



State Board of Professional Engineers and Land Surveyors

Minutes of September 5, 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 9:05am 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 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

BMs present:

James Kelly	Richard Frantz
Louis Raimondi	Edward Vernick
Albert Faraldi	Pravin Patel
Rishi Raj	Robert Marshall
James Valenti (9:20am)	Robert Bogart

Others present: Arthur Russo, Executive Director, William Mandeville, Program Development Assistant, Ernest Gonzalez, Senior Clerk Transcriber, Joseph Grabowy, Auditor/ Accountant Assistant, Kevin Golding, Staff, and Deputy Attorney General Michelle Albertson.

COMMITTEE REPORTS

Legislation

A1926/S1044 - Concerns Project Labor Agreements - This bill was amended and passed the Assembly on June 20, 2002, the Senate on June 24, 2002 and signed into law on July 25, 2002.

A567 - Amendment to the current Professional Home Inspection Licensing Act - This pending bill amends the current Professional Home Inspection Licensing Act.

Administration

No report.

Examinations

No report.

Education

No report.

Regulations

No report.

Finance

A billing summary from the Division of Law for legal services rendered to the Board was distributed for review. The Board noted this invoice for the record.

On the matter of the Home Inspection Advisory Committee, the Board inquired as to the feasibility of inviting June Levy to the next Public Session meeting to discuss the expenses incurred by the Home Inspection Advisory Committee being charged to the Board.

Special Committee Reports

Newsletter

William Mandeville informed the Board that the 5th edition of the Newsletter is in the Print Production unit for finalization. BM Raimondi is currently working on the sixth (6th) edition of the newsletter and requested assistance from VP Vernick.

Joint Committee

The Board nominated and appointed President Patel and BM Raimondi to the Joint Committee. BM Faraldi was nominated and appointed as an alternate member.

Website

BM Vernick informed the Board that a memorandum was sent to the Print Production unit to request that the proposed home inspection regulations be removed from the website and be replaced with the adopted regulations.

The Board requested that the staff inquire as to the status of its proposed regulations so it may be posted to the Board's website.

2003 NE Zone Meeting

BM Raimondi informed the Board that notifications will be sent to all NCEES members informing them of the 2003 NE Zone Meeting.

On a motion by VP Vernick, second by BM Frantz, the Board unanimously voted to submit a resolution to NCEES in support of BM Raimondi's candidacy for Vice President of the NCEES.

Applications: Revisions & Design Experience

The Board reviewed the draft application and made various modifications. On a motion by VP Vernick, second by BM Bogart, the Board unanimously voted to submit the application to the Division for review and approval.

Licensure Promotion Committee

BM Raj submitted a draft letter for the Board's review regarding an invitation to discuss with the Deans and faculty of the engineering schools ways to promote professional licensure and other current topics affecting the profession.

After a brief discussion on this matter, the Board informed the Licensure Promotion Committee to contact Rutgers University and Stevens Institute of Technology via phone to gain feedback on various issues before extending an invitation to them.

REPORT OF THE EXECUTIVE DIRECTOR

General Report

ED Russo informed the Board that the Board of Architects has drafted proposed regulations for the licensure of architects as home inspectors. He also stated that the renewal process for Certificates of Authorizations has almost been completed. In addition, ED Russo informed the Board that the Certificate Award Ceremony for all newly licensed individuals will be held October 17, 2002 at the Holiday Inn in Jamesburg, NJ. The ceremony will commence at 8:00 pm.

Finally, ED Russo stated that the Open Public Records Act (OPRA) has been implemented and that public requests for information and data may be made.

Incoming Correspondence

Patricia S. Browne, PE, AEI Director/ American Society of Civil Engineers
RE: Architectural Engineering Examination
(June 14, 2002)

Ms. Browne advises the Board that NCEES has recognized Architectural Engineering as an examination discipline for licensure that can be provided to states that wish to provide this examination.

This correspondence was noted for the record.

R.L. St. John/ NY Stated Education Department
RE: Henry Fulton
(July 12, 2002)

Mr. St. John of the New York State Board advises the Board that the reinstatement process for Henry Fulton has begun.

The Board will request that it be kept aware of New York's reinstatement proceedings for Mr. Fulton.

Phil Kimball/ Society of Naval Architects & Marine Engineers
RE: Continuing Education for PEs
(July 17, 2002)

Mr. Kimball requests from the Board information regarding continuing education for professional engineers.

