



N.J. Department of Law and Public Safety
 Division of Consumer Affairs
**State Board of Professional
 Engineers & Land Surveyors**
 124 Halsey Street, P.O. Box 45015
 Newark, N.J. 07101

State Board of
**PROFESSIONAL ENGINEERS
 & LAND SURVEYORS**
NEWSLETTER

Volume 2 Issue 1

Summer/Fall 2000

President's Message

“In order to safeguard life, health and property, and promote the public welfare, any person practicing or offering to practice professional engineering or professional land surveying in this State shall hereafter be required to submit evidence that he is qualified so to practice and shall be licensed as hereinafter provided.” N.J.S.A. 45:8-27

With this statutory directive, the State Board of Professional Engineers and Land Surveyors oversees the regulation and practice of engineering and land surveying in the State of New Jersey. The Board is made up of 10 members from all over New Jersey, who meet twice a month and who each provide 10 to 20 hours of his/her personal time to Board matters. The Board reviews hundreds of applications for the licensing of professional engineers and about 30 applications for the licensing of professional land surveyors each year.

Executive Director Arthur Russo and the Board’s staff continue to accept new applications from incorporated engineering and land surveying businesses who wish to offer and provide engineering and/or land surveying services in the State of New Jersey. If you have any doubt concerning your status, please contact the Board.

The Board members are professional, fair-minded individuals. Each member strives to ensure that qualified land surveyors and engineers will map and design the future of this great state for all consumers.

Albert N. Faraldi, P.L.S.

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License Presentation Ceremony

On October 21, 1999, the Board held a License Presentation Ceremony for licensees who passed the April 1999 examination. The ceremony was held at the Holiday Inn in Jamesburg and was attended by 53 newly licensed professional engineers, two newly licensed land surveyors, and their families and friends. The featured speakers for the evening included Board member Edward Vernick, P.E., and Deputy Attorney General Olga Bradford. The ceremony ended with the administration of the Engineer’s Creed to the new licensees. The Board has conducted similar ceremonies in the past and believes these ceremonies bring a sense of professionalism and accomplishment to the recipients who have labored long and hard to achieve this significant goal in their lives.

SIGNING
CERTIFICATES OF AUTHORIZATION

State Board of

**PROFESSIONAL
ENGINEERS &
LAND SURVEYORS
NEWSLETTER**

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Robert Marshall, Jr., P.E.

Rishi S. Raj, Ph.D

Arthur Russo

Executive Director

This newsletter provides pertinent information, but is no substitute for statutes, regulations, and legal actions. It is published for professionals licensed by the Board.

Inquiries, address changes and other correspondence should be sent to:

State of New Jersey

Department of Law and Public Safety

Division of Consumer Affairs

State Board of Professional Engineers

and Land Surveyors

P.O. Box 45015

Newark, N.J. 07101

AskConsumerAffairs@smtp.lps.state.nj.us

One of the primary purposes of having professional engineers and land surveyors sign a Certificate of Authorization for a corporation doing business in New Jersey is to ensure that only qualified, licensed professionals are providing professional engineering and/or land surveying services. This is in keeping with our goal of eliminating unlicensed practice. Consequently, licensees are responsible for ensuring that firms comply with all of the rules and regulations that apply to corporate activities. In addition, licensees should also be aware of the biennial renewal requirements for Certificates of Authorization, just as they are aware of the renewal requirements for their individual licenses. Unless and until licensees notify the Board that they are no longer associated with a particular firm, they will be held responsible for violations by the corporation of any applicable statutes and regulations, including the corporation's failure to secure a valid Certificate of Authorization.

Correction

The Fall 1999 Newsletter contained an incorrect statement in an article entitled "Site Plan Rule" located on page one. It was reported that the State Board of Professional Engineers and Land Surveyors had denied a petition filed by the Landscape Architects Examination and Evaluation Committee when the Board met in *executive* session on April 8, 1999. The statement should have indicated that the Board denied the petition when it met in *public* session on April 8, 1999.

