

# STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Minutes of September 4, 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 (12:00pm)  
Robert Marshall  
Pravin Patel  
Louis Raimondi  
Robert Bogart (9:30am)  
Rishi Raj  
Albert Faraldi (9:15am)  
James Valenti

### **Others present:**

Arthur Russo, Executive Director, Michelle Albertson, Deputy Attorney General, Joseph Grabowy, Auditor/Accountant Assistant, and staff members Ernest Gonzalez, Martha Richardson, Robert Welsh, and Yolanda Winston.

## APPROVAL OF MINUTES

May 1, 2003

The Board, on a motion by BM Raimondi, second by BM Frantz, unanimously approved the minutes of May 1, 2003, as amended. BM Faraldi abstained.

May 15, 2003

The Board, on a motion by BM Patel, second by BM Marshall, unanimously approved the minutes of May 15, 2003, as amended.

June 5, 2003

The Board, on a motion by BM Raimondi, second by BM Marshall, unanimously approved the minutes of June 5, 2003, as written.

June 19, 2003

The Board, on a motion by BM Patel, second by BM Marshall, unanimously approved the minutes of June 19, 2003, as written.

## **COMMITTEE REPORTS**

### **Legislation**

President Vernick indicated that the Legislative body is out of session until the middle of November and, therefore, movement on any bills will be limited.

### **Administration**

No report.

### **Examinations**

ED Russo supplied the Board with copies of the PCS prepared NJ State Specific Law Examination for land surveyors for the upcoming October 2003 examinations.

On a motion by BM Faraldi, second by BM Raimondi, the Board unanimously approved the use of this examination for the October 2003 examinations.

### **Education**

BM Frantz reported that Robert Krepps, president of NCEES, has expressed the same concern as his over the general decline in the educational standards.

BM Raimondi stated that NCEES is working with ABET to reverse this trend.

### **Regulations**

No report

### **Finance**

BM Faraldi stated that the Board's financial position remains good.

### **Special Committee Reports**

### **Newsletter**

Joseph Grabowy indicated that the 6th edition of the newsletter has been sent to Print Production including supplemental documentation concerning disciplinary actions against licensees.

### **Joint Committee**

BM Patel informed the Board that at a recent meeting of the Joint Committee the topics of discussion were bulkhead retaining walls, which the Joint Committee has determined architects can design, and the use of house

plans provided through the internet, which it determined that the signature of a New Jersey licensed architect must be affixed to the plans for use in this state.

### **Website**

Robert Welsh reported that the website is functional. It has been updated to reflect dates for the upcoming examinations and deadline dates for applications. The posting of the statutes and regulations onto the Website is an ongoing item.

Ernest Gonzalez indicated that the staff had given its approval for a version of the roster list to be posted to the Board's website. He indicated that the office is still awaiting this posting.

### **Applications**

No report.

### **Disciplinary Committee**

BM Raimondi stated that the committee is working on new questions for the disciplinary examination.

### **Licensure Promotion Committee**

Robert Welsh indicated that he is continuing to work toward scheduling a meeting in October, 2003 with the Deans of Engineering from NJIT and Princeton University to discuss licensure promotion.

### **Civil Service Committee**

BM Marshall indicated that he has conducted an unofficial survey of state Boards regarding the use of the term "engineer" by civil servants. He indicated that from the information received from states which responded, only Virginia requires that an individual employed by the state who holds an "engineer" title must be licensed.

In addition, BM Marshall suggested that organizational charts and a listing of professional engineers from all State agencies, including, D.E.P. and D.O.T., be obtained for review by the Board.

## **REPORT OF THE EXECUTIVE DIRECTOR**

### **General Report**

ED Russo indicated that Joseph Donato, PLS, of the Garden State Land Surveying Alliance, previously submitted to the Board an application for a home study course for continuing education credit. After a review of this submission, the Board determined that the submission was deficient in that the tapes were of poor quality and inaudible at times, the length of the tapes were less than the number of professional development hours (PDHs) requested, the lack of supplemental reading materials, and, in one instance, a final examination was not provided. Mr. Donato had requested a sample version of a format for a home study course to follow that would be acceptable to the Board. The Board has invited Mr. Donato to the Board office to review previously approved home study courses.

