



comments in the forthcoming New Jersey Register.

**A1712/S842 - Authorizes assessment of development impact fees by municipalities** - On January 11, 2000 this bill was introduced and referred to the Assembly Housing Committee. It appears similar to A494 from the 1998/99 session which was supported by the League of Municipalities but opposed by the Builders Association.

**A2336/S789 - Capital and Educational Facility Financing Act (Impact Fees)** - On May 1, 2000 this bill was introduced and referred to the Assembly Local Government Committee. It appears to be the Builders Association response to A1712.

**A755 - Changes the duration of contracts for professional services under the "Local Public Contracts Law" from 12 months to 24 months** - On January 11, 2000 this bill was introduced and referred to the Assembly Local Government Committee.

**A1142 - Establishes the Professional, Occupational and Trades Licensing Review Commission** - On January 11, 2000 this bill was introduced and referred to the Assembly Consumer Affairs and Regulated Professions Committee.

**A1180/S1557 - Broadens the education requirement for professional planning licensure** - Passed the Assembly on March 27, 2000 and referred to the Senate Commerce Committee. The Board, at its April 6, 2000 meeting opposed this bill. The Board further discussed the bill and voted to take "no position." In a June 6, 2000 correspondence to Director Herr, the Board concluded that it would not oppose this bill.

**S16 - Congestion Relief and Transportation Trust Fund Renewal Act of 2000** - This Bill conforms to the Governor's recommendations and was passed by the Senate on June 29, 2000 and the Assembly on July 13, 2000. The Governor signed this Bill on July 20, 2000 and authorization to fund the Trust Fund is on the November 7 ballot.

**A1673/S813 - Funding for the 1999 Statewide Transportation and Local Bridge Bond Act (\$251 million)** - This bill passed the Assembly on February 24, 2000, the Senate on March 23, 2000, and was signed by the Governor on April 6, 2000.

**S200 - Educational Facilities Construction and Financing Act (Gormel/Lynch) includes Abbott District** - Conforms to the Governor's recommendations and passed the Senate on June 29, 2000 and the Assembly on July 13, 2000. The Governor signed this Bill on July 18, 2000.

**A426/S496/S601 - Authorizes the Adoption of Municipal Time Growth Ordinance** - On January 11, 2000 each bill was introduced and referred to the Assembly, Local Government Committee or Senate Community and Urban Affairs Committee.

**S1079/A2448 - 10 Year Limitation on Surveyor's Liability with exception to adverse possession cases** - This bill passed the Senate on October 2, 2000 with amendments. A2448 is currently in the Assembly Judiciary Committee. The Board has maintained a favorable stance on this bill.

**A2567/S1408 - Provides a broader investigative and enforcement authority to professional licensing boards and other amendments to the statute** - This bill was referred to the Assembly Consumer Affairs and Regulated Professions Committee on June 1, 2000 and to the Senate Commerce Committee on June 15, 2000.

**Watershed Management Rules - Department of Environmental (DEP) Protection Rules and Regulations** - The comment period for these proposed rules and regulations ended on October 2, 2000 and the DEP will begin reviewing comments within the next 30 days.

The following additional bill was briefly discussed:

**A2768 - Designated the "Interior Designer Certification Act"** - ED Russo requested BM Vernick to research this particular bill as it seeks to amend the definition of "closely allied professionals" to now include certified interior designers.

## **Administration**

BM Frantz informed the Board that a request was received to increase the lighting levels at the Spa at Great Gorge (northern exam site). ED Russo spoke with Mr. Joseph Cote, President of Professional Credentials Services, Inc. (PCS), about this matter who gave assurances that this situation will be addressed.

ED Russo informed the Board of a complaint by an examinee, Albert Kurz, who indicated that he sat for the April 2000 New Jersey State Specific Land Surveying examination. However, Mr. Kurz never received the results of that test from Professional Credentials Services, Inc. He contacted PCS and it did not have a record of his sitting for the examination. Mr. Kurz, a resident of Virginia, wrote to ED Russo explaining in detail the physical surroundings of the exam site and that indicated he can provide documentation to verify that he stayed at a nearby hotel on the evening before the exam. After discussing this matter, the Board informed ED Russo to contact the Virginia State Board and request that this examinee be proctored in Virginia to alleviate any undue hardship on him. The Board will waive the April 2001 examination fee for Mr. Kurz and offer him the opportunity to retake the examination.