General Information

As of May 1, 2000, all licensees of the Board should have renewed their licenses for the 2000-2002 renewal period. Under new uniform procedures for the revocation of professional licenses, every licensee should be aware that if his/her Certificate of Registration is not renewed within 30 days of its expiration date, the license shall be suspended without a hearing. In addition, any individual who continues to practice with an expired license shall be deemed to be engaged in the unlicensed practice of that regulated profession, even if no notice of suspension has been provided to the individual. More information on this subject is contained in the article in this issue of the newsletter concerning changes to the Uniform Enforcement Act.

The Board recently approved an examination for naval architecture formerly known as Ship Design Engineering and Marine Engineering which will be offered in response to an applicant's request. The first examination in this discipline will be held in October 2001.

The Board is proud to announce that the National Council of Examiners for Engineers and Surveyors has chosen New Jersey as the host for the Northeast Zone Meeting in 2003. At this time, Cape May has been chosen as the location for this meeting. Board member Louis A. Raimondi has been chosen as chairman.

Changes to the Uniform Enforcement Act

In the wake of recent amendments to the Uniform Enforcement Act (UEA), P.L. 1999, c.403 (S1807 2R), licensees of the State Board of Professional Engineers and Land Surveyors are reminded of one particularly noteworthy change in the statute. Any individual who allows his or her license to lapse for more than 30 days past its expiration date is deemed to be suspended under the UEA. The license may be reinstated upon submission of a renewal application and payment of a late fee. However, it should be noted that under one of the new sections of the UEA, any licensee whose license has lapsed more than five years past its expiration date is required to successfully complete the examination required for initial licensure before the license will be reinstated. In order to avoid having to retake the entire initial licensing exam for either engineers or land surveyors, the Board strongly urges the biennial renewal of licensure even when the licensee is not engaged in constant practice in New Jersey.

The following is an excerpted portion of the statute, P.L. 1999, c.403 (S1807 2R):

5. (New section) a. Notwithstanding any other act or regulation to the contrary, the provisions of this section and sections 6 and 7 of P.L. , c.(C.) (now before the Legislature as this bill) shall apply to every holder of a professional or occupational license or certificate of registration or certification issued or renewed by a board specified in section 2 of P.L. 1978, c.73 (P.L. 45:1- 15), who seeks renewal of that license or certificate.
- b. Every holder of a professional or occupation license or certificate of registration or certification, issued or renewed by a board specified in section 2 of P.L. 1978, c.73 (P.L. 45:1- 15), who seeks renewal shall

submit a renewal application and pay a renewal fee prior to the date of expiration of the license or certificate of registration or certification. If the holder does not renew the license or certificate prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any professional or occupational license or certificate of registration or certification not renewed within 30 days of its expiration date will be suspended without a hearing.

- c. Any individual who continues to practice with an expired license or certificate of registration or certification after 30 days following its expiration date shall be deemed to

be engaged in unlicensed practice of the regulated profession or occupation, even if no notice of suspension has been provided to the individual.

- d. A professional or occupational license or certificate of registration or certification suspended pursuant to this section may be reinstated within five years following its date of expiration upon submission of a renewal application and payment of an additional reinstatement fee. An applicant seeking reinstatement of a license or certificate suspended pursuant to this section 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.

MEETING DATES

September 7, 2000	Public Session
September 21, 2000	Public/Executive Session
October 5, 2000	Public Session
October 19, 2000	Public/Executive Session
November 2, 2000	Public/Executive Session
December 7, 2000	Public Session
December 21, 2000	Public/Executive Session

All meetings for the remainder of this year will take place at 124 Halsey St. in Newark.

Failure to Repay Student Loans

Governor Whitman has signed into law P.L. 1999, c. 54, effective June 8, 1999, which permits the director of the New Jersey Division of Consumer Affairs, or any of the professional boards which issue licenses, to suspend any licensee who defaults on a state or federal education loan. The license will not be reinstated until the licensee provides the executive director of the board with a written release, issued by the lender or guarantor, which says that he or she has paid the loan in full, or is making payments in accordance with a repayment agreement approved by the lender or guarantor.

Board Member *News*

The State Board of Professional Engineers and Land Surveyors is sad to announce the retirement of Fred Rohn, public member, after 12 years of service to the Board. Prior to being appointed to the Board, Mr. Rohn was an eight-year professional member of the New Jersey State Board of Accountancy, serving two terms as president.

