PUBLIC COMMENTS:**

None



**MOVE TO EXECUTIVE SESSION:**

**ACTION:** The Board, on a motion by BM Vernick, second by BM Valenti unanimously voted to enter into Executive Session to review disciplinary matters.

**RETURN TO PUBLIC:**

On a motion contained in the Executive Session minutes, the Board re-entered into Public Session to adjourn.

**ADJOURNMENT:**

**ACTION:** On motion by BM Purcell, second by BM Vernick, the Board unanimously voted to adjourn the meeting at 1:00 pm.

**APPROVED BY:**

**James Cleary**  
**President**

**Karl W. Reidel**  
**Executive Director**