

# State Board of Professional Engineers and Land Surveyors

Minutes of June 7, 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 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 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:

Albert Faraldi	James Kelly
Richard Frantz	Robert Marshall
Pravin Patel	Rishi Raj
Louis Raimondi	Edward Vernick
Theodore Cassera (arrived at 9:45am)	

#### BM's absent: Robert Bogart

**Others present:** Arthur Russo, Executive Director, William Mandeville, Program Development Assistant, Joseph Grabowy, Management Assistant, Ernest Gonzalez, Recording Secretary, Martha Richardson, Board Staff, and Olga E. Bradford, Deputy Attorney General.

### REPORT OF THE BOARD PRESIDENT

#### Welcome Back Arthur Russo

President Kelly welcomed the return of ED Russo from a brief period of sick leave. His presence was missed during his temporary absence.

#### Appointments to the Years 2001 - 2002 Committees

President Kelly assigned the respective BM's to the following committees:

Administration	Richard Frantz
Education	Richard Frantz, Chair
	Rishi Raj
	Bob Marshall, Co-Chair

Examination	Louis Raimondi, Co-Chair
Finance	Albert Faraldi Pravin Patel
Joint Committee	Louis Raimondi Albert Faraldi (alternate)
Legislative	Edward Vernick
Regulations	Theodore Cassera, Chair James Kelly
Continuing Education (LS)	Louis Raimondi, Chair Robert Bogart Albert Faraldi
Legal Case Monitoring	James Kelly
Newsletter	Louis Raimondi Robert Bogart, Chair
Application: Revisions/ Design Experience	Theodore Cassera Pravin Patel
Annual Meeting	Edward Vernick
2002 Nominating Committee	Richard Frantz, Co-Chair Robert Marshall, Co-Chair
2003 Northeast Zone Mtg.	Louis Raimondi, Chair Albert Faraldi, Co-Chair Lou Conley, BM Emeritus

President Kelly eliminated the following standing committees:

Shop Drawings

Home Inspectors Review - Committee (Septic Systems)

Site Plan Rule

Soil Conservation

Engineers & Land Surveyors on public contracts (45:8-41)

## **APPROVAL OF MINUTES**

May 3, 2001

On a motion by VP Patel, seconded by BM Faraldi, the Board unanimously voted to approve the minutes of May 3, 2001 as amended. BM Raimondi abstained from voting due to his absence at this meeting.

May 18, 2001

On a motion by BM Faraldi, seconded by BM Frantz, the Board unanimously voted to approve the minutes of May 18, 2001, as amended. BMs Marshall, Raimondi and Raj abstained from voting due to their absences at this meeting.

## **COMMITTEE REPORTS**

## Legislation

BM Vernick submitted his 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. The Bill 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 - Broadens the education requirement for professional planning licensure** - Passed the Assembly on March 27, 2000 and passed the Senate on February 15, 2001. 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 Directors office. This bill was signed into law on March 8, 2001.

**S1079 - Establishes ten year limitation on surveyors liability with an exception for adverse possession cases** - On March 16, 2000, S1079 was introduced and referred to the Senate Judiciary Committee. S1079 passed the Senate on October 2, 2000, with amendments. A2448 is reported out of the Assembly Judiciary Committee as of September 25, 2000. The Board, at its September 7, 2000 meeting, voted to support both bills. The Bill was signed into law on May 4, 2001.

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

**A2768 / S2282 - Interior Designers Certification Act** - On September 25, 2000 this bill was introduced and referred to Assembly Consumer Affairs and Regulated Professions Committee. On May 3, 2001, A2768 was reported out of the Assembly Appropriations Committee. On May 24, 2001, S2282 was reported out of the Senate Commerce Committee.

**A2913 - Prohibits no damage for delay clauses in contracts made under the Local Public Contracts Law** - Passed the Assembly on March 26, 2001. This bill was referred to the Senate Education Committee.

**AJR51/SJR26 - Establishes a Local Public Works Contracting Law Study Commission consisting of 19 members** - On October 12, 2000, was in the Assembly Local Government Committee. SJR26 was amended to add two members, one from NJSME. Passed the Senate on March 29, 2001 and referred to the Assembly Local Government Committee.

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

**A3154/S2269 - Permits issuance of home inspectors licenses to professional engineers and architects** - On March 22, 2001, A3154 was reported out of the Assembly Consumer Affairs and Regulated Professions Committee. As of May 24, 2001, S2269 was reported out of the Senate Commerce Committee.

**S2112 - Includes certified Landscape Architect as a closely allied professional** - Passed the Senate on March 26, 2001. Was reported out of the Assembly Consumer Affairs and Regulated Profession Committee as of May 17, 2001.