Mr. Rohn, a native of Essex County, received his Bachelor's of Arts degree from Colgate University and his Master's of Business Administration degree from New York University. He is a retired senior partner of the accounting firm Deloitte and Touche and has been married to June Chadwick since 1948.

Mr. Rohn is presently general partner of North American Venture Capital Funds and president of American Venture Management, Inc., both of New Vernon, N.J.

Mr. Rohn will leave behind a distinguished career with the Board, during which he oversaw the Board's finances, served on the architect/engineer committee and was actively involved in continued professional competency for land surveyors and review of applications and disciplinary cases. He has always taken an objective view toward all issues and has been a forthright proponent of treating all issues fairly, while keeping the discussions of the Board focused on the issues at hand.

We wish Fred the best.

Daniel Yacovino, P.E., the government member of the Board, also announced his resignation, due to his retirement from the New Jersey Department of Transportation (NJDOT). Mr. Yacovino was quite active on legislative issues during his time with the Board. His replacement is Robert Marshall, Jr. P.E., also a career employee of NJDOT.

Board members Robert C. Bogart, P.E., L.S., Albert N. Faraldi, P.L.S., and Louis A. Raimondi, P.E., L.S., were reappointed by Governor Whitman to their second five-year terms.

Important Reminder

Licenses are reminded that it is their responsibility to notify the Board office of any address change. Specifically, N.J.A.C. 13:40-4.1(a) states:

“A licensee of the Board of Professional Engineers and Land Surveyors shall notify the Board in writing of any change of address from that currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, not later than **30 days** following the change of address.” (Emphasis added.)

Trivia

by Richard Frantz

The Battle of Gettysburg, which was fought on July 1-3, 1863, was the major turning point of the Civil War. Both commanders, Robert E. Lee for the South and George G. Mead for the North, were engineers. On the second day, the Confederates attempted to capture a hill named Little Round Top. This high ground in the hands of Confederate troops would have allowed them to outflank the Union troops in positions along Cemetery Ridge. General Governor Warren, another engineer, recognized the danger and saved the day by rushing in hastily gathered reinforcements to stem the Confederate charge.

Map Filing Law

The most recent amendment to the Map Filing Law was signed into law by Governor Whitman on October 18, 1999. The latest amendments address the need for property corner markers to be set on the outbound of a survey that is intended for use in subdividing land. It goes on to state that the surveyor performing the outbound survey need not set concrete monuments as corner markers, but that the surveyor should base the subdivision on a new or existing survey of the property being subdivided.

Also, in accordance with N.J.A.C. 13:40-5.1(m)3, only the licensee who prepared the boundary survey on which the subdivision is based may provide certification, on the subdivision plat, confirming that the boundary survey is accurate and was prepared under his or her supervision. This is also required under the Map Filing Law, N.J.S.A. 46:23-9.11n.

Internal monuments of a subdivision must still be set in accordance with the Map Filing Law at the locations outlined therein.

Listed below are answers to some questions frequently asked by land surveyors who are required to take Continued Professional Competency (CPC) courses:

Q. When must new registrants begin to acquire CPC credits?

A. New licensees by way of examination are exempt from the requirements during their initial renewal period (N.J.A.C. 13:40 - 11.8(c)). A new licensee by way of comity shall be responsible during the first biennial renewal period for one professional development hour (PDH) for each month since the New Jersey license was issued (N.J.A.C. 13:40 - 11.8(d)).

Q. Does documentation need to be submitted to the Board with each educational or instructional activity obtained?

A. At the time of application for biennial land surveyor license renewal, licensees must certify that they have in fact taken the requisite number of PDHs on the renewal form. Later, following a random audit by the Board, those licensees chosen will be required to submit verifying documentation.

Q. How do I obtain the PDH's necessary for license renewal?

A. The Board shall grant credit for successful completion of the following, provided that the course or program meets the criteria of N.J.A.C. 13:40 - 11.11 and that any other source of credit directly and materially relates to the practice of land surveying:

(1) college courses; (2) continuing education courses; (3) seminars, in-house courses, workshops and technical programs at professional meetings and conferences; (4) teaching or instruction of the three previous items; (5) correspondence, televised, videotaped and other short courses/tutorials; (6) published papers, articles or books authored by the licensee; and (7) a land-surveying examination in another jurisdiction (N.J.A.C. 13:40-11.5).