ED Russo submitted to the Board an \$6,280.50 invoice for the printing of the statute and regulations booklets for the Home Inspection Advisory Committee. The Board reviewed and approved this invoice for payment.

ED Russo informed the Board that Thomas Blake is the new Dean of Engineering at NJIT.

ED Russo reported that the number of examinees for the engineering examinations has dropped steadily over the years. He stated that there are currently 260 principles & practices examinees and 191 engineer-in-training examinees scheduled to sit for the October 2003 examinations. Additionally, ED Russo stated that the NJIT

gymnasium will be used as the testing site for the October 2003 and April 2004 engineering examinations. The newly constructed Student Center will be used starting with the October 2004 examinations.

PCS will write a letter to the Board outlining its security measures to be taken at all exam sites.

ED Russo discussed the agenda package subscription program, an ongoing program which involves mailings to approximately 45+ subscribers. Packages are mailed to subscribers several days before Board meetings. Several subscribers have complained that packages are not mailed in enough time to allow reading of the material. ED Russo described the work involved in preparing and mailing the packages, a procedure which determines mailing dates, and the production and mailing costs of the package (which may exceed the subscription cost). The Board determined, after discussing this matter, that agendas should be posted to its Website providing subscribers with detailed information of the items on the public session agenda. Early in 2004 the Board shall determine whether this procedure is successful and decide whether to discontinue the mailing program at the end of the subscription term.

ED Russo stated that the cost for the publishing of the Board's new statutes and regulations booklet will be approximately \$19,000, exclusive of postage.

The Board was informed that the New Jersey Society of Professional Engineers referendum on the issue of continuing education for professional engineers was voted down by a 2 to 1 margin.

ED Russo stated that notices of delinquency were mailed by the Divisions's MIS department to all licensees who failed to renew their license for the current period beginning on May 1, 2002. These notices inform licensees that their licenses are suspended. It further states that individuals who wish to reactivate their licenses must contact the Board office for the required application for reinstatement.

The Certificate Award Ceremony will be held on October 16, 2003 at the Holiday Inn, Jamesburg, NJ. Mr Bradley Campbell (NJ D.O.T.) is the scheduled speaker for the evening.

## **APPEARANCE BY JAKE GERTSMAN, REGULATORY ANALYST**

Jake Gertsman appeared before the Board to discuss the Board's pending regulations. In particular he spoke about the corner marker waiver regulation. The Board requested that he refer all revisions to the corner waiver back to the Board for its review before any further processing.

Mr. Gertsman also offered the following updates on other pending matters.

- Professional Engineers as Home Inspectors - Regulation adoption will be filed.
- Fee schedule change regulation - Under review in Trenton.
- The inconsistency in the continuing education regulation was handled by an administrative notice of correction

Mr. Gertsman, after being informed of the particular revisions required of N.J.A.C. 13:40-2.4 (experience requirements for foreign applicants and qualifying college juniors for E-I-T eligibility), stated that both he and DAG Albertson will be meeting to work on the E-I-T regulation, and, if needed, will request additional information from the Board on this matter.

## **REPORT OF THE EXECUTIVE DIRECTOR (continued)**

### **General Report**

ED Russo informed the Board that a licensee requested verification of his licensure to the state of Michigan. Upon searching the Board office records, it appears that the licensee may not have passed the principles and practices portion of the engineering examination in 1977, but was subsequently issued a New Jersey engineer's license. The Board shall request that the licensee provide any documentation in his possession concerning the

examination and licensure.

ED Russo stated that he attended the NCEES annual conference last week in Baltimore along with Board President Edward Vernick and Board Members VP James Kelly, Louis Raimondi and James Valenti. Topics of discussion included: accommodations under the American Disability Act (ADA), proctoring, the use of certain types of calculators, and ELSSES, a NCEES subsidiary which administers the engineering and land surveying examinations.

### **Statistical Information**

This report, containing the number of licensees and the number of Certificates of Authorization issued was noted for the record.

### **Incoming Correspondence**

Matthew A. Rymer  
RE: Request for Proctoring  
(August 21, 2003)

Mr. Rymer, a military person stationed in New Jersey on active duty requested that he be proctored in New Jersey for the Principles of Engineering examination. The State Board of Illinois approved this request.

