# Professional Engineers and Land Surveyors Minutes of July 15, 2004 Public Session

### CALL TO ORDER

The meeting of the State Board of Professional Engineers and Land Surveyors was called to order by President James Kelly at 9:00 a.m. at 124 Halsey Street, 3rd Floor Union Conference Room, 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 Camden Press, and the Courier Post.

#### ROLL CALL

BMs present: James Kelly, Richard Frantz, James Valenti, Lawrence Koo, Edward Vernick, Louis Raimondi, Michael Angeline

BMs absent: Robert Bogart, Pravin Patel, Robert Marshall

Others present: Arthur Russo, Executive Director, Michelle Albertson, Deputy Attorney General; and staff members: Joseph Grabowy, Ernest Gonzalez, Martha Richardson, Robert Welsh, and Yolanda Winston.

## APPROVAL OF MINUTES

March 4, 2004

The Board, on a motion by BM Raimondi, second by BM Frantz, unanimously voted to approve the minutes of March 4, 2004 as submitted.

March 18, 2004

The Board, on a motion by BM Raimondi, second by BM Frantz, unanimously voted to approve the minutes of March 18, 2004 as submitted.

April 15, 2004

The Board, on a motion by BM Raimondi, second by BM Frantz, unanimously voted to approve the minutes of April 15, 2004 as amended.

# **COMMITTEE REPORTS**

Legislation

BM Vernick presented the Board with the following legislative information:

S297/A2809 - Requires a value engineering clause in the specifications for certain construction contracts under the Local Public Contracts law. It was reported out of the Senate Community and Urban Affairs Committee on June 21, 2004. The Assembly bill passed on June 24, 2004.

S427/A3035 - Requires a pre-qualification by State officials of prospective bidders for local public works contracts in the same manner as a pre-qualification for prospective bidders for State contracts. A3035 was introduced on June 14, 2004 and referred to the Assembly Housing and Local Government Committee.

A3 - Provides State contracts for professional services that will be publicly bid, and authorizes counties and municipalities to publicly bid professional services. This bill was not introduced. The awarding of professional contracts was addressed in the ethics bill signed by the Governor on June 16, 2004.

A2772/S1729 - This legislation revises the filing requirements for minor subdivisions. S1729 was introduced on June 21, 2004 and referred to the Senate Community and Urban Affairs Committee.

Proposed NJ DOT Regulations - Involve the procurement of architectural, engineering and land surveying services. The rules were adopted on May 24, 2004.

S1667 - Involves the licensing/certification of fire sprinkler system designers. The Board concluded it does not wan a fire sprinklers committee under the Board.
Administration
No report.
Examinations
No report.
Education
BM Frantz stated that, in his opinion, nationwide educational standards are declining.
Regulations
No report.
Finance

President Kelly elected BM Angeline as the Chair of this Committee.

NCEES Zone Update

BM Raimondi stated that the state licensing boards of Texas and Alabama have suggested that all actions taken by the NCEES Board of Trustees be ratified. After discussing this matter, the Board decided not to take a position on this matter.

ED Russo stated that VP Valenti will not attend the NCEES Annual Meeting in Cleveland, Ohio due to a scheduling conflict. BMs Patel and Raimondi, along with ED Russo, will attend this meeting in August, 2004.

# **Special Committee Reports**

#### Newsletter

VP Valenti stated that the next edition of the Board's newsletter is progressing and that he is still awaiting a few additional articles.

#### **Joint Committee**

BM Raimondi stated that he and BM Patel will attend the Joint Committee meeting in August.

A vacancy was created by the departure of Board member Albert Faraldi. President Kelly appointed VP Valenti to the Committee. BM Raimondi was appointed as the alternate to the Committee.

#### Website

Robert Welsh stated that the Certificate of Authorization renewal form is online. He also indicated that the website will be revised in the near future to separate the Board's information from the Home Inspection Advisory Committee

Applications: Revisions PE/LS and Design Experience

Ernest Gonzalez informed the Board that the editing of professional engineer applications has been completed and the revised form is currently being utilized. This topic will be removed from future Board agendas.

# **Licensure Promotion Committee**

Robert Welsh informed the Board that there is a meeting scheduled with Princeton University on September 21, 2004 to discuss licensure promotion.

