

# **State Board of Professional Engineers and Land Surveyors**

**Minutes of April 6, 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 Robert C. Bogart 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 Bogart 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:

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

BM's absent: Theodore Cassera

Others present: Arthur Russo, Executive Director, William Mandeville, Management Assistant, Joseph Grabowy, Management Assistant, Ernest Gonzalez, Recording Secretary, Deputy Attorney General Olga E. Bradford and approximately seven members of the public.

### **APPROVAL OF MINUTES**

#### **February 3, 2000 & February 17, 2000**

The Board voted to approve the minutes of February 3, 2000 and February 17, 2000 as amended.

### **APPEARANCE BY JUNE LEVY**

Ms. Levy, Supervising, Managing and Improvement Specialist, discussed the development of a fee schedule for the Home Inspection Advisory Committee (HIAC). Since all existing Committees in the Division of Consumer Affairs reside under Boards, she will establish and track a financial activity code, unique to the HIAC, in an effort to capture HIAC costs. Ms. Levy emphasized that the Board is not subsidizing the HIAC.

## COMMITTEE REPORTS

### Legislation

BM Vernick submitted a legislation report that outlined the following:

**Residential Site Improvement Standards** - A draft of the 2nd annual revision was approved by the Site Improvements Advisory Board (SIAB) on March 23, 2000, and forwarded to the DCA Commissioner. Publication for comment is projected for June, with adoption in the fall. Thicker pavement sections have been adopted. The basin maintenance issue is being delayed until next year.

**A1712 - 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.

**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 referred to the Senate Commerce Committee. The Board remains in opposition to this bill. The rationale and reasons for the Board's opposition will be formulated by the Legislation Committee and forwarded to the Director's Office.

**Transportation Trust Fund** - Several bills providing funding sources have been introduced. Aside from the following, none are out of committee.

**A1673/S813 - Funding for the 1999 Statewide Transportation and Local Bridge Bond Act (\$251 million)** - Passed the Assembly on February 24, 2000 and the Senate on March 23, 2000.

**A1659 - Abbott District Funding** - Requires 100% State funding for certain Abbott district facilities projects. On January 11, 2000 this bill was introduced and referred to the Assembly Education Committee.

**A426/S496/S601** - Authorizes Timed-Growth Ordinance under the "Municipal Land Use Law" - On January 11, 2000 each bill was introduced and referred to local Government Committee.

The following additional bills were briefly discussed:

**S1183 Creates the "Uniform Electronic Transactions Act" (UETA)** - The objective of UETA is to ensure that transactions in the electronic marketplace are as enforceable as transactions memorialized on paper and with manual signatures, but without changing the substantive rules of law that apply. Thus, the objective of this bill is limited providing that an electronic record of a transaction is the equivalent of a paper record, and that an electronic signature will be given the same legal effect as a manual signature. This bill was recently introduced on March 27, 2000 and referred to the Senate Judiciary Committee.

**S1079 Establishes a 10 year limitation on surveyor's liability with exception for adverse possession cases** - This bill was introduced on March 16, 2000 and referred to the Senate Judiciary Committee.

### Administration

No report.

## **Examination**

VP Faraldi received correspondence from a past examinee who sat for the Fundamentals of Land Surveying portion. VP Faraldi expressed the examinee's concern of being misinformed about a past exam including 50 questions on a particular portion of the examination, when in actuality there were 67 questions. ED Russo will contact NCEES regarding this matter.

ED Russo reported that the April 2000 examinations will be held on April 14-15.

## **Education**

No report.

## **Regulations**

No report.

## **Finance**

The Board noted the Fiscal Year Financial Statements for the record.

## **Special Committee Reports**

### **Newsletter**

BM Raimondi was glad to announce that the second edition of the PE/LS Newsletter was submitted to the Division for approval.

### **Revisions to PE Applications/ Design Experience**

This item will be held over to the next Public meeting.

### **Shop Drawings**

President Bogart further discussed the subject of shop drawings with the Board. The Committee's position is that shop drawings must meet the original design intent, and the design engineer must sign off on shop drawings. VP Kelly disagreed with the Committee's position, and as such, will draft a position statement on this issue.

