

# **State Board of Professional Engineers and Land Surveyors**

**Minutes of July 20, 2000**

## **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 Albert Faraldi at 9:00 am in the Hudson Conference Room, Sixth 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 Faraldi read the statement required by Chapter 231, Laws of 1975 known as the Open Public Meeting 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:

Albert Faraldi    Robert Bogart  
Richard Frantz    Theodore Cassera (arrived 11:45 am)  
Robert Marshall    Pravin Patel  
Rishi Raj        Louis Raimondi  
Edward Vernick

BMs absent: James Kelly

Others present: Arthur Russo, Executive Director, William Mandeville, Management Assistant, Joseph Grabowy, Management Assistant, Sadiqa Smith, Recording Secretary, Yolanda Winston, Staff, and Deputy Attorney General Olga E. Bradford.

### **REPORT OF THE EXECUTIVE DIRECTOR**

#### **Incoming Correspondence**

**Joanne Darcy Crum, Colonial State Boards for Land Surveyor Registration (7/00)**

**Re: Colonial State Boards for Land Surveyor Registration Meeting**

Ms. Crum notified the Board that the location of the Colonial States meeting scheduled for October 6-7, 2000 in Lake Placid, NY, has been changed to Cooperstown, NY.

ED Russo and BM Raimondi will represent the Board at this meeting. The Board staff will make the necessary travel and room arrangements for this meeting.

#### **General Report**

## **Recognition of Past Board Member**

ED Russo reported that past Board Member John Reutter, PE, will be celebrating his 90th Birthday. Mr. Reutter served on the Board from June 1967 to September 1976 and served as Board President from May 12, 1970 to May 6, 1971. BM Vernick, on behalf of the Board, will present Mr. Reutter with a letter of recognition at his 90th birthday celebration.

## **April 2000-2002 Renewal Period**

ED Russo reported that as of July 1, 2000: 1438 Professional Engineers, 25 Land Surveyors and 62 Professional Engineers & Land Surveyors failed to renew their licenses for the 2000-2002 renewal period. All licensees who have failed to renew their licenses for the current period are in an officially "suspended" status.

## **Use of the New Term "Suspended License"**

ED Russo expressed concern over the term "suspended license" as used and defined under the new Uniform Enforcement Act (Act) for non-renewed licenses. The term previously used was "lapsed license." DAG Bradford eased ED Russo's concern by explaining its relevance to the Act.

## **D.E.P. Regulations Affecting Septic Inspections**

ED Russo stated that he had received a telephone call from Mr. Barry Chalofsky of the Department of Environmental Protection (D.E.P.) regarding its promulgation of rules and regulations for the inspection of septic systems.

During the discussion of this subject it was stated that a DEP Advisory Committee was responsible for promulgating these rules. It was thought that, inasmuch as professional engineers design septic systems, a member of this Board should sit on this Committee. ED Russo will contact Mr. Chalofsky to speak to him about this matter.

## **APPROVAL/DENIAL OF APPLICATIONS FOR LICENSURE**

The Board reviewed the July 6, 2000 Examination/Comity Applications Report and, of the reported applications, voted to approve 48 exam and 30 comity applications and to deny 11 exam and 1 comity applications. (list attached).

On a motion by BM Bogart, seconded by BM Patel, the Board unanimously voted to accept the July 6, 2000 list of approved/denied applications for licensure.

## **REPORT OF THE DAG**

### **Continuing Competency**

#### **Timothy J. Higgins, PE, PLS - #33354**

DAG Bradford stated that the Board previously directed the issuance of a Provisional Order of Discipline ("POD") in this matter. The Board determined that Timothy Higgins, PE, PLS, failed to comply with the continuing competency requirements for the 1998-2000 licensure period. The POD was issued to Mr. Higgins on or about May 22, 2000 to which he responded on June 25, 2000.

The Board discussed and reviewed Mr. Higgins's response to the POD and recommended that the civil penalty of \$500.00 be rescinded, that Mr. Higgins retire his land surveyor license, but be allowed to retain his PE license.

On a motion by BM Patel, seconded by BM Vernick, the Board unanimously voted to modify and finalize the Provisional Order of Discipline.

#### **William C. Raybon, PE, PLS - #13025**

DAG Bradford stated that the Board directed the issuance of a Provisional Order of Discipline ("POD") in this matter following its determination that William C. Raybon, PE, PLS, failed to comply with continuing competency requirements for the 1998-2000 licensure period. The POD was issued to Mr. Raybon on or about May 22, 2000 to which he responded on June 6, 2000.

The Board discussed and reviewed Mr. Raybon's response to the POD and recommended that the civil penalty of \$500.00 be rescinded, that Mr. Raybon retire his land surveyor license, but be allowed to retain his PE license.