The Board, on a motion by BM Frantz, second by BM Raj, unanimously approved Mr. Rymer's request.

William L. Deane/ Dewbury  
RE: Site Plan Clarification  
(August 21, 2003)

Mr. Deane stated that his company has received 2 plans both of which were designed by a licensed architect. However, neither plan relates to architectural features and he is seeking the Board's determination on the appropriateness of an architect signing and sealing such documents.

The Board concluded that this correspondence will be sent to the Joint Committee for its review and resolution.

Bruce E. Johnson, PE  
RE: Request for opinion of Possible Conflict of Interest  
(June 16, 2003)

Mr. Johnson stated that he is employed by Hunterdon County as a staff member in the engineer's office and wishes to apply for a position as municipal engineer for the Township of Bethlehem. He requested the Board's position concerning a possible conflict of interest in this situation.

After a review of his correspondence, the Board decided to provide Mr. Johnson with a copy of its regulations which deal with conflicts of interest.

Richard Smith, Jr., PLS, Garden State Land Surveying Association  
RE: Property Corner Caps  
(July 23, 2003)

Mr. Smith stated that the GSLSA has suggested that property corner caps include the name of the surveying company and license number of the surveyor. He further stated that he would like the Board to notify him if it will consider GSLSA's suggestions so that he may appear at that particular Board meeting to express his concerns on the opinion of GSLSA on this matter.

The Board will advise Mr. Smith that it will be reviewing all regulations at its sunset in 2005 and will consider all

suggested changes at that time.

G. Slade Cargill, III/ ABET  
RE: Accreditation of Stevens Institute of Technology  
(July 22, 2003)

Mr. Cargill invited the Board to send a representative to observe Stevens Institute of Technology accreditation on November 16-18, 2003.

BM Raj volunteered to participate in this effort.

ECEI/ABET RE: ECEI Services Survey  
(July 21, 2003)

ECEI submitted a survey to record the Board's satisfaction level with its analysis of undergraduate degrees of foreign applicants. The Board instructed ED Russo to complete the survey and return it to ECEI/ABET.

Timothy S. Guisewhite  
RE: Land Surveying Schools  
(July 26, 2003)

Mr. Guisewhite stated that he agrees with the Board's requirement for a four-year land surveying degree, but expressed that it is very cumbersome for residents in Southern New Jersey to travel to NJIT in Newark to matriculate in the land surveying curriculum. He suggested implementing a four-year curriculum in a Southern New Jersey university.

The Board suggests that Mr. Guisewhite contact NJIT directly to address his concerns.

James S. Hsu/ Executive Director of the New Jersey Board of Architects  
RE: Sealing of House Plans  
(August 6, 2003)

Dr. Hsu submitted a letter from the Joint Committee to the Board. Dr. Hsu's correspondence states that plans obtained commercially through an online source can only be used when a licensed architect in this state reviews the information and signs and seals the plans. He further states that a professional engineer cannot sign and seal house plans.

The Board noted this correspondence for the record.

Frank Petrozzo  
RE: Changing Engineering Firm  
(August 11, 2003)

Mr. Petrozzo stated that he hired a professional engineer who became ill and failed to complete the contracted work. He has since hired another engineer to perform these services and has been unsuccessful in contacting the original engineer to release his work product.

The Board will request that Mr. Petrozzo submit a complaint. A copy of the regulations pertaining to the release of documents shall also be provided to him.

Richard Gardell/ Gardell Associates, LLC  
RE: Waivers & Directions Not To Set Corners  
(August 12, 2003)

Mr. Gardell wanted an interpretation of who is the ultimate user in a lease situation for purposes of a waiver.

The Board will advise Mr. Gardell that an owner or contract purchaser is the ultimate user.