# **Disciplinary Action Committee**

No report.

# APPEARANCE BY DONALD MESERLIAN, PE

Mr. Meserlian appeared before the Board to discuss the issue of whether professional engineers may perform topographic surveys, which the Board previously advise him was the function of land surveyors.

After a lengthy discussion, the Board once again informed Mr. Meserlian that only a licensed professional land surveyor may prepare topographic surveys.

# APPEARANCE BY DEVON GRAF, REGULATORY ANALYST

Mr. Graf appeared before the Board to discuss a proposed notification for publication in the New Jersey Register. The Board, on a motion by VP Valenti, second by BM Angeline, unanimously voted to approve the notification for publication.

# REPORT OF THE EXECUTIVE DIRECTOR

## General Report

ED Russo stated that former Board member Albert Faraldi submitted a letter of gratitude to the Board for the cooperation and support it had showed him during his tenure. Albert Faraldi was unanimously voted as an Emeritus Member of the Board on a motion by BM Frantz and second by BM Raimondi. Notice of this election will be provided to NCEES.

ED Russo informed the Board that the Holiday Inn, Jamesburg, NJ, location is not on the approved state vendors list and, thus, cannot be used for the Certificate Award Ceremony. The Board requested that ED Russo select a suitable location comparable to the Holiday Inn.

An invoice was submitted to the Board for preparation of a new law examination which was in turn referred to PCS for payment.

The appointment of BM Patel to the NCEES Examination Committee was reported to the Board.

The Board's meeting scheduled for September 2, 2004 was canceled on a motion made by BM Vernick seconded by BM Raimondi.

ED Russo informed the Board that the proposed regulation dealing with the corner marker waiver will be published for comment in the New Jersey Register in August.

# **Incoming Correspondence**

#### **Bruce Small**

RE: NJ Sealed Survey Drawings (May 13, 2004)

Mr. Small wrote to the Board asking if a land surveyor can sell prior survey drawings without signature or seal.

The Board, upon review of this correspondence, directed that a copy of its statutes and regulations be sent to Mr. Small.

# John J. Hare, R.A., P.E., P.P.

RE: South Jersey Waterproofing (April 23, 2004)

Mr. Hare provided the Board with an advertisement in a local phone directory under the heading of "engineering" by South Jersey Waterproofing Company. The Board believes this is potentially misleading and shall request that the advertisement be changed in the next publication of the directory.

# Boowoong Kim, PE

RE: Structural Plans (June 3, 2004)

Mr. Kim asked the Board whether a licensed professional engineer in the state of New Jersey can submit structural plans for a single, two-family or multiple family home.

Mr. Kim will be referred to the Building Design Services Act, a copy of which will be forwarded to him.

## Robert E. McPeak, Jr., PE, LEP/ Scientech

RE: Letter from Anthony Miragliotta to Kathleen Cyr (April 5, 2004)

Mr. McPeak asked the Board whether performing hydrogeologic investigations and monitoring groundwater is considered to be the practice of engineering. He claims that his company, Scientech, does not perform engineering functions in New Jersey and does not need a Certificate of Authorization.

Upon review of this correspondence by the Board, Mr. Mc Peak will be advised that it considers hydrogeology to fall under the practice of engineering, since the definition of engineering includes planning the use of land and water. It will inform him that if Scientech wishes to provide these services in New Jersey, it will be required to obtain a Certificate of Authorization.

# John Clearwater, PE, Managing Director/ Construction Industry Advancement Program of NJ

RE: Construction Experience (June 16, 2004)

Mr. Clearwater wrote to the Board concerning the Board's decision not to accept construction experience as acceptable engineering design experience.

The Board noted this correspondence for the record.

## Kimberly Adcock, Examination Coordinator/ PCS

**RE**: Handscores

(June 18, 2004)

Ms. Adcock requested whether the Board wishes to continue to permit examination candidates to obtain a hand scoring of their examinations upon request.

Ms. Adcock will be advised that it is in the process of removing the hand score option from its regulations. However, until the revision is made, requests for hand scores should be permitted.

# John J. McNally, AIA, PE, Senior Associate/ Tri-State Architects, PC

RE: Sealing of Bid Documents (June 18, 2004)

Mr. McNally asked the Board whether it is permissible for a licensed professional engineer not to sign approximately twenty sets of bid documents for release to potential bidders.