### **Home Inspection Advisory Committee "HIAC"**

BM Patel brought forth to the Board two options which would allow engineers to perform home inspections which were presented at the Joint Committee of Engineers and Architect meeting: Option #1 - engineers interested in being licensed as home inspectors need only take and pass the National Home Inspectors Examination, all other licensure requirements being waived, and Option #2 - engineers will be permitted to perform home inspections under their valid NJ PE license as long as the inspections are performed in accordance with the HIAC regulations, and as long as the reports of inspection are not identified as home inspections and the licensees do not identify themselves as home inspectors. The Board's regulations would have to be amended to authorize this option.

The Board unanimously agreed to the first option of being required to take the examination. There was a motion by BM Raimondi, seconded by BM Kelly, to omit the requirement of complying with the HIAC regulations regarding Continuing Education (CE) for engineers and advertising from Option #2. This motion was passed 9 to 1.

After further discussion, BM Raimondi made a motion, seconded by BM Vernick, to rescind the Board's initial motion to omit the CE and advertising requirements. On a motion by BM Raimondi, seconded by BM Vernick, the Board unanimously voted to approve the second option verbatim and will address this issue once the home inspection rules and regulations are revised.

## **Sunsetting Regulations**

Eileen Rainey, Regulatory Analyst, appeared in front of the Board to discuss the Sunsetting of the Board's regulations. Ms. Rainey informed the Board that their sunsetted regulations are now in the Governor's office after being reviewed by the Division. Following are the designated dates for finalization of the regulations:

May 15, 2000 Published in the NJ Register

June 14, 2000 Start of the comment period

Moving to another matter, and on a motion by BM Raimondi, second by BM Frantz, the Board unanimously voted to increase the carryover of continuing education credits from 8 to 12. Eileen Rainey will be informed of this motion.

## **Nominating Committee**

The Board unanimously voted to eliminate the position of 2nd Vice President from the Board's organizational structure and to continue with the traditional positions of President and Vice-President. The names of the following nominees were presented to the Board by BM Frantz:

President - Albert Faraldi

Vice-President - James Kelly

On a motion by BM Vernick, seconded by BM Patel, the Board unanimously voted to accept the nominations.

## **REPORT OF THE EXECUTIVE DIRECTOR**

### **Incoming Correspondence**

**Stephen A. Bray, DLB Assoc. Consulting Engineers, PC (2/16/00)**

**Re: Addition of IE to the PE Principle and Practices Exam Options**

On a motion by BM Frantz, seconded by VC Faraldi, the Board unanimously agreed to include the discipline of Industrial Engineering as one of the test options for future examinations. ED Russo will respond to Mr. Bray and inform him of the Board's decision.

He will also contact the NCEES to notify it of the Board's decision.

**J.C. Burgess, PE, Burgess Technical Resources, INC. (2/24/00)**

**Re: License of Mr. Burgess & CA of Burgess Technical Resources, INC.**

Mr. Burgess describes a situation involving the preparation of an engineering report and inquires as to if and when a title block must be used on such a report. He further explains a situation in which his trust in one of his consulting engineers leads him to accept the consulting engineer's plans as is and therefore for Mr. Burgess to sign off on them. Mr. Burgess continues on to say that he believes that his consulting engineer's name should appear on his CA as a person in responsible charge.

The Board disagrees with this interpretation and advises him to review Subtitle 6 in the NJ Statutes and Regulations governing title blocks. DAG Bradford and VP Kelly will draft a response to Mr. Burgess' letter.

**Anthony Miragliotta, Deputy Director, Division of Consumer Affairs (2/16/00)**

**Re: Newsletters**

The Board noted Mr. Miragliotta's correspondence for the record.

**Robert E. Levien (3/15/00)**

**Re: Use of embossed seal, signature and dating**

VP Kelly will draft a response to Mr. Levien.

**Catherine Farley, Assistant Director, Division of Consumer Affairs (3/15/00)**

**Re: 2000 Compensation Schedule for Members of the Board**

The Board noted Mr. Farley's memorandum for the record.