## 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
B. BECKETT	948661	GRANT	C. HUNT	950438	TAKE F/P
D. SOUTHWICK	595501	GRANT	D. ADAMOWITZ	956004	TAKE F/P
R. PALUCCI	52359	GRANT	M. ATHAR	921091	TAKE F/P
R. MASHIANA	51906	GRANT	S.MERCADO	943944	TAKE F/P
C. NICHOLSON	948664	GRANT	B. FRONAPFEL	950441	TAKE F/P
G. SCHIFF	959468	GRANT	K. DEROSA	946474	TAKE F/P
P. NELSON	954796	GRANT	M.DAVIS	947094	TAKE P
J. GALINSKI	953095	GRANT	M. HANNA	947107	TAKE P
R. PETTIS	953591	GRANT	J. VALETUTTO	946496	TAKE P
M. BAIG	49110	GRANT	D. BEHNKEN	947429	TAKE P
N. BABUR	901898	GRANT	K. GEIGER	950447	TAKE P
M. JORDAN	953117	GRANT	B. MERELUS	947113	TAKE P
R. PROPHET	958945	GRANT	S. PULVIRENTI	943830	TAKE P
W. KROTH	940751	GRANT	A. PEREZA	917240	TAKE P
D. WILKER	960524	GRANT	J. SHEEDY	947905	TAKE P
S. YEH	956602	GRANT	J. KOVAC	947381	TAKE P
G. SCHAEFFER	951386	GRANT	S. MCCLELLAN	948052	TAKE P
R. YURCIK	951180	GRANT	T. HERBERT	947423	TAKE P
C. SANDERS	951408	GRANT	A. MORAN	947990	TAKE P
J. RUCCI	937161	GRANT	C. LONG	946071	TAKE P
C. ZUO	953010	GRANT	R. STAGLIANO	929154	TAKE P
H. MILLER	937164	GRANT	T. GITTINGS	946142	TAKE P
P. BARTOW	934189	GRANT	J. DOMINQUE	950401	TAKE P
M. MCATEE	959428	GRANT	C. OHART	951155	TAKE P
E. SROLOVITZ	951401	GRANT	A. WATKINS	946164	TAKE P

T. CAMPBELL	953045	GRANT	D. POLYNIAK	940762	TAKE P
E. GHARDAN	937174	GRANT	S. GOUDARZI	947427	TAKE P
F. GILLES	903335	GRANT	T. KRUG	950368	TAKE P
S. LIGHT	937103	GRANT	K. GASPAR	947850	TAKE P
T. RAFFIN	951640	GRANT	A. MONTANA	51807	TAKE P
W. MCCANN	951391	GRANT	K. MERL	920238	TAKE P
W. HAKEEM	951344	GRANT	R. MULLEN	946354	TAKE P
R. DOUGHERTY	951061	GRANT	J. GRUDA	947475	TAKE P
S. GATES	951426	GRANT	J. ODENHEIMER	947889	TAKE P
R. ADAMS	930525	GRANT	C. CLERECUZIO	950444	TAKE P
H. GIBBS	951341	GRANT	D. ROBERTSON	946146	TAKE P
S. MIRIZZI	953039	GRANT	J. HOGAN	946066	TAKE P
Z. GALLAGHER	949518	TAKE F	R. SCHWARZ	940900	TAKE P
J. CASOLARO	917543	TAKE F	R. STEVENSON	949628	GRANT

The Board, on a motion by BM Valenti, second by BM Raimondi, extended the exam scheduling deadline to September 4, 2003 so that applicants may take the October 2003 fundamentals of engineering examination.

The following are the E-I-T applications which were unanimously approved by the Board:

Name	Application #	Name	Application #	Name	Application #
Merchant Zuzar	946864	Ilkay Camspanos	945472	Yun Feng	

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
G. FARMER	924123	REFERENCES	A. FOTI	937385	REFERENCES
T. SASS	949344	EXPERIENCE	N. LEHMANN	947442	EXPERIENCE
J. CHMIELAK	949053	EXPERIENCE	T. ISHIGAMI	950431	EXPERIENCE
R. CHIRUMBOLO	947400	EXPERIENCE	P. MOSKIOS	910450	REFERENCES
F. WANG	950388	EDUCATION	A. MALEH	50814	EXP. & REF.
J. DICAPUA	955831	EXPERIENCE	M. RYKACZEWSKI	954907	EXPERIENCE



J. FREGLETTE	933476	EXPERIENCE	A. HUSSAINI	960495	EXPERIENCE
J. LOGARZO	947116	EXPERIENCE	K. FRUCK	937384	REFERENCES
D. GUARCHUK	947946	EXPERIENCE	S. WELLS	884138	EXPERIENCE
S. HANCOCK	947122	EXPERIENCE	B. HEMMES	946463	EXPERIENCE
G. CHEN	917537	EXPERIENCE	J. CASE	940402	EXPERIENCE
T. TRYTEK	956746	REFERENCES			