The Board will provide Mr. McNally with a copy of its statutes and regulations.

## **Augustus La Due**

RE: Apparent age discrimination in obtaining a professional engineer license in New Jersey (June 23, 2004)

Mr. La Due wrote to President George Bush alleging that the Board has discriminated against him by not approving his application for licensure based on his age. The Board has previously addressed Mr. LaDue's request for a wavier, which was denied.

The Board noted this correspondence for the record.

# Thomas Talbot, PE, Chair/ Alabama Board of Licensure for Professional Engineers & Land Surveyors RE: Alabama Committee Membership Resolution (June 18, 2004)

This is a copy of Thomas Talbot's letter to Jon Nelson, President-Elect of the NCEES, to express his concerns over the use of Emeritus Members as sitting NCEES members and not utilizing currently active professional engineers and land surveyors.

The Board noted this correspondence for the record.

# Khin C. Gyi, Application #980434

RE: Proctoring of Examination (June 16, 2004)

Mr. Gyi requests that the Board allow his October 2004 principles & practices of engineering examination to be proctored in Washington.

The Board unanimously approved this request and further voted to permit ED Russo to administratively handle future requests for proctoring.

# Fernando Zapata, PE, CME, Township Engineer/ Township of Wayne

RE: Pool Site plans (July 9, 2004)

Mr. Zapata requests that the Board clarify the subject of whether an engineer can perform topographic surveys.

Mr. Zapata will be informed that only a licensed land surveyor can prepare topographic surveys. The site plan prepared by a licensed professional engineer must include the survey, which is the responsibility of the engineer to

ensure that the survey is attached. However, either the client or the licensed professional engineer may submit the completed site plan application to a township for review.

# John Yavorsky, Ph.D., PE/ Ambient Engineering Inc.

RE: A2611 (July 1, 2004)

Mr. Yavorsky wrote to the Board with his concerns over A2611, which he believes can be an infringement on the role of professional engineers.

This correspondence will be discussed at its next meeting.

# Lynnette J. Koenig, Records & Insurance Administrator/ Power Engineers

RE: Public Information Request Electronic Seals & Archiving Records Electronically (July 2, 2004)

Ms. Koenig asks the Board whether electronic seals can be used and whether, for archiving purposes, a scanned version of a signed document would be considered to be a legal document.

The Board will advise Ms. Koehig that electronic seals and signatures are not permitted in New Jersey.

Informational Items Discussed:

National Home Inspector Examination Statistics

This item was noted for the record.

NCEES National Pass Rates

This item was noted for the record.

NCEES Annual Meeting Voting Delegates

BMs Patel and Raimondi, together with ED Russo, will be in attendance.

NCEES: Potential for a Special Election for the Office of NCEES Treasurer

This item was noted for the record.

"Profiles of doctors about to go online: Despite protests, data to debut Wednesday" by: Carol Ann Campbell Newark Star Ledger June 4, 2004

This item was noted for the record.

NCEES Specifies additional calculators prohibited in exam room

This topic will be discussed at the NCEES Annual Meeting in August.

Rutgers offers packaging engineering certificate starting June 2004

The Board will advise Rutgers that the term "engineering" cannot be used as part of the title of the course.

Letter to Rishi Raj from Governor James McGreevey

This item was noted for the record.

# **REVIEW OF APPLICATIONS**

The Board, on a motion by BM Vernick, second by BM Raimondi, unanimously voted to approve the following applications:

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NAME	APP #	PE/EIT	DECISION	NAME	APP #	PE/EIT	DECISION
G. BAKER	962073	COMITY	GRANT	C. ROBBEN	996562	COMITY	GRANT
N. CAPARAS	997518	COMITY	GRANT	M. ATTARA	990302	COMITY	GRANT
E. DANETTE	994332	COMITY	GRANT	J. SERBU	992084	COMITY	GRANT
J. FANTELL	1002606	COMITY	GRANT	S. NOVAK	51873	COMITY	GRANT
R. HORVATH	994805	COMITY	GRANT	M. UTKU	100592	EIT	TAKE F
J. KANE	999188	COMITY	GRANT	J. WOS	999067	EIT	TAKE F
R. KLOS	986126	COMITY	GRANT	J. FISCHER	1008440	PE\EXAM	TAKE F
K. LAFFERTY	998476	COMITY	GRANT	Y. ABDELAZIZ	886910	PE\EXAM	TAKE F*P
B. LARSON	982157	COMITY	GRANT	J. LIVINGTON	979709	PE\EXAM	TAKE P
S. LAWSON	997377	COMITY	GRANT	D. JENSON	974498	PE\EXAM	TAKE P
R. MATTHIES	982682	COMITY	GRANT	G. KRENKEL	997515	PE\EXAM	TAKE P
M.SJOBLOM	1002646	COMITY	GRANT	L. WANG	979584	PE\EXAM	TAKE P
M. SIDLO	1003040	COMITY	GRANT	E. KANTERAKIS	1004934	PE\EXAM	TAKE P
T. SIMPSON	988271	COMITY	GRANT	H. AKOUKA	1004906	PE\EXAM	TAKE P
L. THOMAS	592873	COMITY	GRANT	D. PROST	920235	PE\EXAM	TAKE P
J. WELLS	992962	COMITY	GRANT	B. KENDERDINE	1007924	PE\EXAM	TAKE P
R. WRIGHT	989007	COMITY	GRANT	M. THOMAS	979669	PE\EXAM	TAKE P
C. ALBINO	979755	COMITY	GRANT	M. DAVINA	1006014	PE\EXAM	TAKE P
T.HOLDEN	49670	COMITY	GRANT	K. FERGUSON	954945	PE\EXAM	TAKE P
G. DAVIS	995860	COMITY	GRANT	D. MACEY	886341	PE\EXAM	TAKE P
J. SPITZER	984361	COMITY	GRANT	G. BRAUN	1008503	PE\EXAM	TAKE P
L. POLI	52387	COMITY	GRANT	D. PISTOR	1007919	PE\EXAM	TAKE P
F. PRIMICH	979764	COMITY	GRANT	L. NEUMANN	1007264	PE\EXAM	TAKE P
D. MARTINEZ	973302	COMITY	GRANT	R. ALBANESE	1008467	PE\EXAM	TAKE P
R. SIPOLS	992083	COMITY	GRANT	R. WAXMAN	992959	PE\EXAM	TAKE P WAIVED F

The Board, on a motion by BM Vernick, second by BM Raimondi, unanimously voted to deny the following applications:

NAME	APP#	DECISION	REASON	NAME	APP#	DECISION	REASON
D. KEENAN	997488	DENIED	EXPERIENCE	F. ABRENICA	1011192	DENIED	EXPERIENCE
W. STEIN	992958	DENIED	EXPERIENCE	R. KOZE	1010433	DENIED	EXPERIENCE
J. HELWIG	956742	DENIED	REFERENCE	P. DAVIS	1011193	DENIED	EXPERIENCE
						1	

B. CRONIN	989919	DENIED	REFERENCE	J. CRONIN	1009648	DENIED	EXPERIENCE
B. LIGHTBOURNE	992082	DENIED	EXPERIENCE	R. WAHBA	1003960	DENIED	EXPERIENCE
J. HE	976342	DENIED	EXPERIENCE	H. SHAH	997521	DENIED	EXPERIENCE
M. MARCHESE	964137	DENIED	EXPERIENCE	WU SUN	959486	DENIED	EXPERIENCE
R. CRAEMER	951050	DENIED	EXPERIENCE	M. POLAND	980481	DENIED	EXPERIENCE
C. HEALY	962823	DENIED	REFERENCE	S. BORGES	951343	DENIED	EDUCATION
T. PATTERSON	1002599	DENIED	REFERENCE	S. MIRCHANDANI	973298	DENIED	EDUCATION
R. FLORES	962064	DENIED	EDUCATION	T. RIOUX	981952	DENIED	EXPERIENCE
S. LOCKE	996525	DENIED	REFERENCE	A. BUENDIA	979710	DENIED	EXPERIENCE
W. ZIEGELDORF	1003033	DENIED	REFERENCE	C. ANDERSON	961735	DENIED	EDUCATION
D.SMITH	1000485	DENIED	REFERENCE	C. DICANNA	994804	DENIED	EXPERIENCE
M. VATAN	52344	DENIED	REFERENCE	W. CONLEY	1006007	DENIED	REFERENCE
BARNEY HITT	999789	DENIED	EXPERIENCE	A. RAMASAGARAM	50422	DENIED	EDUCATION
J. WHITE	1010502	DENIED	REFERENCE	R. CHIAVARO	1009676	DENIED	EDUCATION
J. FISCHER	1008440	DENIED P	REFERENCE	-	-	-	-

