



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 3

Summer/Fall 2001

President's Message

On behalf of the entire Board, I would like to thank outgoing president, Albert N. Faraldi, P.L.S., for his hard work and dedication over the last year. Mr. Faraldi has continued the fine tradition established by his predecessors of working with licensees, the Board and its staff in fulfilling the objective of promoting the health, safety and welfare of the residents of New Jersey through the proper practice of professional engineering and land surveying.

The Board and its staff intend to continue with their commitment to disseminate information regarding the licensing of professional engineers and professional land surveyors and the practice of these professions. The Board has received favorable responses to its newsletter which began publication two years ago. The disciplinary section of the newsletter has served to heighten the awareness of the Board's 20,000 licensees concerning those practices, which are in violation of the regulations and statutes governing the practice of engineering and land surveying in the State of New Jersey. Further, in an effort to facilitate the availability of its resources, licensees now have access to information, documents, and materials associated with the Board by means of the Internet, via the Board's Web site at <http://www.state.nj.us/lps/ca/nonmed.htm>.

I would like to take this opportunity to express my sincere appreciation and gratitude for being granted the privilege of serving the Board as its president.

James D. Kelly, Esq., P.E.
Board President

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IMPORTANT

Licensees are reminded of their responsibility to notify the Board of office of any change in address. 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."

REMINDER

State Board of

PROFESSIONAL ENGINEERS & LAND SURVEYORS NEWSLETTER

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Robert Marshall, Jr., P.E.

Rishi S. Raj, Ph.D.

Albert N. Faraldi, P.L.S.

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

Active Licensees:

For the period July 1, 1994 thru December 31, 2000, the total number of licensed professional engineers and professional land surveyors continues to demonstrate an upward trend. Over this five-and-one-half year period, the total number of professional engineers increased by 2,888 or 19.7%, from 14,644 to 17,532 by December 31, 2000. For the same time frame, the total number of professional land surveyors increased by 40 or 3.8%, from 1,056 to 1,096 by December 31, 2000.

Finally, the number of individuals who are licensed as both a professional engineer and a professional land surveyor, while fluctuating upward and downward during this period, remained unchanged for the year ending December 31, 2000 at 327 licensees.

General Information

All licensees are reminded that, under new changes to the Uniform Enforcement Act, they must renew their certificates of registration within 30 days of its expiration date or face having their licenses suspended without any additional notification or hearing. Anyone who continues to practice while his/her license is suspended shall be deemed to be engaged in unlicensed practice. Should the license remain suspended for five years or longer the licensee shall be required to take the necessary examinations for licensure along with the filing of a new application. Reference should be made to the Uniform Enforcement Act, PL 1999, c. 403.

All licensees of the Board are reminded of their obligation to cooperate with the Board in any matter in which they have been involved. Failure to comply with this regulation may subject the licensee to a fine and/or disciplinary action.

At its October 5, 2000 meeting the Board adopted a resolution recognizing the efforts and services rendered by a former Board member, Joseph Wiseman, P.E. Mr. Wiseman passed away on September 22, 2000, and will truly be missed. He was a Board member from 1984 to 1994 and served two terms as president. Mr. Wiseman was also active in the National Council of Examiners for Engineering and Surveying (NCEES) during his years on the Board.

Rishi S. Raj, Ph.D., was appointed by former governor Christie T. Whitman as a public member of the Board. In addition, Board member Louis A. Raimondi, P.E., L.S., has been appointed to the Advisory Committee on Council Activities of the National Council of Examiners for Engineering and Surveying (NCEES). Additionally, former Board member Pushpa Amin, P.E., was recently appointed to the Board of Examiners of Electrical Contractors by former governor Whitman. Congratulations to all.

Certificates of Authorization

In an effort to crack down on the unlicensed practice of engineering and land surveying in New Jersey, the State Board of Professional Engineers and Land Surveyors requires corporations offering engineering and/or land surveying services to obtain a Certificate of Authorization from the Board pursuant to N.J.S.A. 45:8-56. The Board shall issue certificates of authorization to qualified corporations on a biennial basis. Only those corporations that receive a Certificate of Authorization are authorized to offer professional engineering and/or land surveying services. This certificate indicates who is responsible for the types of services offered. This individual or group serve either as an employee(s) of the corporation or under a contractual arrangement per N.J.A.C. 13:40-10.1. Consequently, these licensees are responsible for ensuring that the corporation complies with all of the regulations that apply to licensed professionals and corporate activities. N.J.S.A. 45:8-56 does not, however, apply to professional service corporations established pursuant to the "Professional Service Corporation Act," P.L. 1969, c. 232 (C. 14A:17-1 et seq.).