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

Fraser Engineering & Construction  
646 Harold Place  
Piscataway, Nj 08854  
24GA28084800 Expert Construction Incorporated  
153 Lincoln Street  
Jersey City, Nj 07307  
24GA28084900 Morris - Flood Associates, Llc  
165 Andersen Road  
Milford, Nj 08848  
24GA28085000  
Bravante Automatic Sprinkler Corp.  
333 West Main Street  
Boonton, Nj 07005  
24GA28085100 Atlantic Construction Engineering & Development Ltd.  
1520 Madison Avenue  
Lakewood, Nj 08701  
24GA28085200 Mercator Land Surveying, Llc  
175 West 93rd Street, #12j  
New York, Ny 10025  
24GA28085300  
Argent Associates, Inc.  
140 Fieldcrest Avenue  
Edison, Nj 08837  
24GA28085400 Wick Fisher White  
437 Chestnut Street  
Philadelphia, Pa 19106  
24GA28085500 Integra Design And Engineering Associates, Inc.  
131 Shady Lane  
Randolph, Nj 07869  
24GA28085700  
Almost Home, Inc.  
47 Center Street  
Rumson, Nj 07760  
24GA28085800

**Full Board Review**

Thomas J. Bravante - #888095

Although Mr. Bravante received his engineering degree in 1996, he worked in the engineering profession prior to this time. He seeks a waiver of the fundamentals of engineering examination requirement based upon 15 years of experience. Previously, Mr. Bravante passed the principles and practices of engineering examination in Wisconsin.

The Board, on a motion by VP Kelly, second by BM Patel, unanimously voted to deny this request for a waiver since he only has 6 years and 3 months of experience gained under the regular and effective supervision of a licensed professional engineer. However, the Board approved his application to sit for the fundamentals of engineering examination.

Mohammed Rahgozar - #947495

The Board previously reviewed Mr. Rahgozar's application for examination and approved him to sit for the Fundamentals of Engineering examination. However, upon further review, the Board determined that his undergraduate degree lacks 10.5 credits in the following categories: 7.5 math and basic sciences and 3.0 in engineering design. Therefore, the applicant was not eligible to sit for the examination. The Board voted to send the applicant a letter advising him of the deficiency.

Ayman Maleh - #50814

After a review of this application which was submitted in 1999, the Board on a motion by BM Raimondi, second by BM Bogart, unanimously voted to request that Mr. Maleh submit a current application, updated and detailed statement of experience form, and current references.

Martin P. Sewell - #946112

Mr. Sewell has an undergraduate degree in physics from Harding University. After reviewing this application the Board requested that Mr. Sewell submit a course breakdown of his undergraduate curriculum.

## **INFORMATIONAL ITEMS**

The following items were discussed by the Board and noted for the record:

Cindi Christenson, PE/ California Board for Professional Engineers & Land Surveyors re: Amendments to the Model Law for Surveying

Kathy A. Ahearn/ New York State Education Department re: Move to evaluate the feasibility of establishing one uniform administration system for NCEES exams in order to ensure consistency and minimize security concerns

Jerry Yeargan, PE, Past President/ ABET re: Concerns & opportunities for ABET & NCEES to work in collaboration to assure the quality of the engineering education

Delaware Association of Professional Engineers Newsletter Spring 2003

NCEES Licensure Exchange June 2003

Joseph Donato, Jr., PLS/ GSLSA re: GSLSA Website

Joseph Neglia, PE, PLS, PP/ Neglia Engineering Assoc. re: Assembly Bill A2949

ABET News Release June 26, 2003

Leigh Fricks, Manager of Records/ NCEES re: NCEES Council Records Program Brochure

## **MATTERS REPORTED FROM EXECUTIVE SESSION AGENDA:**

Based on information received in a reinstatement application, the Board voted to issue the following Provisional Order of Discipline in connection with unlicensed practice:

James Cohen, PE

## **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.

## **ADJOURNMENT**

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

Approved by:

Approved by:

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Edward Vernick, PE  
President

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Arthur Russo  
Executive Director

[Back To Minutes Archive Page](#)

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