



New Jersey Office of the Attorney General  
 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**  
 & **L** **AND SURVEYORS**

VOLUME 8

NEWSLETTER

SPRING 2006

## PRESIDENT'S MESSAGE

James K. Valenti, Esq., P.E.

We hope you are pleased to find this edition of the Newsletter in your mailbox today. The Board believes that the Newsletter is the most effective way to provide topical information to the Board's licensees. Accordingly, the Board has made a commitment to complete two editions of the Newsletter each year.

I am pleased to serve as the president of the Board for the 2005-06 Session. This has been a challenging and rewarding experience. We have had a very active session. My term began in Atlantic City in May 2005 with a meeting attended by more than 50 surveyors interested in expressing their opinions about professional degrees, continuing education and the future of the profession. This lively discussion provided valuable input to the Board.

Throughout the summer of 2005, the Board worked on amendments to the regulations governing the conduct of engineers and surveyors. In September, the proposed regulations were published in the New Jersey Register. The final regulations became effective on February 21, 2006. The Board did extraordinary work on this project, reviewing and discussing the regulations, and amending them where necessary.

In November 2005, a large public meeting was held to discuss the "Topography Notice" and topographic surveys. Once again, many professional engineers and surveyors attended the meeting to present their opinions and suggestions to the Board. The Board recognizes that this is a very

important issue and has spent a lot of time reviewing the issues and formulating the Board's position. The input received at the meeting was very helpful to the Board and there will be further discussions on these matters in 2006.

In between these events, the Board kept pace with the day-to-day business including the processing of hundreds of applications for licensure and dozens of complaints filed against licensees. These matters are addressed at every Board meeting. As noted in other articles, the Board members have also been busy in actively promoting licensure by interacting with the leaders of our state colleges and universities.

I want to recognize Executive Director Arthur Russo for his outstanding leadership to this Board for almost 14 years. Please read the article in this Newsletter about Arthur's career --- you will find it to be inspirational. I also want to recognize and thank the Board staff for their professionalism and contributions to the Board. The Board's legal matters are skillfully handled by Deputy Attorney General Michelle Albertson and her expertise has proven very beneficial to the Board. Overall, the Board has a great team of professionals who effectively service the 20,000 licensees of the Board.

The Board wants to hear your comments, concerns and suggestions. Every Board meeting is open to the public and we look forward to your attendance and participation. We are constantly striving to promote and improve our profession, and we look forward to working for you.

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State Board of

**PROFESSIONAL  
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LAND SURVEYORS  
NEWSLETTER**

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Arthur Russo

*Executive Director*

This newsletter provides pertinent information for licensees, but it is not a substitute for a periodic review of the statutes and regulations. It is published for professionals licensed by the Board.

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

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Arthur Russo  
Executive Director

*A Great Leader from the  
Greatest Generation*



“The Greatest Generation” has been used to describe the American citizens who came of age during the Great Depression and the Second World War and went on to build modern America. The New Jersey State Board of Professional Engineers & Land Surveyors is proud to have a member of this generation serving as the Board’s executive director. Arthur Russo has served his country and the Board with distinction and this article will introduce readers to his life story.

In 1991, Governor James Florio appointed Arthur Russo to the position of executive director of the State Board of Professional Engineers & Land Surveyors. For the past 14 years, Arthur has provided a steady hand in his guidance of the Board. Although Board members have come and gone during Arthur’s tenure, Arthur has remained as the steady leader providing guidance and leadership to the Board members and staff.

Arthur was born in New York City and grew up there and in Phillipsburg, New Jersey. Like many members of his generation, Arthur got the call for duty and was drafted in 1943. A spirited and adventurous youth, Arthur volunteered to serve as a radio operator/gunner in the Air Force. He was trained as a bomber crewman in the famous B-24 bomber, also known as the “Liberation Bomber.” Arthur was part of the 868th Bomber Squadron which served with distinction in the southwest Pacific. The B-24’s carried a new top-secret technology designed to help win the war: on-board radar. Flying at night, the bombers of the 868th would take off alone to attack Japanese ships and land-based targets in the Pacific. Many of their flights were at extremely low altitude - sometimes only 80 feet above the ground.