In an effort to identify corporations that have met the Board's standards to offer engineering and/or land surveying services, the Board requires that all such corporations provide the Certificate of Authorization in the title block and/or letterhead of the firm. Anyone who knows of a corporation offering these services that is not duly authorized should advise the corporation of its responsibility to obtain a valid Certificate of Authorization or contact the Board office. Those firms that are registered as professional associations should be identified in the title block by use of the words "Professional Association" or the initials

"P.A." thereby making the public aware of the firm's incorporation status.

An alphabetical listing of business entities holding valid Certificates of Authorization will be maintained by the Board on its Web site located at <http://www.state.nj.us/lps/ca/nonmed.htm#eng8>, and can be accessed under the "Certificate of Authorization Report" menu option. The listing will include the names and addresses of each business, Certificate of Authorization numbers and the types of services offered.

It is highly recommended that municipal officials check this listing before contracting for engineering and/or land surveying services to ensure that firms submitting bids have a current Certificate of Authorization and are in compliance with the Board's statutes and rules. Any corporation that offers or renders engineering and/or land surveying services without a Certificate of Authorization or with a lapsed Certificate of Authorization will be subject to civil penalties up to \$10,000 as authorized by N.J.S.A. 45:1-25.

MEETING DATES

June 7, 2001	Public
June 21, 2001	Public/Executive Session
July 5, 2001	Public
July 19, 2001	Public/Executive Session
August 2001	No meetings scheduled
September 6, 2001	Public
September 20, 2001	Public/Executive Session
October 4, 2001	Public
October 18, 2001	Public/Executive Session
November 1, 2001	Public
December 6, 2001	Public
December 20, 2001	Public/Executive Session

*All meetings will take place
at 124 Halsey Street, in Newark, New Jersey 07101*

Disciplinary Actions

January 2000 - December 2000

*Charles A. Atkinson, P.L.S.,
License No. GS33994*

Mr. Atkinson was assessed a \$1,000 civil penalty for failing to respond to the Board's written correspondence in violation of the following: N.J.A.C. 13:40-3.1(a)11, and N.J.A.C. 13:45C-1.3(a)1.

*Peter E. Benton, P.L.S.,
License No. GS15540*

Mr. Benton paid a \$250 civil penalty for his failure to comply with the provisions of N.J.S.A. 45:8-35.2 and N.J.A.C. 13:40-11 regarding the completion of courses for continuing professional competency.

*Louie Carini, P.E.,
License No. GE27266*

Mr. Carini's professional engineer's license has been suspended for a two-year period, effective April 1, 2000. The Board found that Mr. Carini engaged in gross negligence in violation of N.J.S.A. 45:1-21c, as well as professional misconduct, contrary to N.J.S.A. 45:1-21(e). The Board additionally concluded that Mr. Carini has had his authority to engage in the activity regulated by the Board suspended by another state agency or authority for reasons consistent with statutes it is required to administer, which also provides grounds for disciplinary action in New Jersey, pursuant to N.J.S.A. 45:1-21g.

*Edward S. Clemmo, P.L.S.,
License No. GS33097*

Mr. Clemmo was assessed a \$500 civil penalty for his failure to comply with the provisions of N.J.S.A. 45:8-35.2 and N.J.A.C.

13:40-11.1 regarding the completion of courses for continuing professional competency.

*Alex Diachishin, P.E., P.L.S.,
License No. GB8767*

Mr. Diachishin was permitted to retire his land surveying license, pursuant to N.J.S.A. 45:8-36.2, effective immediately. As such, he will not be permitted to practice or offer to practice land surveying in the State of New Jersey or hold himself out as a licensed land surveyor in this State while his license is retired. His license to practice engineering shall remain in active status and shall not be affected.

