

# State Board of Professional Engineers and Land Surveyors

Minutes of December 21, 2000

## 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 Albert Faraldi at 9:00 am in the Hudson Conference Room, Sixth 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 Faraldi 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

BMs present:	Albert Faraldi	James Kelly
	Robert Bogart	Robert Marshall
	Richard Frantz	Louis Raimondi
	Pravin Patel	Edward Vernick

BM absent: Theodore Cassera and Rishi Raj

Others present: Arthur Russo, Executive Director, William Mandeville, Management Assistant, Joseph Grabowy, Management Assistant, Sadiqa Smith, Recording Secretary, Yolanda Winston, Board Staff, Olga E. Bradford, Deputy Attorney General and Martha Richardson, Board staff.

### COMMITTEE REPORTS

#### Legislation

BM Vernick submitted a legislation report outlining the following:

**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 (above).

**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, initially opposed this bill. After a later discussion, however, it voted to take "no position". Its position on A1180 has been communicated to the Director's office.

On December 14, 2000, this bill was reported out of the Senate Commerce Committee.

**S16 - Congestion Relief and Transportation Trust Fund Renewal Act of 2000** - This bill conforming to the Governor's recommendations passed the Senate on June 29, 2000 and the Assembly on July 13, 2000. It was signed by the Governor on July 20, 2000. Authorization to fund the Trust Fund was approved by voters on November 7, 2000.

**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 (Gormely/Lynch) includes Abbott Districts** - A bill conforming with the Governor's recommendations passed the Senate on June 29, 2000, and the Assembly July 13, 2000. It was signed by the Governor 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 - Establishes ten year limitation on surveyor's liability with an exception for adverse possession cases** - On March 16, 2000 each bill was introduced and referred to the Senate Judiciary Committee. On May 22, 2000 each bill was introduced and referred to the Assembly Judiciary Committee. S1079 passed the Senate on October 2, 2000, with amendments. A2448 is reported out of the Assembly Judiciary Committee as of September 28, 2000. The Board, at its September 7, 2000 meeting, voted to support both bills.

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

**A2768 - Interior Designers Certification Act** - On September 25, 2000 this bill was introduced and referred to Assembly Consumer Affairs and Regulated Professions Committee.

The Board had previously reviewed the provisions of this bill along with comments from the Board of Architects. It generally agrees with the concerns and position that the Board of Architects has expressed in its writing to the Director of Consumer Affairs.

The Board, at its October 19, 2000 meeting, voted to support the concerns raised and the positions taken by the Board of Architects.

**A2913 - Prohibits "no damage for delay" clauses in contracts made under the Local Public Contracts Law** - On November 9, 2000 this bill was introduced and referred to Assembly Local Government Committee.

**AJR51/SJR26 - Establishes a "Local Public Works Contracting Law Study Commission" consisting of 19 members** - On October 12, 2000 this bill was introduced and referred to Assembly Local Government Committee. On December 4, 2000 this bill was introduced and referred to Senate Community and Urban Affairs Committee. On December 14, 2000 a Senate Committee hearing was held, and SJR26 was amended to add two members, one from the

NJSME.

**A2945/S1991 - Authorizes public entities to use asphalt milling and recyclable concrete as a paving material, notwithstanding any other law, rule or regulation by NJDEP** - On December 7, 2000, A2945 was reported out of the Assembly Transportation Committee. On December 15, 2000, S1991 was introduced and referred to the Senate Transportation Committee.

**Wetland Legislation - Watershed Management Rules (D.E.P. rules & regulations)** - The comment period ended on October 2, 2000. Opposition was voiced by both builder and environmental groups. Assembly has passed ACR 124 opposing rules. Identical bill SCR76 is being held by sponsor. A rule change is now on hold so the NJDEP may consider changes.

**Residential Site Improvement Standards** - A public hearing on the proposed revisions was held on September 21, 2000. Adopted revisions was published in the December 4, 2000 New Jersey Register. The effective date is December 4, 2000, with an operative date of June 3, 2001.

**S1915/A3027 - Permits issuance of home inspectors license to certain licensed construction and building subcode officials** - The home inspection subcommittee will review these bills and report back to the full board.