## **Examination**

There was no report. The October examination will be offered as follows:

Principles and Practices of Engineering and Land Surveying - October 27, 2000

Fundamentals of Engineering and Land Surveying - October 28, 2000

Both examinations will be given at the West Trenton and the Spa at Great Gorge locations. ED Russo, BM Frantz and BM Raimondi will visit the Spa at Great Gorge location on October 27, 2000, and Board President Faraldi and BM Marshall will be present at the West Trenton examination site, also on that day.

## **Education**

No report.

## **Regulations**

No report.

## **Finance**

The 2000 Budget Report was noted for the record. There was no further report.

## **Special Committee Reports**

### **Newsletter**

Several board members informed ED Russo that they have not as yet received the second edition of the Board's Newsletter by mail. William Mandeville reported that the Newsletter will be mailed immediately once the mailing labels are received.

## **Applications: Revisions Design Experience**

BM Bogart reported that the Committee has completed its revisions to the "design" experience section of the PE application and is currently working on other sections of the application.

## **Shop Drawings**

BM Bogart, on behalf of his Committee, stated that changes to completed shop drawings should be returned to the original designer for approval so as not to change the original design intent. The drawings should be reviewed by the original designer to ensure that the intent was not changed. VP Kelly suggested other viewpoints. Discussed were various considerations including : 1) shop drawings prepared by non-engineers (fabricators); 2) the need to determine what is a shop drawing; 3) what happens when the original designer retires, dies, etc.; 4) what happens when the client fires the original designer and 5) who reviews the drawings when the designer is no longer available to do so.

BM Bogart recommended tabling this matter for six months which would allow sufficient time for all Board members to evaluate these considerations. Board members are encouraged to seek input from the public societies (i.e., NJSPME). This subject should be revisited in six months.

## **Home Inspection Advisory Committee Regulations**

No report. This item will be tabled until such time as the Home Inspection Rules and Regulations have been published in the New Jersey Register.

## **Joint Committee**

ED Russo informed the Board that Assembly Bill A2768 recently introduced, seeks to amend the definition of "closely allied professionals" to include certified interior designers. Reference A2768 previously noted under legislation. An analysis/position statement on this legislation will be forthcoming from the Board of Architects, and will be presented to the Board for review.

## **Sunsetting Regulations**

The proposed sunsetted regulations were published in the New Jersey Register resulting in no comments being received during the 30-day comment period. The draft regulations were adopted and became effective August 1, 2000.

## **Website**

Joseph Grabowy provided an update on enhancements to the Board's Website. He mentioned that initially the Board requested five items be added to its Website, including: (1) a hyperlink to the NCEES Website; (2) official Public Session Board minutes; (3) a current list of companies issued Certificates of Authorization; (4) directions to the Board office and (5) a counter which would indicate the number of people have accessed the Board's Website. Due to technical constraints, the counter option has been denied. Mr. Grabowy noted that development on the remaining items is an ongoing subject of discussion with the Print Production Unit.

## **Certificate of Authorization**

Richard Frantz (Chair, Certificate of Authorization Committee), led a discussion recommending various ways in which companies offering and/or providing engineering or land surveying services can become more aware of the statutory requirement to obtain and maintain a current C/A

The following recommendations were made to the Board: 1) publish an ongoing message in the Newsletter emphasizing the statute requiring a C/A; 2) include listing of C/A companies in the roster-book. [Which would keep licensees, consumers, municipal, county and state engineers of a company's status. The Board will request Deputy Director Anthony Miragliotta to consider having Professional Corporations, Professional Associations and Sole

Proprietorships included in the roster book and newsletters;] 3) request the assistance of Roland Machold of the Department of Treasury in identifying corporations that are not in compliance with the C/A statute, by providing the Board with a list of corporations which offer engineering and/or surveying services; and/or the names of corporations whose corporate names utilize either word "engineers" or "surveyors" or their derivatives, and 4) include the C/A number within the title block of all signed and sealed documents.

ED Russo will speak with Deputy Director Miragliotta about the status of the promulgated regulation to require that the C/A number be included in the title block. He will also speak to the Deputy Director about publishing the C/A list in the roster book. In addition, on a motion by BM Raimondi and a second by VP Kelly, the Board unanimously voted to collect information on all possible violators and provide this information to the Committee for review. Information collected will include business cards, letterheads, advertising, telephone listings, etc.

Finally, the Board requested ED Russo to contact the New Jersey Society of Municipal Engineers to request that its membership check the currency of all corporations doing business in their municipalities.

## **REPORT OF THE EXECUTIVE DIRECTOR**

### **THE PASSING OF EMERITUS BOARD MEMBER JOSEPH F. WISEMAN**

It was with great sorrow that ED Russo announced the death of Emeritus Member Joseph F. Wiseman, PE, on September 22, 2000, after a lingering illness. The Board was reminded that Joe Wiseman served the Board as a member for 10 years, two of which he served it as president.

