

State Board of Professional Engineers and Land Surveyors

Minutes of October 18, 2001

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 Kelly at 9:00 am in the Union Conference Room, Third 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 Kelly 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

BM's present:

James Kelly Pravin Patel
Edward Vernick Robert Marshall
Richard Frantz Theodore Cassera
Rishi Raj Louis Raimondi
Albert Faraldi Robert Bogart (arrived 10:00 am)

Others present:

Arthur Russo, Executive Director William Mandeville, Program Development Assistant
Joseph Grabowy, Auditor/Accountant Assistant Sadiqa Smith, Recording Secretary
Deputy Attorney General Michelle Albertson

COMMITTEE REPORT

Legislation

S2564 - Prohibits the public release of a professional licensees's home address

S2564, introduced October 3, 2001 by Senator Raymond J. Zane, would prohibit the public release of a professional licensees's home address. Under this bill a licensees home address is not considered public information and will not be released to the public. Exceptions would exist for employers, law enforcement agencies or other agencies or individuals with a demonstrable need to know.

The Board reviewed this bill. It expressed its concerns about a licensee who may work from home and have the same address on file for both home and business. While the Board generally agrees with the bill's provisions and its intent to prevent the "stalking" of licensees, it also recognizes that while a home address must be available to contact licensees, that home address should not be public information unless the home address is also the licensees's business address.

On a motion by BM Raimondi, seconded by BM Frantz, the Board unanimously voted to support this bill with the referenced comments and to so notify the Director's Office.

S2487 - Provides for the certification of certain crane operators.

S2487, introduced September 6, 2001 by Senator Richard J. Codey, provides for the certification of certain crane operators.

The Board reviewed the bill and discussed this bill with Anthony Miragliotta. It took a position in opposition to the bill as written. However, the Board stated that it is willing to adopt this new Committee provided there is an accompanying budget appropriation to offset the additional administrative costs associated with this program. Conversely, assuming this Committee does not incur any monetary appropriations, the Board recommended that it be transferred to a more appropriate body such as the Department of Labor.

On a motion by BM Raimondi, seconded by BM Frantz, the Board unanimously voted not to support S2487. The Board staff will submit the Board's position and comments to the Director's Office.

REPORT OF THE EXECUTIVE DIRECTOR

Incoming Correspondence

**Joseph Simonetta, New Jersey Society of Professional Engineers
(October 12, 2001)**

Re: Society requesting extension of comment period

On behalf of the New Jersey Society of Professional Engineers, Joseph Simonetta has requested a 30 day extension of the comment period for the proposed amendments to N.J.A.C. 13:40-1.1,1.2,1.3,5.1,11.3 and 11.8. The proposed amendments were published on September 17, 2001 on which date the 30 day public comment period commenced.

The Board reviewed and discussed this matter and on a motion by BM Faraldi, second by VP Patel, unanimously voted to deny Mr. Simonetta's request.

APPEARANCE

Anthony Miragliotta and Stacy Mola

Deputy Director Anthony Miragliotta and Regulatory Analyst Stacy Mola met with the Board to discuss a summary of the public comments received and the responses pertaining to the proposed Home Inspector licensing rules and regulations. After a careful review of the responses to the public comments, the Board requested that several changes be made as to their wording.

In addition, the Board expressed its concerns over how the amounts of the application fees and license fees were developed, as well as the amount of expenses incurred over the life of the Home Inspection Advisory Committee (Committee) that have been absorbed by the Board. BP Kelly directed the Board staff to obtain a analysis of all expenses incurred by the Committee that have been subsidized by the Board for the prior three years. The Board staff will request this analysis from the Budget Office.

On a motion by VP Patel, seconded by BM Marshall, the Board voted to approve the Committee's regulations with the referenced changes. BP Kelly abstained.

APPROVAL/ DENIAL OF APPLICATIONS FOR LICENSURE

The Board reviewed the October 4, 2001 Examination/Comity Applications Report and voted to approve 4 exam and 9 comity applications. (List attached)

On a motion by BM Faraldi, seconded by BM Vernick, the Board unanimously voted to accept the October 4, 2001 list

of approved/denied applications for licensure.

SIGNING OF COMPUTER GENERATED PLANS

BM Cassera stated that with the proliferation of new technologies, multiple copies of computer generated plans can now be produced which could present difficulties in identifying original plans from copied versions. The Board discussed this matter at length with President Kelly who appointed three Board members to a new committee to research this issue. Committee members will include BM Cassera (Chair), BM Vernick and BM Faraldi (Co-chair).

REPORT OF THE EXECUTIVE DIRECTOR (Continued)

Incoming Correspondence

Betsy Browne, NCEES

(October 16, 2001)

Re: Examination Administration Security

Ms. Browne of the National Council of Examiners for Engineers and Surveyors (NCEES), notified the Board of several recommended procedures to increase the confidence level of proctors and to reduce anxiety among candidates on examination day. Recommendations ranged from becoming familiar with the layout of the examination site to knowing the location of emergency equipment to consulting with building management to identify any new security procedures. These security measures and contingency plans will be implemented for the October 2001 exams.

The Board noted this correspondence for the record.

General report

Proposed amendments to N.J.A.C. 13:40

The public comment period for the proposed amendments to N.J.A.C. 13:40 ended on October 17, 2001. President Kelly appointed a committee including BM Faraldi (Chair), VP Patel and BM Raimondi to work with Stacy Mola in compiling a summary of responses to the comments submitted. Upon completion, this information will be submitted to the full Board for review.

Certificate Award Ceremony

ED Russo reported that the Certificate Award Ceremony for the April 2001 successful examinees will be held tonight at the Holiday Inn, Jamesburg, NJ. Dean Dianne Dorland will be the featured speaker at the ceremony and will also be presented her professional engineer's license via comity. Dr. Dorland will become the first professionally licensed female Dean of a School of Engineering in New Jersey.

Reappointment of Board Member

ED Russo reported that President Kelly has been reappointed to the Board for an additional five year term.

MOVE TO EXECUTIVE SESSION

On a motion by BM Vernick, seconded by BM Frantz, the Board unanimously voted to enter into Executive Session for the purpose of conducting an Investigative Inquiry.

RETURN TO PUBLIC SESSION

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

REPORT OF THE EXECUTIVE DIRECTOR (Continued)

Incoming Correspondence

Brian R. Lipko, American Society of Civil Engineers (ASCE)
(October 17, 2001)

Re: Request for a Board Member to speak at ASCE meeting

The American Society of Civil Engineers (Society) requests that BM Vernick speak at its meeting on November 7, 2001.

On a motion by BM Faraldi, seconded by VP Patel, the Board unanimously voted to approve this request. The Board staff will check with Robert Campanelli, Ethics Officer, to determine if there are any ethics conflicts involved.

Steven Cleason, APD Engineering
(October 17, 2001)

Re: Certificate of Authorization requirement

Mr. Cleason asked the Board if APD Engineering Company, a Professional Limited Liability Company, requires a Certificate of Authorization.

The Board reviewed and discussed this matter and on a motion by BM Frantz, seconded by BM Raimondi, unanimously voted that APD Engineering will require a Certificate of Authorization. The Board staff will send APD a Certificate of Authorization application.

ADJOURNMENT

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

Approved by:

James D. Kelly
President

Arthur Russo
Executive Director

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