On a motion by BM Frantz, seconded by BM Patel, the Board unanimously voted to modify and finalize the Provisional Order of Discipline.

### **Robert T. Voss, PE, PLS - #22709**

DAG Bradford stated that the Board previously directed the issuance of a Provisional Order of Discipline ("POD") in the above captioned matter. The Board determined that Robert T. Voss, PE, PLS, failed to comply with continuing competency requirements for the 1998-2000 licensure period. The POD was issued to Mr. Voss on or about May 22, 2000 to which he responded on June 5, 2000.

The Board discussed and reviewed Mr. Voss' response to the POD. The Board found that Mr. Voss is delinquent six of the required twenty-four professional development hours. It stated that the civil penalty be reduced to \$250.00, and that Mr. Voss complete the six delinquent professional development hours by December 31, 2000.

On a motion by BM Raimondi, seconded by BM Vernick, the Board unanimously voted to modify and finalize the Provisional Order of Discipline.

## **APPLICATION - FULL BOARD REVIEW**

### **Stephen Schreiber - #42027**

BM Patel stated that Mr. Schreiber was approved to take the FE & PE exam in 1990. He Passed the PE exam in April 1997, but has not passed the FE exam. Mr. Schreiber has requested a waiver of the FE exam. Pursuant to N.J.S.A. 13:40- 2.12.

The Board discussed this application and BM Patel made a motion, seconded by BM Raimondi, to deny the FE waiver request. BM Patel and BM Raimondi voted in favor of the motion, while the remainder of the Board Members, with the exception of BM Marshall, opposed the motion. BM Marshall abstained in the voted. Motion failed.

Subsequent to the motion, the Board continued discussion of this matter and, on a motion by BM Vernick, seconded by BM Bogart, the Board voted to grant the FE waiver request. BMs Vernick, Faraldi, Frantz, Raj, Marshall and Bogart voted in favor of the motion. BM Patel and Raimondi opposed the motion.

### **Norman Mills - #50695**

BM Raimondi stated that Mr. Mills indicated on his application that he is registered with NCEES. He requested that Mr. Mills submit his NCEES record book to the Board for further review. Mr. Mills will be notified if additional information is required.

## **MOVE TO EXECUTIVE SESSION**

On a motion by BM Frantz, seconded by BM Patel, the Board unanimously voted to move into Executive Session for the purpose of being presented legal advice concerning an investigative inquiry.

## **RETURN TO PUBLIC SESSION**

In accordance with a motion contained the Executive Session minutes, the Board unanimously voted to return to Public Session for the purpose of completing the Public Session agenda.

### **Incoming Correspondence**

**Edward Lane, PLS, Stavola (6/20/2000)**

**Re: Renaissance Project, Manchester Township, Ocean County, NJ**

The Board reviewed Mr. Lane's previous correspondence at its July 6, 2000 meeting in which he requested the Board's opinion on the permanency and suitability of brass markers set in concrete sidewalks. At that time, the Board stated that additional information would be required in order to answer Mr. Lane's questions. The requested information was received from Mr. Lane and forwarded to BM Cassera for further review. BM Bogart and/or BM Cassera will draft a response to Mr. Lane's inquiry.

**Tom King, University of the State of New York (7/2000)**

**Re: Susan M. King, PE, PLS - Candidate for NCEES Treasurer**

In his correspondence, Mr. King requested that the member Boards support, the nomination of Ms. Susan M. King as NCEES Treasurer, North East Zone, at the forthcoming NCEES convention in Chicago, IL.

On a motion by BM Raimondi, seconded by BM Frantz, the Board unanimously voted to support the nomination of Ms. King.

### **Certificate Award Ceremony - April 2000 Examinees**

ED Russo reported that the Certificate Award Ceremony is scheduled for October 5, 2000 at the Holiday Inn, Jamesburg, NJ. BMs Cassera, Frantz and Bogart will speak at this ceremony. BM Vernick suggested that the Board invite Dean Dianne Dorland, Rowan University School of Engineering, to be the keynote speaker at the ceremony. He will pursue this matter on behalf of the Board.

## **COMPLAINT**

**Arthur Mead Jr. PE, PLS, - #92-30**

Mr. Mead has requested that the Board inform him as to where the course which he was ordered to take as part of his settlement agreement with the Board is offered. BP Faraldi agreed to provide this information to the Board staff so that it can inform Mr. Mead.

## **ADJOURNMENT**

On a motion by BM Frantz, seconded by BM Vernick, the Board unanimously voted to adjourn at 2:00 pm.

Approved by:

---

Albert N. Faraldi, PLS  
President

---

Arthur Russo  
Executive Director

*Modified March 2002*