The Board will advise Mr. Kimball that there are no continuing education requirements for professional engineers in

the state of New Jersey.

Virginia M. Farmer, Office Manager/ Consulting Engineers, Inc.

RE: Signing & Sealing of Documents

(July 18, 2002)

Ms. Farmer requests from the Board its opinion on the subject of electronically signing documents and sealing documents in a bound set.

The Board will inform Ms. Farmer that electronically signed documents are not permissible in New Jersey. It will also inform her that the original drawing(s) must be manually signed and sealed, and all copies may bear a copied signature but must be sealed.

Theodore Cassera

RE: "Engineering Inc." Article

(July 23, 2002)

Mr. Cassera submits this article regarding the electronic signing and sealing of documents for the Board's information.

This article was noted for the record.

Lowe Engineers

RE: Photogrammetry & GIS

(July 23, 2002)

Lowe Engineers requests the Board's feedback on the potential licensing of photogrammetry & GIS personnel.

The Board will inform Lowe Engineers that it has not explored the issue of licensing photogrammetry & GIS personnel.

David J. Riordan, PLS/ Eastern Topographies

RE: GPS Control for Aerial Photography

(July 23, 2002)

Mr. Riordan requests from the Board its opinion on whether GPS control for aerial photography constitutes the practice of land surveying.

The Board will inform David Riordan that it does constitute the practice of land surveying and requires a professional land surveyor licensed in New Jersey to perform this function.

Michael Cristaldi/ Richard A. Alaimo Engineering Associates

RE: Signing & Sealing copies of plans for bid

(July 26, 2002)

In his letter Mr. Cristaldi seeks to determine whether all sets of plans to be used for the purpose of bids must be signed and sealed.

The Board will inform Mr. Cristaldi that all plans must be sealed and the original plan must bear an original signature.

Theodore G. Miller, Construction Official/ Township of Franklin

RE: Block 1903 Lot 27.13, 42 Lacey Rae Drive, Franklin Township proposed deck addition

(August 5, 2002)

Mr. Miller submitted a copy of plans illustrating the dimensions of a proposed deck, which were computer generated at Home Depot. He requests from the Board its position on the legality of the plans.

The Board will inform Mr. Miller that this matter has been transferred to its legal advisor, DAG Albertson, for further review and response. It will also submit this correspondence and its concerns to the Joint Committee of Architects & Engineers as well as to the Department of Community Affairs with regard to township officials accepting plans prepared by unlicensed persons.

Joe Tamashasky

**RE: TAC of ABET visit to Burlington County College
(July 31, 2002)**

Mr. Tamashasky has invited any interested Board members to attend the ABET visit to Burlington County College for review of its Electrical Engineering program.

The Board will advise Mr. Tamashasky that due to scheduling conflicts among Board members, it cannot send a representative at this time.

Jake Gertsman, Regulatory Analyst/ NJ Division of Consumer Affairs

**RE: A567
(August 5, 2002)**

Jake Gertsman informs the Board that he is in receipt of the Home Inspection Advisory Committee's memorandum regarding its position on A3027.

The Board noted this correspondence for the record.

George T. Lucas, II, PLS, PP, Executive Director/ Garden State Land Surveyors Alliance (GSLSA), Inc.

**RE: Proposed changes to N.J.A.C. 13:40-5.1(d)
(August 6, 2002)**

Mr. Lucas states that he is in receipt of the requested documents that the GSLSA requested. He mentions that not included in the package was a particular correspondence concerning BM Faraldi's opening remarks made at the Public Hearing concerning the elimination of the corner marker waiver.

The Board will inform Mr. Lucas that BM Faraldi's response was provided in the transcript previously mailed to him and that he should advise the Board if further information is requested.

David J. Urbanowicz

**RE: Survey of Block 149.08 Lot 90
(August 13, 2002)**

Mr. Urbanowicz claims that a surveyor negligently performed a survey which affects not only his property, but surrounding properties as well.

The Board will inform Mr. Urbanowicz that he may submit a complaint along with all relevant information to the Board for their review if he feels any violation of the Board's regulations took place.

Brian Mc Morrow, PE/ Henderson & Bodwell, LLP

**RE: Policy Question
(August 13, 2002)**

Mr. Mc Morrow, a partner in Henderson & Bodwell, LLP, located in New Jersey, states that he is ready to produce business cards for his employees. One of the employees is a land surveyor licensed in Pennsylvania, but not licensed in New Jersey. He wishes to know which title of the two offered in his letter may be used by this individual in New Jersey.