*Joseph E. Dioguardi, Jr., P.L.S.,
License No. GS18603*

Mr. Dioguardi paid a civil penalty in the amount of \$500 for his failure to comply with the provisions of N.J.S.A. 45:8-35.2 and N.J.A.C. 13:40-11.1, regarding the completion of courses for continuing professional competency.

*Andrew Drysdale, P.L.S.,
License No. GS16186*

Mr. Drysdale paid a civil penalty in the amount of \$500 for his failure to comply with the provisions of N.J.S.A. 45:8-35.2 and N.J.A.C. 13:40-11.1, regarding the completion of courses for continuing professional competency.

*Harry J. Duckinfield, P.L.S.,
License No. GS22711*

Mr. Duckinfield was assessed a civil penalty of \$1,000 for his failure to cooperate with the Board's request in violation of N.J.A.C. 13:40-3.1a11 and N.J.A.C. 13:45C-1.3(a)1.

*John P. Foster, P.E.,
License No. GE32397*

Foster was reprimanded for the improper removal and alteration of the title block from Boswell Engineering plans, which he used as a basis for a similar project in 1998 after terminating his employment with the engineering firm in violation of N.J.S.A. 45:1-21h and N.J.A.C. 13:40-1.2(e).

*Henry R. Fulton, P.E.,
License No. GE14266*

Mr. Fulton's engineering license has been revoked as a result of a conviction of a crime constituting professional misconduct, as well as a conviction of a crime of moral turpitude and one that related adversely to the practice of engineering, pursuant to N.J.S.A. 45:1-21e and f.

*Thomas A. Furey, P.E.,
License No. GE36044*

Mr. Furey paid a \$500 civil penalty for engaging in the practice of engineering with a lapsed license, contrary to N.J.S.A. 45:8-37, the unlicensed practice of engineering, in violation of N.J.S.A. 45:8-27 and N.J.S.A. 45:8-39, and professional misconduct contrary to N.J.S.A. 45:1-21e.

*Patrick A. Giallorenzo, P.E., P.L.S.,
License No. GB26801*

Mr. Giallorenzo was assessed a \$250 civil penalty for his failure to comply with the provisions of N.J.S.A. 45:8-35.2 and N.J.A.C. 13:40-11.1 regarding the completion of courses for continuing professional competency.

Disciplinary Actions

Robert W. Giles, P.E.,
License No. GE27295

Mr. Giles's license to practice engineering in the State of New Jersey has been revoked. His actions in another state constitute professional misconduct in violation of N.J.S.A. 45:1-21e. Additionally, this out of state action provides grounds for discipline, pursuant to N.J.S.A. 45:1-21g, for reasons consistent with the Uniform Enforcement Act.

Timothy J. Higgins, P.E., P.L.S.
License No. GB33354

Mr. Higgins's professional land surveying license was placed on inactive status, effective May 1, 2000, as authorized by N.J.S.A. 45:8-7.3. As such, he will not be permitted to practice or offer to practice land surveying in the State of New Jersey or hold himself out as a licensed land surveyor in this State. Mr. Higgin's license to practice engineering in New Jersey shall remain active.

Arthur J. Koerber, P.E.
License No. GE25371

Mr. Koerber was reprimanded for improperly signing and sealing reports which contained documents which were not prepared by himself or by employees under his supervision, and for his failure to prepare and retain written evaluations of the professional services represented by said documents, in violation of N.J.S.A. 45:1-21e, and N.J.A.C. 13:40-3.1(a)5.

Joseph L. Lazok, P.L.S.
License No. GS37200

Mr. Lazok paid a \$250 civil penalty for his failure to cooper-

ate with and timely respond to the Board's requests regarding continuing competency requirements, 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.

Edward J. Martin, P.E.
License No. GS11668

Mr. Martin paid a \$2,500 civil penalty for his violation of N.J.S.A. 45:1-21e (professional misconduct) and h, as well as N.J.A.C. 13:40-5.1; and will voluntarily retire his land surveying license, effective May 1, 2000, pursuant to the mandates of N.J.S.A. 45:8-36.2 and the accompanying regulations.

Henry J. McGuigan, P.E., P.L.S.
License No. GB23192

Mr. McGuigan paid a civil penalty in the amount of \$250 for his failure to comply with the provisions of N.J.S.A. 45:8-35.2 and N.J.A.C. 13:40-11.1 regarding the completion of courses for continuing professional competency.