The Board, on a motion by BM Vernick, second by BM Raimondi, unanimously voted to approve the following Certificate of Authorization applications:

KLG, Atlanta, Inc	TVA Fire & Life Saftey, Inc.
2179 Defoor Hills Road	2820 Camino Del Rio South, Suite 200
NW Atlanta, GA 30318	San Diego, CA 92108
ST. Louis & Company, LLC	EXCEL Engineering, Inc.
56 Greenbrook Road	500 73 <sup>rd</sup> Avenue, Suite 119
Green Brook, NJ 08812	Fridley, MN 55432
Charles Okun & Associates, LLC	DLR Group Architects & Engineers, Inc. 400
12 Nuko Terrace	Essex Court
Randolph, NJ 07869	Omaha, NE 68114
Roxbury Engineering Associates, LLC 9 Pepper Lane Succasunna, NJ 07876	Chevron Energy Solutions, Co. 1240 S. Broad Street, Suite 130 Lansdale, PA 19446
Centurion Construction Services, LLC 6396 Beacon Avenue Mays Landing, NJ 08330	Kirk & Young Structural Engineers, LLC 655 Broadway, Suite 800 Denver, CO 80203
Professional Systems Engineering, LLC	Lockwood Greene Engineers, Inc.
409 Main Street	The Tower, 270 Davidson Avenue
Harleysville, PA 19438	Somerset, NJ 08873

# **Full Board Review**

Mr. Gardner applied to take the examination. The Board determined that he only has  $1 \frac{1}{2}$  years of design experience and therefore denied his application.

Mark W. Conroy - #934635 Ashvin Shah - #918774

These applications were tabled until the next meeting.

# **Continuing Education Applications**

The Board, on a motion by BM Raimondi, second by BM Angeline, unanimously voted to approve the following continuing education courses:

Sponsor	Course	PDH
Essex County College	AutoCad Intro - C181W	12
Rubotech Cad Solutions	AutoCad Level I	12
New Jersey Water Environment Assoc.	OSHA Hazardus Water Refresher	8
NBI, Inc. National Business Institute	Major Land Use Laws in New Jersey	6
New Jersey Society of Professional LS	Intro to Autotest Land Desktop 2004	12
National Society of Professional Engineers	Ethical Consideration for Expert Testimony	4
National Society of Professional Engineers	Practical Advice for Design Professionals;	
	Ethics, Litigation & Contracts	8
RedVector.com, Inc.	Analyzing Costs & Determining Fees for	1
	Land Surveyors	
RedVector.com, Inc.	Basic Financials for Land Surveyors:	
RedVector.com, Inc	The Bottom Line	1
RedVector.com, Inc.	Boundary Agreements	4
RedVector.com, Inc.	Business Rules for Land Surveyors: The	
	Gospel According to Dan	2
RedVector.com, Inc.	Communication & Leadership	4
RedVector.com, Inc.	Communication for Manager & Supervisors	2
RedVector.com, Inc.	Don Wilson's Court Decisions Every	
	Surveyor Should Know About Block 1:	
	Surveying - Definitions, Overlapping Titles	2
RedVector.com, Inc.	Don Wilson's Court Decisions Every	
	Surveyor Should Know About Bock II	