The Board will inform Mr. Mc Morrow that this individual may not use the term professional land surveyor, or any

derivatives thereof, until licensed as a professional land surveyor in New Jersey.

Joe A. Rhoads/ National Society of Professional Engineers

RE: Licensure Brochure

(August 15, 2002)

Mr. Rhoads submits a brochure to the Board which enumerates the best way to include construction experience to meet the licensure requirements as a professional engineer.

The Board will inform the National Society of Professional Engineers that, pursuant to N.J.S.A. 45:8-35, " the mere execution, as a contractor, of work designed by a professional engineer, or the supervision of construction of such work as a foreman or superintendent, or the observation of construction as an inspector or witness shall not be deemed to be experience in engineering work."

George A. Sniffin, LS

RE: Article of Interest

(August 26, 2002)

Mr. Sniffin submits this article, for the Board's information. It entails an offer for consumers to purchase a computer program from www.deedchek.com which creates deeds for various purposes.

The Board has referred this matter to DAG Albertson for her review and response to this inquiry. The Board feels strongly that this program should only be used for informational purposes and not to create legal documents.

Gary McNight

RE: Consent Order

(August 27, 2002)

Mr. McNight requests assistance from the Board in determining which engineering ethics course to take in order to be in compliance with the Board's Consent Order. The order required Mr. Mc Night take and pass two engineering ethics courses. He has completed and passed one. He submitted various classes which he feels constitute applicable engineering ethics courses.

The Board will recommend that Mr. McNight enroll in an online course entitled "Advanced Engineering Ethics" which is provided by the University of Texas.

NCEES

RE: Modifications made at the Annual Meeting

(August 27, 2002)

This news release outlined various administrative policies involving examination security changes which were adopted at the last NCEES Annual Meeting.

The Board noted this news release for the record.

Outgoing Correspondence

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

(July 25, 2002)

The Board reviewed the drafted letter to Mr. Tighe, made a minor adjustment and unanimously approved the amended draft letter be sent.

APRIL 2002 Examination Statistics

Noted for the record.

ARTICLES OF INTEREST

"Who's in Charge Here?" by: Tom Webb, PLS - THE PELS NEWS JUNE 2002:19th Edition

Noted for the record.

"Change is in the Air- In How We License Engineers in the US" by: Craig N. Musselman, PE - Licensure Bulletin

Noted for the record.

"Implementing a Client Relationship Management Program" by the American Council of Engineering Companies of New Hampshire

Noted for the record.

REPORT OF THE PRESIDENT

President Patel announced the creation of the Soil Conservation Committee. The Board unanimously nominated and voted BMs Bogart, Raimondi and Valenti to this Committee.

APPLICATIONS FOR FULL BOARD REVIEW

Kevin Russell - 886292

BM Raj informed the Board that Mr. Russell's experience is primarily research work involving modeling and simulation studies achieved by solving a set of mathematical equations using computer software.

On a motion by BM Raimondi, second by BM Raj, the Board unanimously voted to deny Kevin Russell's application for examination based upon a lack of two years of original design experience acceptable to the Board.

William Butler - 891261

BM Marshall informed the Board that Mr. Butler graduated from an engineering program at Temple University in 1988, which was not accredited until 1998. He stated that Mr. Butler is also licensed in Pennsylvania and Indiana, and that the state of Indiana challenged the applicant's degree and made him take additional courses which his degree lacked.

Based upon this and other information, a motion was made by BM Marshall, second by VP Vernick, and unanimously agreed upon by the Board to grant Mr. Butler his New Jersey license.

Stephanie Walkup - 888289

President Patel informed the Board of Ms. Walkup's experience and stated that she is applying for licensure by comity.

On a motion by BM Kelly, second by VP Vernick, the Board unanimously approved Ms. Walkup's application for licensure.

MOVE TO EXECUTIVE SESSION

On a motion by VP Vernick, second by BM Bogart, the Board unanimously voted to enter into Executive Session to discuss the status of a complaint.

RETURN TO PUBLIC SESSION

On a motion contained within the Executive Session minutes, the Board unanimously voted to return to Public Session for the purpose of adjournment.

ADJOURNMENT

On a motion by BM Frantz, seconded by BM Raj, the Board unanimously voted to adjourn at 2:30 p.m.

APPROVED BY:

Pravin H. Patel, PE
President

Arthur Russo
Executive Director

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Posted November 2002