Q. How do continuing education units (CEU's) equate to PDH's?

A. "Continuing education unit" means the unit of credit customarily used for continuing education courses. One continuing education unit equals 10 contact hours of instruction in an approved continuing education course (N.J.A.C.13:40 - 11.2).

Every PDH is approximately one contact hour of instruction rounded off to the nearest half hour. One CEU is equal to 10 PDH units.

Q. Does home-study (i.e. reading professional periodicals, technical reports/studies) qualify for PDH credit?

A. No, unless a final examination is taken and a passing grade is

obtained (N.J.A.C. 13:40 - 11.6(a) 3ii).

Q. May I claim PDH credit for appearing as an expert witness, or providing expert witness testimony at hearings or trials?

A. No.

Disciplinary Actions

January 1999 - December 1999

1. *Dennis C. Atwell, P.L.S., License No.GS32107*
Mr. Atwell was assessed a \$3,000 civil penalty and costs totaling \$250.54 for violations of the following: N.J.A.C. 13:40-1.6, failure to use a subtitle block when a project includes the work of an independent professional not under the immediate supervision of the licensee in responsible charge; and N.J.A.C. 13:40-10.1, failure to obtain a Certificate of Authorization.
2. *Geoffrey D. Brown, P.E., P.L.S., License No.GE28153*
Mr. Brown paid a \$500 civil penalty for violations of the following: N.J.S.A. 45:8-44.1a, failure to make a reasonable attempt to notify the property owner, the landowner, of his desire to enter upon his property in order to perform and fulfill his surveying obligations; and N.J.S.A. 45:8-44.3, destroying, injuring, or causing damage to property and failing to provide any restitution to the landowner.
3. *James Clancy, P.E., P.L.S., P.P., License No.GB33998*
Mr. Clancy was assessed a \$5,000 civil penalty for violations of the following: N.J.S.A. 45:1-21h, failure to comply with several provisions of the statutes and regulations administered by the Board governing the practice of engineering and surveying in the State of New Jersey; N.J.S.A. 45:1-21e, affixing his signature and seal to plans which were not prepared by him or under his supervision; N.J.A.C. 13:40-1.2(e), removal of a title block from a set of plans and placement of his own title block on the same set of plans; N.J.S.A. 46:23-9.11j & n and N.J.A.C. 13:40-5.1(m)3, failure to properly set the required monuments after surveying the property and failure to obtain the required certification of the licensee who prepared the boundary map; and N.J.S.A. 45:8-56, failure to obtain a Certificate of Authorization.
4. *Patrick J. Duffy, P.E., License No.GE39331*
Mr. Duffy paid a \$1,000 civil penalty and costs totaling \$250.54 and agreed to successfully complete the New Jersey Law Exam for violations of the following: N.J.A.C. 13:45C-1.2, failure to cooperate with the Board's directives to appear before it; and N.J.A.C. 13:40-8.1(b), failure to keep in his possession original records of the project or a copy of the work performed.
5. *Edward J. Dragun Jr., P.L.S., License No.GS26602*
Mr. Dragun was assessed a \$1,500 civil penalty for failing to respond to numerous written correspondence from the Board in violation of N.J.S.A. 45:1-21e and N.J.A.C. 13:40-3.1(a)11.
6. *William F. Koestner Jr., P.E., P.L.S., License No.GB8698*
Mr. Koestner paid a \$2,500 civil penalty for engaging in professional misconduct, and for failing to comply with the provisions of any act or regulation administered by the Board in violation of N.J.S.A. 45:1-21 e & h. In addition, Mr. Koestner prepared, signed and sealed surveys that were not in conformity with accepted standards in violation of N.J.A.C. 13:40-1.2, N.J.A.C. 13:40-1.3 and N.J.A.C. 13:40-5.1. Specifically, these surveys violated the regulations which detail title block requirements and failed to provide requisite and correct survey information. In addition, Mr. Koestner disregarded the safety, health and welfare of the public in the performance of his duties as a professional in violation of N.J.A.C. 13:40-3.1(a)2.
7. *Rubin L. Kurens, P.E., P.L.S., License No.GB10666*
Mr. Kurens paid a \$5,000 civil penalty for failure to set monuments, as required by the Map Filing Law, on the subdivision prepared for block 66, Lots 5, 6, 76, and 80, Upper Saddle River Road, Montvale, New Jersey, in violation of N.J.A.C. 13:40-5.1(d)2; and for failure to prepare a survey in conformity with accepted standards in violation of N.J.A.C. 13:40-3.1(a)2.
8. *Arthur F. Mead Jr., P.E., P.L.S., License No.GB13773*
Mr. Mead's land surveying license has been suspended for a two-year period effective January 1, 2000. In addition, Mr. Mead was assessed a \$5,000 civil penalty and ordered to pay \$3,183.50 for investigative costs for violations of the following: N.J.A.C. 13:40-3.1(a)2, disregarding the safety, health, and welfare of the public in the performance of his professional duties in preparing or signing and sealing plans, surveys or specifications which were not of a safe design and in conformity with accepted standards; N.J.A.C. 13:40-5.1(b), failure to obtain all pertinent information and documentation needed to render an accurate survey; N.J.A.C. 13:40-5.1(c), failure to perform the field survey or