### **Administration**

No report

### **Examination**

No report.

### **Education**

BM Frantz spoke about the possible elimination of eligible credits toward high school graduation for students taking vocational courses. He indicated that while there is a two year moratorium on this legislative effort, he recommends that the Board take a position opposing this effort. BM Frantz will draft a position paper on this issue and present it to the Board for review.

### **Regulations**

No report.

### **Finance**

VP Kelly expressed his concern about the expenses the Board has absorbed for carrying the HIAC committee for the last two years. In addition, recently proposed legislation would add three additional members to the Committee resulting in an escalation of expenses to be further absorbed by the Board. VP Kelly will continue to monitor the Board's and Committee's revenues and expenses and provide a recommendation soon.

### **Special Committee Reports**

### **Newsletter**

BM Raimondi reported that he is finalizing the draft of the third newsletter.

### **Applications: Revisions- Design Experience**

BM Bogart reported that his committee is nearing completion of the revisions to the engineering design experience format. In an effort to advance this matter, he suggested a separate committee be established to continue the revisions of the PE and LS applications. BM Patel will chair this committee.

## **Joint Committee**

No report.

## **Website**

Joseph Grabowy reported that a formal request was made to the Print Production Unit to add the statutes and regulations, and the directions on completing a Certificate of Authorization to the Board's Website.

## **Certificate of Authorization**

VP Kelly drafted a letter addressing the Certificate of Authorization requirement. The Board reviewed the letter and made some minor revisions. This letter is to be distributed to all municipalities, municipal engineers and county authorities.

On a motion by BM Frantz, seconded by BM Bogart, the Board unanimously voted to accept the letter as modified.

## **Brokering Land Surveying Services**

No report.

## **Annual Meeting**

The Board's annual meeting is scheduled for May 18, 2001. BM Patel is handling the necessary arrangements. The proposed meeting site is in the Liberty Science Center, Jersey City, NJ. The alternate site location remains the Lobster House Restaurant in Cape May, NJ.

# **REPORT OF THE EXECUTIVE DIRECTOR**

## **General Report**

### **New Staff Member**

ED Russo introduced Martha Richardson, who will handling all matters pertaining to Certificate of Authorization. She will be replacing Sonia Claudino who has transferred to the Board of Hearing Aid Dispensers.

### **Resolution - In Memoriam - Joseph F. Wiseman, PE**

ED Russo reported that the Resolution-In-Memoriam of the passing of Former Board Member Joseph Wiseman was presented to his wife, Betty Wiseman, by Former Board Member James Colangelo, PE.

## **Incoming Correspondence**

**Scott L. Schurwan, Alpine Engineered Products, Inc.  
(November 17, 2000)**

**Re: Use of the impression seal**

Mr. Schurwan's correspondence addresses several questions regarding the use of the impression seal. VP Kelly will draft a response to Mr. Schurwan's questions for the Board's review.

**Raymond L. Holmes, Jr., PLS, PP, Professional Land Services,  
Inc. (December 4, 2000)**

**Re: Suggestions for the Millennium**

Mr. Holmes offered the Board various suggestions for the new millennium. The Board thanked Raymond Holmes for

his suggestions and noted this correspondence for the record.

**Delaware Association of Professional Engineers**

**(November 28, 2000)**

**Re: NCEES Northeast Zone Meeting**

The Northeast Zone Meeting has been scheduled for March 29-31, 2001 in Wilmington, DE. ED Russo, President Faraldi and BM Raimondi will represent the Board at this meeting.

**Carlos Sun, Ph.D, Rowan University**

**(November 8, 2000)**

**Re: Professional Engineer Registration**

Dr. Sun thanked BM Vernick for appearing at Rowan University to speak to its engineering students about PE registration. The Board noted this correspondence for the record.

**Frank T. Reilly, TransAction 2001**

**(November 24, 2000)**

**Re: 25th Annual NJ State Transportation Conference**

The 25th Annual NJ State Transportation Conference will be held April 10-12, 2001 at the Tropicana Resort & Casino, Atlantic City, NJ. The Board noted this correspondence for the record.