Barry W. Muller, P.E.
License No. GE36531

Mr. Muller's license to practice engineering in the State of New Jersey has been suspended for four years effective retroactively to September 1998. Mr. Muller pleaded guilty to criminal charges constituting a conviction of a crime of moral turpitude pursuant to N.J.S.A. 45:1-21f.

Chander P. Nangia, P.E.
License No. GE22090

Mr. Nangia has been publicly reprimanded for aiding and assisting an unregistered corporation in practicing or offering to practice engineering in the State

of Oklahoma, in violation of that state's statutes, thus constituting professional misconduct in violation of N.J.S.A. 45:1-21e.

Anastasios Pappas, P.E.
License No. GE20743

The license of Mr. Pappas to practice engineering in the State of New Jersey has been revoked for professional misconduct in another state, and in violation of N.J.S.A. 45:1-21e and pursuant to the mandates of N.J.S.A. 45:1-21g.

Chester Parkes, P.L.S.
License No. GS26387

Mr. Parkes paid a civil penalty in the amount of \$250 for his failure to comply with the provisions of N.J.S.A. 45:8-35.2 and N.J.A.C. 13:40-11.1 regarding the completion of courses for continuing professional competency.

William C. Raybon, P.E., P.L.S.
License No. GB13025

Mr. Raybon has voluntarily retired his land surveying license as a result of failing to complete the required professional development hours of continuing professional competency courses in violation of N.J.S.A. 45:8-35.2 and N.J.A.C. 13:40-11.1. As such, he will not be permitted to practice or offer to practice land surveying in the State of New Jersey or hold himself out as a licensed land surveyor in this State. His license to practice engineering in this State shall remain active.

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*Alan Rubin, P.E.,
License No. GE8232*

Mr. Rubin paid a civil penalty in the amount of \$500 for engaging in the practice of engineering with a lapsed license, contrary to the provisions of N.J.S.A. 45:8-37, and the unlicensed practice of engineering, in violation of N.J.S.A. 45:8-37 and N.J.S.A. 45:8-39.

*Ronald St. Laurent, P.E., P.L.S.
License No. GB13174*

Mr. St. Laurent has voluntarily surrendered his land surveying license for his failure to complete the required professional development hours of continuing professional competency courses in violation of N.J.S.A. 45:8-35.2 and N.J.A.C. 13:40-11.1. As such, he will not be permitted to practice or offer to practice land surveying in the State of New Jersey or hold himself out as a licensed land surveyor in this State.

*Charles Stewart, P.E., P.L.S.
License No. GB35884*

Mr. Stewart paid a \$1,000 civil penalty for the following violations: failure to set appropriate corner markers or obtain a written waiver of this requirement signed by the ultimate user in violation of N.J.A.C. 13:40-5.1(d), and omitting mandatory items from a survey as required by N.J.A.C. 13:40-5.1(f). Mr. Stewart is also required to set corner markers at 98 Grover Lane, West Caldwell, New Jersey, free of charge to the consumers, and to submit a revised survey plat to the Board indicating this has been completed, and to take and successfully pass the New Jersey Law Examination.

*Robert T. Voss, P.E., P.L.S.
License No. GB22709*

Mr. Voss paid a \$250 civil penalty for failing to complete the required professional devel-

opment hours of continuing professional competency courses in violation of N.J.S.A. 45:8-35.2 and N.J.A.C. 13:40-11.1.

*Steven Zimmerman, P.L.S.,
License No. GS27515*

Mr. Zimmerman paid a \$500 civil penalty for failing to complete the required professional development hours of continuing professional competency courses in violation of N.J.S.A. 45:8-35.2 and N.J.A.C. 13:40-11.1. In addition, Mr. Zimmerman paid a second \$500.00 civil penalty for his failure to cooperate with the Board's requests contrary to 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.

Professional Mobility and the NCEES Records Program

The globalization of the marketplace demands increased mobility of today's professional engineer and professional land surveyor. The dramatic evolution of the communications technology and professional services industry, which is competing for regional, national, and international clients, also contributes to this dynamic. State borders are playing an ever decreasing role in determining viable business opportunities. The regulatory world, while not as dynamic and evolutionary as the business world, continues to wield profound influence. While professional engineers and professional land surveyors strive to provide service to clients and projects near and far, the need for appropriate licensure remains a business and legal reality. The highly mobile professional, then, faces the daunting task of obtaining licensure in multiple jurisdictions.