	Description Interpretation	2
RedVector.com, Inc.	Don Wilson's Court Decisions Every	
	Surveyor Should Know About Bock III	
	Rules of Construction for Interpreting Des.	2
RedVector.com, Inc.	Don Wilson's Court Decisions Every	
	Surveyor Should Know About Block 4:	
	Surveying Procedures	2
RedVector.com. Inc.	Easements: Part 1 Basic Elements	3
RedVector.com, Inc.	Easements: Part 2 Roads & Highway	2
RedVector.com, Inc.	Easements: Part 3 Reversion Rights	3
RedVector.com, Inc.	General Project Management: Part I	2
RedVector.com, Inc.	General Project Management : Part II	3
RedVector.com, Inc.	Propagation of Random Errors in	
	Measurements	8
RedVector.com, Inc.	Sequential vs Simultaneous Conveyancing	4
RedVector.com, Inc.	Significant Figures & Round Off Errors	3
	By Ben Buckner	
RedVector.com, Inc.	Statistical Analysis of Random Errors	4
RedVector.com, Inc.	The Real Deal on Marketing Land	
	Surveying Services	4
Professional Development Seminars, Inc.	Acreage Boundary Surveys	8
Professional Development Seminars, Inc.	Surveying Ethics	8
Professional Development Seminars, Inc.	Surveying Relationships	8
Professional Development Seminars, Inc.	Acreage Boundary Surveys	8
Professional Development Seminars, Inc.	Lot & Block Surveys	8
Professional Development Seminars, Inc.	Legal Descriptions	8
Professional Development Seminars, Inc.	GPS Projects	8
Professional Development Seminars, Inc.	Land Planning for Surveyors	8
Professional Development Seminars, Inc.	GIS for Surveyors	8

Professional Development Seminars, Inc.	Surveying Water Bodies & Mean	8
	Water Lines	
Lorman Business Center, Inc.	Water Rights, Allocation and	7
	Resource Management	
NY State Association of Professional LS	Least Square Adjustment	8
Survey PDU.com	Legal Descriptions	6
Geographic Information Systems	NAVSTAR Global Positioning	8
	System Surveying	
Geographic Information Systems	Photogrammetric Mapping	8
Geographic Information Systems	Survey Markers and	8
	Monumentation	
Geographic Information Systems	Deformation Monitoring and	8
	Control Surveying	
Geographic Information Systems	Construction Layout No. 3 -	8
	Spiral Curves	
Geographic Information Systems	Land Surveying Safety Manual	8
Geographic Information Systems	Introduction to Remote Sensing	8
Geographic Information Systems	Image Interpretation and Analysis	8
Geographic Information Systems	Remote Sensing Applications	8
Geographic Information Systems	Construction Layout No. 1	8
	Vertical Curves	
Geographic Information Systems	GIS Terminology	8
Geographic Information Systems	Direct Leveling	8
Geographic Information Systems	Field Astronomy	8
Geographic Information Systems	Minimum Standards Detail	8
	Requirements for ALTA/ACSM	
	Land Title Surveys	
Geographic Information Systems	Ethics Using the FIG Surveying	8
	Model Code	
Geographic Information Systems	Remote Sensing Terminology	8

Geographic Information Systems	Positioning Techniques for Offshore	
	Engineering Surveys	8
Geographic Information Systems	Acoustic Multibeam Survey Systems	8
	For Deep-draft Navigation Projects	
Geographic Information Systems	Construction Layout No. 2 -	8
	Horizontal Curves	
Geographic Information Systems	Project Control, Coordinate Systems	8
	Datums for Flood Control Projects	
Geographic Information Systems	Single Beam Acoustic Depth	8
	Measurement Techniques	
Geographic Information Systems	Hydrographic Surveys Planning	8
	and Processing Surveys for Civil	
	Work Projects	

## **DISCUSSION ITEMS**

The following items were tabled until the next meeting:

Metropolitan State College Leslie Ramdeen & Allen Saffner

# **PUBLIC COMMENTS**

Charles Blumeling, a representative from the Garden State Land Surveying Alliance, requested that the Board reinstate its Board agenda subscription.

The Board informed Mr. Blumeling that the agenda is posted to the Board's website prior to its meetings.

## MOVE TO EXECUTIVE SESSION

On a motion by BM Frantz, second by BM Vernick, the Board voted unanimously to move to Executive Session to complete its agenda.

## RETURN TO PUBLIC

On a motion contained in the Executive Session minutes, the Board unanimously voted to return to Public Session.

#### **ADJOURNMENT**

On a motion by BM Frantz, second by BM Raimondi, the Board unanimously voted to adjourn at 2:45 p.m.

# Approved by:

James D. Kelly, President

# Arthur Russo, Executive Director

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