While on a low-altitude bombing and strafing raid of a Japanese airfield, Arthur’s plane was seriously damaged by enemy fire and Arthur was seriously wounded. He clung to life, drifting in and out of consciousness, while the damaged plane completed a daunting seven-hour flight back to friendly territory. Arthur spent the next three months in the hospital followed by intensive rehabilitation. His flying days were over, and he completed his tour of duty in the United States, followed by an honorable discharge in 1945. His final rank was Technical Sergeant. Arthur’s courage and sacrifice was duly noted by his country as he was awarded the Distinguished Flying Cross and two Purple Hearts.

Upon his return to civilian life, Arthur attended New York University and received his business degree in 1949. His first job was as a United States civil servant. While he was involved in this work, Arthur became interested in development and home building. In 1951, Arthur joined with his brother Raymond to start a home-building business that would thrive over the next 40 years.

“Five Points Realty” and “Piedmont Farms” were the names the Russo brothers used for their projects. As their reputation for excellence grew, their business expanded across New Jersey. These were exciting times as New Jersey’s suburbs were rapidly expanding across the landscape. The Russo brothers constructed hundreds of quality homes in developments in Union, Springfield, Summit, New Providence, Berkeley Heights, Bound Brook, Colts Neck and many other towns. After 40 years of success, Arthur left the development business and joined the Board.

Family is an important part of Arthur’s life. His office is sprinkled with family photos and memorabilia. Arthur’s lovely wife, Arlene, has been his partner for many years. Arlene has also become a vital part of the Board with her volunteer work on the Certificate Award Ceremony. Arthur and Arlene had two children, Wayne and Lynne. Their oldest child, Wayne, was a exceptional young

*Continued on next page...*

man who had already achieved much personal success when his life was tragically ended in the terrorist attacks of September 11, 2001. Wayne was working for a major insurance brokerage in the World Trade Center when the terrorists struck the buildings. With the love and support of their family and friends, the Russo family survived this tragedy and grew closer. Arthur and his family have remained very active in support of the families who lived through the loss of a loved one on that tragic day. Arthur and Arlene's daughter, Lynne, and son-in-law Mario live in New Jersey and have added two grandchildren to the Russo family. Of course, the youngest family members are loved and pampered by the proud grandparents.

Arthur's other family is the Board members and staff. During the past 15 years, Arthur has provided a steady hand in the guidance of the Board and has served as a mentor to his staff. He has developed a personal relationship with every Board member and has gathered years of memories about the Board. Arthur says that the "Board staff is part of my extended family and I want them all to be happy and successful in their work." As for the Board, Arthur observed that "I have made some great friends on the Board and I am always sorry when a member's term ends and they quietly move on." He also notes that "the licensing of professional engineers and land surveyors has become more challenging because the licensure requirements are not standardized across all the states and some boards have lowered their standards."

In 1936, Franklin Delano Roosevelt predicted that "this generation of Americans has a rendezvous with destiny." In the case of Arthur Russo, his many years of personal and professional success have led to the fulfillment of that prediction.

The Board and staff thank Arthur for his years of service.

## BOARD MEMBER NEWS

The newest member of the Board, James J. Purcell, P.E., was appointed as a professional engineer in June 2005 and attended his first meeting in July, just before the Board's summer recess. Mr. Purcell is a vice president and the Princeton branch manager of Medina Consultants, P.C., a full-service civil engineering and land surveying firm based in Hackettstown. A graduate of the University of Connecticut in 1986 with a Bachelor of Science degree in civil engineering, Mr. Purcell has spent the last 19 years in the transportation and site development design fields in New Jersey. His career, however, began in Connecticut during his high school and college years, when he worked for his father's engineering firm. There he had an opportunity to experience the diversity of professional engineering and participate in a variety of design and construction projects.

A past president of the Mercer County Society of Professional Engineers, Mr. Purcell has been active for several years in the New Jersey Society of Professional Engineers, the American Society of Highway Engineers, and the American Council of Engineering Companies of New Jersey, serving in various governing positions and on many committees for these organizations.