Joe was praised by the Board for his dedication to the Board and for his professionalism in the community of professional engineering.

A resolution memorializing the passing of Joseph F. Wiseman was presented to the Board and signed by its members. The resolution will be presented to the Wiseman Family and a copy incorporated in the minutes of this meeting.

The Board paused for several minutes in silent prayer in memory of a former member and friend.

### **Incoming Correspondence**

**Richard F. Smith, JR.**

**RE: Preparation of Drug Free Zone Maps (July 20, 2000)**

In his letter, Mr. Smith is concerned about the poor wording of N.J.A.C. 13:40-5.1(n) which states:

Maps prepared to show topographic data or plainimetric data which also delineate property lines or street right-of-way lines thereon shall be prepared by a licensed land surveyor. Such survey information may be transposed to construction plans or other drawings if duly noted as to the date of the survey, by whom, and for whom it was prepared.

Mr. Smith expressed concern that this section does not in any way permit or allow engineers or any other persons to prepare topographic or plainimetric maps that do not show property lines. He goes on to say that "which also delineate property lines or street rights of way thereon" carries a nuance of implication that such mapping is unregulated and the statute clearly states otherwise."

BM Cassera's position is that a professional engineer can prepare an asbuilt map. President Faraldi and BM Raimondi will research Mr. Smith's request and draft a response for the Board's consideration.

**David R. Avery, PLS**

**RE: Who could sign a Survey Affidavit (July 24, 2000)**

Mr. Avery's letter concerns the issue of whether a lay person can sign a survey affidavit. Before responding to this correspondence, the Board will review an opinion from Deputy Attorney Peter A. Greene written in 1982 regarding

whether the preparation of a survey affidavit by the seller of real property constitutes the practice of surveying.

**Assemblyman George F. Geist**

**RE: N.J.S.A. 45:8-35 (Requirements for the licensing of Land Surveyors) (August 10, 2000)**

The Board reviewed the Assemblyman's letter, which he wrote on behalf of his constituent, Keith M. Ludwig. Mr. Ludwig inquired as to the lack of availability of land surveying classes provided by the New Jersey Institute of Technology (NJIT) at their Mount Laurel campus. ED Russo will draft a response to Mr. Ludwig advising him to contact Dr. Greenfeld, Head of the Land Surveying Department at NJIT for information on this matter. Dr. Greenfeld, who is currently pursuing the addition of a full four year land surveying program at NJIT, and can provide specific information regarding the availability of years one and two of land surveying course offerings at locations around the State.

**Barry Chalofsky, PP, Chief Bureau of Nonpoint Pollution Control**

**RE: Home Inspection Draft Regulations (August 10, 2000)**

The Board requested this memorandum be carried over until Mr. Chalofsky's appearance in the future. He has been invited to the December 7, 2000 meeting.

**Ajay Goyal**

**RE: Acceptance of handwritten application (July 28, 2000)**

The Board will inform Mr. Goyal that a hand written PE application will be accepted by the Board provided it is legibly printed in dark ink.

**Public Schools - Roofing Contracts**

This correspondence regards the publication of the "Waste and Abuse: Public School Report" submitted to the Board by the State Investigation Commissioner for the Board to pursue in any manner it sees fit in matters pertaining to the Board. Board President Faraldi requested that BM Patel & Kelly review the report & advise the Board of their findings at a later date.

## **GENERAL REPORT**

**Certificate Award Ceremony - April 2000 examinees**

ED Russo informed the Board that all the necessary arrangements have been made for the October 5, 2000 Certificate Award Ceremony. All Board members indicated they will attend with the exception of VP Kelly, BM Raj, and BM Cassera.

**ABET Review of the College of New Jersey**

BM Marshall attended an ABET review of the College of New Jersey which was held from September 24 to September 26, 2000. He mentioned to the Board that it was a very interesting experience and highly recommended other Board members to consider doing the same in the future.

**Rowan University**

BM Vernick indicated he will be speaking to the engineering students at Rowan University on November 6, 2000 about the merits and process of becoming licensed as a Professional Engineer.

**Professional Engineers Board Singapore Meeting**

Ong See Ho, Registrar of the Singapore Board, requested of ED Russo that a meeting be arranged between several members of this Board and several members of the Singapore Board to discuss licensing procedures and various

engineering matters. ED Russo informed the Board that he would be able to attend a meeting on October 13, 2000. President Faraldi and BM Raimondi indicated that they would be available for that day.