To accommodate this trend of increasing professional mobility, the National Council of Examiners for Engineering and Surveying (NCEES) has created the Council Records Program. The program is designed to assist engineers and land surveyors who have obtained licensure in at least one U.S. jurisdiction in becoming licensed elsewhere. When complete, a council record contains a concise report of the applicant's education, experience, professional references, examination results and licensure status, all verified by NCEES. In most cases, a council record will dramatically reduce the paperwork which is required to become licensed through comity. Obtaining a council record can translate into a significant savings of time and effort for the licensee.

It should be noted that all jurisdictions require that the applicant complete at least part of their standard application, and a few may require additional information to supplement the council record. Having a council record does not guarantee licensure in all jurisdictions.

Contact NCEES at 1-800-250-3196 for the Records Program Fact Sheet, or visit their Website at <http://www.ncees.org>.

Q & A

Web Site Update

Since its last newsletter, the Board has enhanced its Web site to include many useful features and resources. The Board's Web site can be accessed directly at: <http://www.state.nj.us/lps/ca/nonmed.htm#eng8>.

Q. Is the preparation of a metes and bounds description required when performing a property survey?

A. In accordance with N.J.A.C. 13:40-5.1(i) 1, a description must be supplied when the survey is to be used for conveyancing (title transfer or mortgage).

Q. Is it necessary for a licensee of the Board to determine the identity of the client prior to commencing any work?

A. Yes, in accordance with N.J.A.C. 13:40-3.1 (a) 8.

An online licensee directory is now available to determine the current licensure status of all Board licensees. By typing in a licensee's last name, that individual's licensure status (active, expired, retired or suspended) will be displayed, along with their license number and any disciplinary history (yes/none) indicated. In addition, there are complaint forms available for downloading along with an explanation of the complaint review process. Also available are applications and directions for Professional Engineers (PE), PE-Comity, Engineers-in-Training, Professional Land Surveyors (PLS), Land Surveyors-in-Training, and for Certificates of Authorization (C/A). There is also a Certificates of Authorization report which lists those companies registered with the Board to provide professional engineering and/or land surveying services in this State.

Also, the minutes from all public session Board meetings for the year 2000 and from the period January through February 1, 2001, are available for viewing. Finally, the Board's first and second newsletters are available as are directions to the Newark office, the meeting dates for both the Board and the Home Inspection Advisory Committee, and hyperlinks to the Web sites for the National Council of Examiners for Engineering and Surveying (NCEES) and to the National Society of Professional Engineers (NSPE) at <http://www.nspe.org>. The Web site for NCEES, at <http://www.ncees.org>, provides detailed information on examinations and test formats for all engineering disciplines.

License Presentation Ceremony

On October 5, 2000, the Board held a license presentation ceremony for licensees passing the April 2000 examination. The ceremony was held at the Holiday Inn in Jamesburg and was attended by some 45 newly licensed professional engineers and licensed land surveyors along with their families and friends. The featured speaker for the evening was Dean Dianne Dorland, Ph.D. of Rowan University. The ceremony ended with the administration of the Engineer's Creed to the new licensees.

We all can take pride in participating in the New Jersey Society of Professional Engineers "New Engineers and Scholarship Luncheon." Our current newsletter chairman, Louis A. Raimondi, P.E., L.S., takes particular pride in the fact that he conducted the very first presentation of this event in May 1967, in Atlantic City. (Some 21 newly licensed professional engineers, one land surveyor and two engineers in training received their wall certificates at that time.) This memorable event continues as a Board tradition.

Retraction

The Summer/Fall 2000 Newsletter contained an incorrect licensee's name and license number under Disciplinary History for the period January 1999 thru December 1999. It was reported that Geoffrey D. Brown, P.E., License No. GE28153, 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. The correct name of the licensee is D. Geoffrey Brown, P.E., P.L.S., License No. GB24327.

The Board regrets the unfortunate mis-identification of the licensee and extends its apologies to Geoffrey D. Brown, P.E.