**Andrew Clarke (3/20/00)**

**Re: Suggestions for improvements during the "sunsetting" of the regulations**

The Board discussed Mr. Clarke's correspondence. The Board will notify Mr. Clarke that it will consider his suggested changes and recommendations to the rules and regulations affecting Professional Engineers and Land Surveyors and thank him for taking an interest in the matter.

**Robert A. Nelson, Nelson Engineering Assoc., Inc. (3/23/00)**

**Re: Code of Ethics**

The Board will inform Mr. Nelson that it does not have a code of ethics, but rather a Code of Conduct. The Board's response, will refer him to N.J.A.C. 13:40-3.1: Misconduct. Professional engineers have an obligation to follow and adhere to these regulations in the course of their engineering practices.

**Brian H. O'Connor (3/27/00)**

**Re: Qualification Requirements of N.J.S.A. 45:8-35**

The Board directed the ED Russo to inform Mr. O'Connor that one of its' functions is to implement and administer State statutes affecting the engineering profession. The issues raised by Mr. O'Connor involve statutory and not regulatory matters. If he would like to have the subject statute modified or revised, it must be done through the legislative process.

**The Board's Bulletin, Oklahoma State Board of Registration for PE & LS (1/00)**

**Re: Electronic Signing and Sealing**

The Board noted this correspondence for the record.

**Thomas Edison State College (Flyer)**

**Re: Degree Programs Offered**

The Board noted this flyer for the record.

**General Report**

ED Russo reminded the Board that the Certificate Award Ceremony is scheduled for April 20, 2000. DAG Bradford, VP Kelly, and President Bogart will be the speakers.

**WEBSITE DISCUSSION**

Joseph Grabowy briefed the Board on the subject of the Board's WebSite. The presentation focused on the WebSite's contents, which include: application information and directions to complete applications, complaints and the review process, Board and HIAC meeting dates, and the 1999 Newsletter. The Board was advised that additional Web pages could be added to the existing WebSite to include such information as officially signed Board meeting minutes, statutes and regulations, Board information, consumer briefs, travel directions, a Board fact sheet, and a link to the NCEES WebSite. Any new development to the PE/LS WebSite would first require Board approval.

## **UNIFORM ENFORCEMENT ACT (UEA) - S1807/A3576**

The Board's interpretation of the UEA relating to lapsed licenses is that all licensees have thirty days after the expiration date to renew their license. Since the current renewal period will end on April 30, 2000, a licensee must renew his license by June 1, 2000 to avoid any late fees and an appearance before the Board to reinstate his license. This bill will affect licensees whose licenses have been lapsed for five or more years on June 1, 2005. This is five years after the end of the current renewal period of April 30, 2000 plus a one month grace period. An applicant seeking reinstatement of a license or certificate suspended pursuant to this bill for more than five years past its expiration date shall successfully complete the examination required for initial licensure, registration or certification, and submit a renewal application and payment of an additional reinstatement fee. On a motion by BM Raimondi, seconded by BM Vernick, the Board unanimously agreed to accept DAG Bradford's opinion/interpretation of the Uniform Enforcement Act.

### **REPORT OF DAG**

The Board tabled the report of the DAG until the April 20, 2000 Public Session meeting.

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

The Board reviewed the March 16, 2000 Approval/Denial Applications Report and unanimously voted to approve 4 exam and 12 comity applications and deny 1 comity applications on a motion by BM Raj, seconded by BM Raimondi. (List attached)

### **MOVE TO EXECUTIVE SESSION**

On a motion by VP Faraldi, seconded by BM Patel, the Board unanimously voted to move to Executive Session for the purpose of completing the Executive Session agenda.

### **RETURN TO PUBLIC SESSION**

On a motion contained in Executive Session, the Board unanimously voted to continue the meeting in Public Session for the purpose of adjournment.

### **ADJOURNMENT**

On a motion by BM Patel, seconded by VP Faraldi, the Board unanimously voted to adjourn at 3:45 pm.

Approved by:

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Robert C. Bogart, PE, PLS  
President

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Arthur Russo  
Executive Director

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