## **REPORT OF BOARD PRESIDENT**

### **Benjamin Lavon - Application # 50993**

President Faraldi presented the Benjamin Lavon application to the Board. Mr. Lavon is contesting N.J.A.C. 13:40-2.14 requiring foreign graduates to successfully pass the TOEFL and TSE examinations, and the requirement of an evaluation of degrees from foreign schools be by the Educational Credential Evaluators. The applicant has since acquired a Master's Degree in engineering from a United States school.

After a review of his application, a motion was made by BM Patel, seconded by BM Bogart, to waive the TOEFL and TSE requirements, since Mr. Lavon earned a Master's Degree in engineering in the United States and was first licensed in 1982 in Maine, at which time the Board did not have the TSE and TOEFL requirements.

In a response to Mr. Lavon's attorney, ED Russo will advise that the Board will waive the TSE and TOEFL requirements based upon the applicants date of initial licensure, and also that the Board will only accept an undergraduate evaluation from ECE.

## **REPORT OF DAG**

### **Andrew Fowler, PLS - GS36726 (Provisional Order of Discipline)**

DAG Bradford indicated that Mr. Fowler has complied with the continuing competency requirements as required in his Provisional Order of Discipline (POD). The Board directed Ms. Bradford to rescind the POD and to issue a Final Order dismissing the \$500.00 civil penalty previously imposed.

### **Patrick A. Giallorenzo, PE, PLS - GB26801 (Provisional Order of Discipline)**

Mr. Giallorenzo has requested the Board modify the original POD by reducing the \$500.00 civil penalty previously imposed to \$250.00. He has since completed sixteen (16) PDH's of the required twenty-four (24) outlined in his POD. He will be required to complete the eight (8) remaining credits by April 1, 2001. On a motion by BM Raimondi, seconded by BM Bogart, the Board voted to modify the POD by reducing Mr. Giallorenzo's fine to \$250.00, and requiring him to complete the remaining PDHs by April 1, 2001.

### **Andrew Drysdale, PLS - GS16186**

Mr. Drysdale was previously issued a POD imposing a \$500.00 civil penalty and a requirement to make up twenty-three (23) PDH's by April 2001. On a motion by BM Raimondi, seconded by BM Bogart, the Board unanimously voted to modify the POD with no modifications.

On a related matter, a recommendation was made to have the New Jersey Society of Professional Land Surveyors (NJSPLS) stamp "duplicate" on any copies of course completion certificates.

## **ARTICLES OF INTEREST**

Dimensions - Department Of Professional And Occupational Regulation, "APELSCIDLA Board Studies Electronic Seals & Signatures"

The Board noted this article for the record.

## **APPLICATIONS - FULL BOARD REVIEW**

### **Richard Jones - Application # 50922**

Upon review, the Board agreed with BM Patel's recommendation to deny Mr. Jones' application based upon this unsupervised experience. He will be asked how he was supervised, and the name of his supervisor.

### **Peter Sutherland - Application # 51170**

After reviewing this application, the Board decided to forward a letter of denial requiring Mr. Sutherland to complete four credit courses in engineering design.

### **Eolo Esposito - Application # 51378**

BM Patel will draft a letter to Mr. Esposito informing him that he would have to resubmit a detailed statement of his experience. The Board determined that he did not have four years of supervised experience under a licensed professional engineer, two of which must have been in the United States. He also lacks two years in engineering design experience.

### **Mohsen Sahirad - Application # 51619**

The Board approved this PE application for licensure by comity.

### **Edward Fayfman - Application # 51194**

The Board reviewed this application. On a motion by BM Raimondi, seconded by BM Bogart, it was determined that Mr. Fayfman is short thirteen credits of design courses. A letter of denial will be forwarded to him.

## **MOVE TO EXECUTIVE SESSION**

On a motion by BM Raimondi, seconded by BM Bogart, the Board unanimously voted to move into Executive Session for the purpose of completing the Executive Session agenda.

## **RETURN TO PUBLIC SESSION**

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

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

The Board reviewed the September 21, 2000 Examination/Comity Applications Report. Of the reported applications, the Board agreed to approve three exam and nineteen comity applications and to deny one exam and four comity applications. (list attached).

On a motion by BM Bogart, seconded by BM Vernick, the Board unanimously voted to accept the September 21, 2000 list of approved/denied applications for licensure.

## **ADJOURNMENT**

On a motion by BM Frantz, seconded by BM Raimondi, the Board unanimously voted to adjourn at 3:15 pm.

**Approved by:**



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**Albert N. Faraldi, PLS**  
**President**

**Arthur Russo**  
**Executive Director**

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*Modified March 2002*