**S1714/A2863 - Appropriates \$135 million to DEP for dam, lake and stream projects** - Passed the Senate and referred to the Assembly on December 18, 2000. Was reported out of the Assembly Environmental Committee and referred to the Assembly Appropriations Committee on May 3, 2001.

**S3496 - Local Bridge Bond Act of 2001 authorizes \$250 million in bonds for County and Municipal bridge improvements** - Was reported out of the Assembly Transportation Committee and referred to the Assembly Appropriation Committee on May 21, 2001.

**Watershed Management Rules (D.E.P. rules & regulations)** - There was opposition voiced by both builders and environmental groups. Assembly has passed ACR 124 opposing rules. Identical Senate Bill (SCR76) is being held by sponsor. The portion of the rules that covers discharge of wastewater to groundwater became effective on March 20, 2001. (NJAC 7:15-8)

**S2250/A3293 - Rescinds recent NJ DEP rules on subsurface sewage disposals for development of 6 lots or more, or 2, 000 gpd or more** - A3293 was referred to the Assembly Environmental Committee on March 22, 2001. On March 26, 2001, S2250 was referred to the Senate Environmental Committee.

**Residential Site Improvement Standards** - Adopted revisions which were published in the December 4, 2000 edition of the New Jersey Register. The effective date is December 4, 2000, the operative date is June 3, 2001.

### **Administration**

No report.

### **Examinations**

No report.

### **Education**

BM Frantz will finalize his draft letter to the Department of Education (DOE) regarding the Boards opposition to the DOEs plan to remove manual arts courses from high school graduation requirements. He will present his final draft for Board approval at the July 12, 2001 meeting.

BM Raj spoke about a recent Star-Ledger article regarding incorrect engineering concepts appearing in student textbooks. He will ascertain the identity of the textbooks and determine if the information is being accurately presented.

BP Kelly suggested that this situation be monitored for awhile to determine if this is an ongoing trend or a one time aberration. If this is a problem, letters should be sent to all respective educational institutions and the Department of Education advising them of this matter.

BM Raj will distribute this article for further discussion.

### **Regulations**

No report.

### **Finance**

William Mandeville informed the Board that the Boards request for an examination fee increase was sent to June Levy, Assistant Director, and Deputy Director Anthony Miragliotta. ED Russo suggested that the Board attempt to recoup

the approximately \$10,000 expense it will incur from Professional Credential Services, Inc. for the cut-score workshops for the NJLS examination. This expense can be included in the proposed examination fee increase. A meeting will be held in the near future to discuss the proposed fee increase.

## **Special Committee Reports**

### **Newsletter**

William Mandeville informed the Board that the final revisions to the 3rd edition of the Boards newsletter were made recently, and that it is anticipated that it will be distributed during the summer/fall time frame. BM Raimondi explained that he is currently drafting the fourth newsletter and encouraged BMs to contribute any ideas and/or information for inclusion.

### **Applications - Design Experience**

No report.

### **Application - Revisions PE/LS**

No report.

### **Joint Committee**

VP Patel mentioned that at the last Joint Committee meeting, discussions continued on the Waste & Abuse - Public School Roofing Project Report previously distributed.

### **Website**

Joseph Grabowy informed the Board that the following menu items are currently available on the Boards Website:

1. Professional Engineers & Land Surveyors Online Licensee Directory
2. Complaint forms and the complaint review process available for downloading
3. EIT, PE, LSIT, PLS, and Certificate of Authorization (C/A) Applications and directions
4. Certificate of Authorization Report
5. Home Inspection Advisory Committee (HIAC) - Rule proposal and statutes
6. Public Session Minutes (PE/LS & HIAC)
7. Meeting dates - PE/LS & HIAC
8. Complaint Forms (PE/LS & HIAC)
9. Board Newsletter, 1999 & 2000 editions
10. Directions to the Newark office
11. Hyper-Links to the NCEES & NSPE Websites

The Board directed Joseph Grabowy to determine if the Certificate of Authorization PA and PC exemptions could be prominently noted on the C/A Websites listing. Currently, the Engineering Practice Act, specifically N.J.S.A. 45:8-56, exempts Profession Corporations and Professional Associations from requiring a C/A. The Board believes that the addition of this disclaimer may reduce the publics confusion regarding a firms compliance with the C/A requirements.

## **Certificate of Authorization ( C of A )**

The Board unanimously voted to have the staff notify the Department of Education, and all State and municipal agencies and authorities to check the C of A listing on the Boards Website to determine if a firm has been issued a current ( C of A ) before contracting for their services. The Board emphasized that the C of A requirements should be enforced. DAG Bradford will review this letter prior to its release.