**Matthew Cook, Engineering Examination Services**

**(November 28, 2000)**

**Re: Exam Grade Review**

Engineering Examination Services, a division of Professional Credentials Services (PCS), notified the Board that for examination security reasons, it is proposing that October 2000 grade review requests will only be accepted from mechanical and electrical engineering PE candidates, since examinations in these disciplines will be the only exams given in the essay format. Multiple-choice questions will not be eligible for review. This will change the review process from what this Board has allowed in the past. Once the mechanical and electrical examinations become all multiple-choice examinations, grade reviews would be completely phased out.

The Board discussed this matter. DAG Bradford recommended that ED Russo determine when the exam is scheduled to transition to an all multiple-choice format so that a regulation change can support this effort.

**Ashley Farmer, NCEES**

**(October 12, 2000)**

**Re: NCEES Policy Manuals**

NCEES notified the Board that changes have been made to some policy manuals and that manuals will be available to Board Members in both a hard copy format and on the NCEES Website. The Board noted this correspondence for the record.

**Barry S. Jones, PLS, PP, Albert Fralinger, Jr, PA**

**(November 1, 2000)**

**Re: Licensing of Professional Engineers as Professional Land Surveyors**

Mr. Jones expressed his concerns regarding professional engineers being qualified to become licensed professional land surveyors. The Board noted this correspondence for the record.

**Dr. Joshua Greenfeld, NJIT**

**(November 3, 2000)**

**Re: Professional Land Surveyor licensure.**

The Board tabled this matter until the January 4, 2001 Public Session meeting.

**Joseph Milano, PE**

**(October 16, 2000)**

**Re: Use of Professional Engineer title**

Mr. Milano's correspondence addresses the issue of unlicensed Port Authority employees using the professional engineer designation.

The Board directed ED Russo to respond to Mr. Milano by indicating that this matter does not come under its jurisdiction.

## **NORTHEAST ZONE MEETING 2003**

New Jersey will be the host of the Northeast Zone Meeting in 2003. The meeting will be held in Cape May, NJ. The necessary arrangements are being addressed by BM Louis Raimondi, Chairman of the NE Zone Meeting Committee.

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

The Board reviewed the December 7, 2000 Examination/Comity Applications Report and voted to approve 141 exam and 24 comity applications, and to deny 5 exam and 2 comity applications. (list attached).

On a motion by BM Bogart, seconded by BM Vernick, the Board unanimously voted to accept the December 7, 2000 list of approved/denied applications for licensure.

## **APPLICATIONS - FULL BOARD REVIEW**

### **Syed Tariq-Shauaib - Application #40493**

The Board reviewed Mr. Tariq-Shauaib's application based upon two new references recently provided. After reviewing these references, a discussion ensued. On a motion by BM Patel, seconded by VP Kelly, the Board voted to grant him three months of original engineering design experience, based on the information submitted. BM Raimondi abstained from this vote.

At this point, Mr. Tariq-Shauaib needs additional references to satisfy the remaining twenty one months of design experience necessary for PE licensure by comity.

The Board voted to finalize the Provisional Order denying licensure, with modifications. DAG Bradford will notice the Board's granting of the three months of engineering design experience in the preparation of the Final Order to Mr. Tariq-Shauaib.

### **Caliph Allman - Application #43371**

BM Bogart reviewed and discussed Mr. Allman's application for PE licensure with the Board. He noted that Mr. Allman's experience resides primarily in the area of manufacturing and that there was some uncertainty as to the amount of his design experience, as well as to the availability of Mr. Allman's Bachelor Degree transcript. On a motion by BM Bogart, seconded by BM Patel, the Board unanimously voted to allow Mr. Allman to sit for the Principles and Practices portion of the exam providing that he provide the Board with an acceptable undergraduate degree in engineering or engineering technology.

## **MOVE TO EXECUTIVE SESSION**

On a motion by BM Bogart, seconded by BM Raimondi, 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 adjournment.

## **ADJOURNMENT**

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

### **Approved by:**

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Albert N. Faraldi, PLS  
President

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Arthur Russo  
Executive Director

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*Modified March 2002*