

State Board of Professional Engineers and Land Surveyors

Minutes of December 20, 2001

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 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 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

BM's present:

James Kelly	Pravin Patel
Robert Bogart	Albert Faraldi
Richard Frantz	Robert Marshall
Rishi Raj	Louis Raimondi
Edward Vernick	

BM's absent: Theodore Cassera

Others present: Arthur Russo, Executive Director, William Mandeville, Program Development Assistant Joseph Grabowy, Auditor/Accountant Assistant, Sadiqa Smith, Recording Secretary, Yolanda Winston Staff and Deputy Attorney General Michelle Albertson.

REPORT OF THE EXECUTIVE DIRECTOR

Incoming Correspondence

**Gregory Ploussas, PE, PP, Chester, Ploussas, Lisowsky Partnership, LLP
(October 29, 2001)**

Re: Board's interpretation of a provision in N.J.A.C. 7:9A-1 et. seq. "Standards for Individual Subsurface Sewage Disposal Systems"

The Board reviewed Mr. Ploussas's request for an interpretation of the regulation. After a lengthy discussion on the procedures used to determine the soil suitability of individual subsurface disposal systems, the Board stated that the procedures outlined in his correspondence appear to be acceptable based upon the facts presented.

On a motion by BM Vernick, second by BM Bogart, the Board unanimously voted to accept the recommendations.

Andrea Bledsoe, Professional Credential Services, Inc.

(November 9, 2001)

Re: October 2001 Examination Invoice

The Board reviewed and discussed the \$37,560.00 invoice submitted by PCS representing administration services for the October 2001 exam.

On a motion by VP Patel, second by BM Bogart, the Board unanimously voted to approved payment of the invoice.

Eileen Dixon, Professional Credential Services, Inc.

(December 3, 2001)

RE: October 2001 Examination for the New Jersey State Land Surveyor Preliminary Results Information and New Jersey State Surveyor Drawings.

In her correspondence Ms. Dixon requested the Board's review and approval of the submitted materials.

On a motion by BM Faraldi, second by BM Raimondi, the Board unanimously voted to approve this material.

APPROVAL/ DENIAL OF APPLICATION FOR LICENSURE

The Board reviewed the December 6, 2001 Examination/Comity Applications Report and voted to approve 250 exam and 27 comity applications, and to deny 11 exam and 7 comity applications (list attached).

On a motion by BM Vernick, second by BM Bogart, the Board unanimously voted to accept the December 6, 2001 list of approved/denied applications for licensure.

APPLICATION - FULL BOARD REVIEW

Kamal Fattal - #52561

President Kelly reported that Mr. Fattal submitted a PE application along with his business card listing his name and his title as "Structural Engineer." Preliminarily Mr. Fattal's application appears to meet the PE requirements.

The Board reviewed and discussed this matter and determined that Mr. Fattal is not in compliance with N.J.S.A. 45:8-27 (use of the title of professional engineer or derivatives thereof without being licensed by this Board). The Board stated that Mr. Fattal and his employer be notified of the inappropriate use of the term "engineer" until such time he is licensed by this Board. In addition, the Board requested proof of compliance with the Board's directives. The staff will address letters to both Mr. Fattal and his employer addressing this matter.

On a motion by VP Patel, second by BM Frantz, the Board unanimously voted to approve the recommendations.

Scott Fleming - #49881

President James Kelly reported that Mr. Fleming submitted a Professional Engineer application to the Board in which he identified himself as a PE.

The Board reviewed and discussed this matter and determined that Mr. Fleming is not in compliance with N.J.S.A. 45:8-27 and requested that he and his employer be notified that it is inappropriate to use the PE designation or derivatives thereof unless licensed by this Board. Additionally, it requested that they provide proof of compliance with the Board's directives.

On a motion by VP Patel, second by BM Frantz, the Board unanimously voted to approve the recommendations.

ANNUAL MEETING - MAY 17, 2002

BM Vernick reported that he has started to make arrangements for the Board's Annual Meeting in Cape May, New Jersey to be held on May 17, 2002. The meeting will start in the early afternoon after lunch is served. A dinner for Board Members, their spouses, and past Board members will be scheduled for that evening.

REVIEW OF PUBLIC COMMENTS ON THE PROPOSED REGULATIONS

BM Faraldi informed the Board of the sub-committee meeting held to review the public comments received on the proposed regulations regarding corner marker waivers. Attending the meeting were DAG Michelle Albertson, BM Patel, BM Faraldi, BM Raimondi, William Mandeville and regulatory analyst Jake Gertsman.

The sub-committee reviewed the public comments and in particular voiced its policy on what constitutes a valid signature. A valid signature would consist of a signed original, of which copies can be made, and each page being properly sealed.

DAG Michelle Albertson advised that a Board policy is unenforceable unless stated in its regulations.

ED Russo suggested that the Board review its policy manual and determine which policies should be converted to regulations.

MOVE TO EXECUTIVE SESSION

On a motion by BM Patel, second by BM Bogart, the Board unanimously voted to enter into Executive Session for the purpose of reviewing complaints.

RETURN TO PUBLIC SESSION

On a motion contained in Executive Session, the Board unanimously approved to return to Public Session for the purpose of adjournment.

ADJOURNMENT

On a motion by BM Frantz, second by BM Raj, the Board unanimously voted to adjourn at 1:00 pm.

Approved by:

James D. Kelly
President

Arthur Russo
Executive Director

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