## **Annual Meeting**

VP Patel informed the Board that the Annual Meeting at the Liberty Science Center was a success. A letter of appreciation will be forwarded to June Levy for her extraordinary efforts in helping to coordinate this event.

## **REPORT OF THE EXECUTIVE DIRECTOR**

### **Passing of Joseph Neglias Spouse**

ED Russo regrettably informed the Board that the spouse of former Board member and President Joseph Neglia passed away in May 2001. The Board extended its deepest condolences to Mr. Neglia and his family. Board members signed a sympathy card which will be mailed to Mr. Neglia.

### **General Report**

ED Russo informed the Board of the meeting held at New Jersey Institute of Technology with Joel Blum, V.P., Academic and Student Services, and Angelo J. Perna, Assistant Dean, with BM Faraldi, BM Cassera, staff member Joseph Grabowy and himself regarding the potential relocation of the northern examination site to NJIT, Newark. He indicated that NJIT can provide ample table space for examinees by using one large ballroom and an adjoining overflow room. A major Board concern is sufficient parking for all examinees. Mr. Blum assured the Board that sufficient parking would be made available by restricting one level of the NJIT parking deck for the sole use of the examinees. While there would not be a fee charged for the use of the physical space at NJIT, a small fee would be incurred by the Board for the required security.

BM Frantz suggested that NJIT reserve 3 or 4 parking spaces exclusively as a convenience for Board members. BM Cassera will forward a map of NJIT to the staff to mail to applicants. In addition, Professional Credential Services, Inc. must be notified to contract with NJIT and to discontinue any contractual obligations with the Spa at Crystal Springs Resort in Vernon Valley, NJ, should the Board vote to relocate the exam to NJIT.

BM Vernick informed the Board that his findings for offering the examination at Rowan University, as the southern site, were not favorable at this time. Although Rowan could accommodate parking for all examinees, seating arrangements and the lack of one large available examination room were found to be problematic. Rowan's administrators informed BM Vernick that the University could hold up to 75 students in their amphitheater. Rowan is currently constructing a building containing a large ballroom which could accommodate approximately 200 examinees. The expected completion date is February 2002. Additionally, it was suggested by BM Faraldi that ED Russo and staff member Joseph Grabowy visit and evaluate the Rowan University gymnasium as a potential examination room site.

On a motion by BM Cassera, seconded by BM Faraldi, the Board unanimously voted to consider Rowan University as the southern site for the April 2002 examination. On a motion by BM Faraldi, seconded by BM Raimondi, the Board unanimously voted to have NJIT host the October 2001 examination as the northern examination site.

BM Raj expressed his concerns regarding the amount of advance notice examinees are given of the actual examination location. He felt that 10 days notice prior to the examination date, a notification process currently utilized by Professional Credential Services (PCS) Inc., was inadequate. ED Russo stated that he will implement a procedure to inform examinees of actual test sites well in advance of the examination date.

### **July 2001 Board Meeting Dates Changed**

The Board discussed changing the July 5th and the July 19th meeting dates because of the July 4th holiday. It was suggested that only one meeting be held during the month of July. After a discussion led by President Kelly the Board unanimously voted to approve having one meeting on July 12, 2001 containing both public and executive session agendas.

### **Incoming Correspondence**

**Sergey Drabkin, Ph.D., PE, Consela, Inc. (May 23, 2001)**

**RE: Interpretation of N.J.S.A. 45:4b-7**

In his letter Mr. Drabkin is seeking clarification of the words incidental use and an ancillary part of engineering project in relation to a building design category prohibited to engineers.

On a motion by BM Raimondi, seconded by VP Patel, the Board unanimously voted to forward this matter to the Joint Committee of Engineers & Architects for further review and response to Mr. Drabkin.

**Joseph A. Donato, Jr (May 9, 2001)**

**RE: NJDOT Title Blocks**

Mr. Donato included a copy of the New Jersey Department of Transportation (NJDOT) revised title block. This article was noted for the record.

**Kerry M. Meyers, President/ Southern Polytechnic State University (May 7, 2001)**

**RE: Licensure Requirements for Engineering Technology Graduates**

Mr. Meyers is inquiring about the Boards regulations concerning the acceptance of Engineering Technology degrees from Southern Polytechnic State University in satisfaction of the Boards educational requirements. After a brief discussion on this matter the Board unanimously voted to send Mr. Meyers a copy of the Boards statutes and regulations booklet for reference purposes.

**Mark S. Herr, Director/ Division of Consumer Affairs (May 18, 2001)**

**RE: Increase in per diem compensation**

In his memorandum Mr. Herr notified all parties of the proposed per diem compensation increase to \$100.00 from \$50.00.