Disciplinary Actions

exercise sufficient supervision of the work as necessary to fulfill adequately all professional responsibilities; N.J.A.C. 13:40-5.1(d), failure to set appropriate corner markers, and obtain a waiver of setting corner markers; N.J.A.C. 13:40-1.2 et seq., submitted a survey that failed to show a title block; N.J.A.C. 13:40-5.1(f) 1, 6 and 7, failure to show property corners found and set, street names and widths; and N.J.A.C. 13:40-9.1, failure to adequately supervise subordinates and to maintain records of adequate supervision. Also, Mr. Mead was ordered to successfully complete four hours of continuing education in professionalism and ethics and four hours of continuing education in field procedures. Finally Mr. Mead shall successfully complete a course in boundary law offered at N.J.I.T.

9. *Steven F. Mervine, P.L.S., License No. GS30743*

Mr. Mervine was assessed a \$1,000 civil penalty for failing to provide surveying services after accepting \$980 for said services in violation of N.J.A.C. 13:40-3.1(a)1; and engaging in professional misconduct and in the use of dishonesty, fraud and deception by not performing a survey for which a contract was signed pursuant to N.J.S.A. 45:1-21b.

10. *George A. Risha, P.E., License No. GE22808*

Mr. Risha was assessed a \$5,000 civil penalty for disregarding the safety, health and welfare of the public in the performance of his professional engineering duties by disregarding the seriousness of, and failing to emphasize in inspection reports, the deteriorating

structural conditions of several residences pursuant to N.J.A.C. 13:40-3.1(a)2; and failing to explain and provide in the above-referenced inspection reports enough information concerning the structural defects for his client to make an informed decision pursuant to N.J.A.C. 13:40-3.1(a)10.

11. *John R. Walker P.E., P.L.S., License No. GB10294*

Mr. Walker was assessed a \$1,000 civil penalty for permitting an unlicensed employee from the firm to inspect pile cappings and prepare an engineering report. The Board concluded Mr. Walker did not adequately supervise or personally inspect and/or review the work of the unlicensed employee. Therefore, the Board found that Mr. Walker disregarded the safety, health and welfare of the public and permitted the issuance of an engineering report not in conformity with accepted standards, in violation of N.J.S.A. 45:1-21e and N.J.A.C. 13:40-3.1(a)2.

12. *Stanley J. Werchinski Jr., P.E., P.L.S. License No. GB28079*

Mr. Werchinski was assessed a civil penalty of \$5,000, ordered to make restitution to a former client in the amount of \$11,500 and ordered to reimburse the Board \$198 for the following violations: engaging in professional misconduct in violation of N.J.S.A. 45:1-21e, N.J.A.C. 13:40-3.1(a)11 and N.J.A.C. 13:45C-1.3(a)1; and engaging in the use of dishonesty, fraud, deception and misrepresentation contrary to N.J.S.A. 45:1-21b. Mr. Werchinski had his engineering and land surveying licenses suspended and must complete an engineering and/or sur-

veying ethics and practice course approved by the Board prior to the reinstatement of his engineering and land surveying licenses. ■