The Board noted this correspondence from Director Herr for the record.

**Anthony Miragliotta, Deputy Director/ Division of Consumer Affairs (May 18, 2001)**

**RE: Per Diem Increase**

Deputy Director Miragliotta also informed all parties of the proposed increase from \$50.00 to \$100.00 for all Board members. The proposed fee increase will appear in the June 4, 2001 edition of the New Jersey Register.

The Board noted this correspondence from Deputy Director Miragliotta for the record.

**John A. Medina, PE (May 29, 2001)**

**RE: Letter dated April 11, 2001/ Engineering Services for Sailer & Sailer Associates, Inc. (C/A # GA277565)**

Mr. Medina stated in his letter of April 11, 2001 that he was an engineer who signed and sealed documents for Sailer and Sailer (Sailer) Associates, Inc. He informed the Board that he was only in responsible charge of the work he signed and sealed, and not for any of the other engineering work performed by Sailer. The Board unanimously voted to send a letter to Mr. Medina, and a letter to Sailer, requesting further clarification of this relationship, and if in fact it still existed. The Board will discuss this matter further upon receipt of Mr. Medinas and Sailers responses.

## **REPORT OF THE DAG**

### **Provisional Order of Discipline**

#### **Robert G. Laurencelle, Jr., PE #29922**

A Provisional Order of Discipline (POD) was prepared for Mr. Laurencelle for his failure to cooperate and respond to the Boards written correspondences and in which he was assessed a civil penalty of \$500.00. On a motion by VP Patel, seconded by BM Vernick, the Board unanimously voted to approve finalization of the POD without modifications.

#### **Richard C. Barrios, PE #36845**

Mr. Barrios was issued a Provisional Order of Discipline (POD) on July 11, 2000 assessing a \$2,500.00 penalty for his use or employment of dishonesty, fraud, deception and misrepresentation in his failure to disclose to the Board the sanctions imposed for the unlicensed practice of structural engineering against his Illinois engineering license on his New Jersey renewal application.

On a motion by BM Vernick, seconded by BM Marshall, the Board unanimously voted to finalize the POD without modification and to forward copies of the Final Order to the Illinois State Board of Professional Engineers, to NCEES and to the Kentucky State Board.

## **ARTICLES OF INTEREST**

### **The Four-Year Degree - When the Future of a Profession is at Stake**

**By: Joshua Greenfeld**

The Board noted this article for the record.

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

The Board reviewed the May 18, 2001 Examination/Comity Applications Report and voted to approve 4 exam and 9 comity applications, and to deny 1 exam and 4 comity applications (list attached).

On a motion by BM Faraldi, seconded by BM Vernick, the Board unanimously voted to accept the May 18, 2001 list of approved/denied applications for licensure.

## **APPLICATIONS - FULL BOARD REVIEW**

### **Biswajit Mukherjee, #51838**

BM Marshall explained to the full Board that Mr. Mukherjee is lacking 2 years and 7 months of experience, 7 months of design experience which have to be obtained in the United States. While Mr. Mukherjee has 13 years of experience in India, he failed to supply character references from PE supervisors for those job engagements.

Upon further review, the full Board decided to require Mr. Mukherjee to submit an updated detailed statement of experience form once he has gained an additional 7 months of engineering design experience in the United States. Additionally, the Board will also request an additional reference from a PE supervisor to verify his experience in India.

## **2003 NCEES NORTHEAST ZONE MEETING**

BM Raimondi mentioned that the April 2003 annual NCEES Northeast Zone meeting will be hosted by the New Jersey Board. He indicated that preparations for this meeting should commence as soon as possible.



The Board unanimously agreed to host the 2003 Northeast Zone Meeting in the Grand Hotel in Cape May on April 24-26, 2003.

BM Raimondi established the following committees/responsibilities required for a successful meeting and made several appointments to the committees.

1. Staff assistance to mail materials
2. Finance Committee
3. Hotel & Lodging Accommodations at the Grand Hotel - NCEES
4. Transportation (directions) Committee
5. Tours to Atlantic City, wineries, & other destinations Committee
6. Spouse Activities Committee - (Spouses of President Kelly & ED Russo)
7. Entertainment Committee
8. Door Prize Committee - BM Faraldi
9. Speakers - ED Russo

The Board directed that a memorandum be sent to Robert Campanelli, Ethics Officer, regarding his direction concerning the solicitation of donations and giveaways by Board members.

## **ADJOURNMENT**

On a motion by BM Frantz, seconded by BM Raimondi, the Board unanimously voted to adjourn at 2:00pm.

Approved by:

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James D. Kelly, PE  
President

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Arthur Russo  
Executive Director

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*Modified March 2002*