Jim and his wife, Cheryl, live in Lawrenceville with their children, Sean (11) and Megan (14), and he is very active in his community. Jim is an assistant scoutmaster for Troop 27 and has been a soccer and baseball coach, as well as helping Cheryl in her role as leader of Megan's Girl Scout troop.

Jim was recently named "Engineer of the Year" by the Professional Engineers Society of Mercer County and was honored at their Awards Banquet in February.

### MEETING DATES IN 2006 STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

**April 20, 2006**

*(Public Session/Executive Session)*

**May 5, 2006**

*(Public Session/Executive Session)*

**May 18, 2006**

*(Public Session/Executive Session)*

**June 1, 2006**

*(Public Session/Executive Session)*

**June 15, 2006**

*(Public Session/Executive Session)*

**July 6, 2006**

*(Public Session/Executive Session)*

**July 20, 2006**

*(Public Session/Executive Session)*

**September 7, 2006**

*(Public Session/Executive Session)*

**September 21, 2006**

*(Public Session/Executive Session)*

**October 5, 2006**

*(Public Session/Executive Session)*

**October 19, 2006**

*(Public Session/Executive Session)*

**November 2, 2006**

*(Public Session/Executive Session)*

**November 16, 2006**

*(Public Session/Executive Session)*

**December 7, 2006**

*(Public Session/Executive Session)*

**December 21, 2006**

*(Public Session/Executive Session)*

Meetings are held at 124 Halsey Street, Newark, N.J. in the Union conference room located on the 3rd floor. Meetings start at 9:00 a.m.

**BOARD MEMBER  
LOUIS A. RAIMONDI  
PROMOTED TO PRESIDENT-ELECT OF N.C.E.E.S.**

Congratulations to Lou Raimondi for his recent election to the position of president-elect for The National Council of Examiners for Engineering and Surveying ([www.ncees.org](http://www.ncees.org)).

Mr. Raimondi is a professional engineer, professional land surveyor and professional planner. He was originally appointed to the State Board as a professional engineer in 1987 and served until 1991. In 1994, he was re-appointed to the Board as a land surveyor member and served as president in 1998-1999. Mr. Raimondi is a graduate of the New Jersey Institute of Technology with both Bachelor of Science and Master of Science degrees in Civil Engineering.

The National Council of Examiners for Engineering and Surveying (N.C.E.E.S.) is a national nonprofit organization

composed of engineering and land surveying licensing boards representing all U.S. states and territories. N.C.E.E.S. was founded in 1920 and is responsible for the preparation and scoring of the exams required for engineering and surveying licensure and related activities.

Mr. Raimondi's election was approved by unanimous vote at the 2005 Annual Meeting held in Memphis, Tennessee. Mr. Raimondi has been very active in N.C.E.E.S. for several years and his new position will require a significant amount of travel and interaction with other state boards and for regional meetings.

The Board is extremely proud of Mr. Raimondi's accomplishments and we wish him continued success with N.C.E.E.S.

## LICENSURE PROMOTION PROGRAM

The members of the New Jersey Board of Professional Engineers and Land Surveyors have long known the importance of promoting licensure for all engineers to protect the health, safety and welfare of the public. In their private lives, Board members advocate for licensure to just about anyone who will listen. Several members have teamed up to become ambassadors to New Jersey's engineering colleges and universities.

Board members James Valenti, Lawrence Koo, Edward Vernick and James Kelly along with Executive Director Arthur Russo and Robert Welsh of the Board's staff have made several college/university appearances in 2004 and 2005. Among their stops have been Princeton University, Stevens Institute of Technology, Rowan University, the New Jersey Institute of Technology, Rutgers University and the College of New Jersey (December 2005). They have met

with faculty and staff to discuss, for example, how the school promotes licensure and how the Board encourages students to take the Fundamentals of Engineering examination (F.E.) prior to graduation. One of the most aggressive institutions in this area is Fairleigh Dickinson University which currently requires students to take the F.E. as a condition of graduation. Those who pass are given special recognition at the graduation ceremony.

The Board also speaks with the various student chapters of professional engineering societies of these colleges and universities to stress the importance of getting on the licensure track and ultimately becoming licensed. Participating Board members have found this to be a rewarding experience and have enjoyed interacting with those future professional engineers. For further information on this program, please contact Robert Welsh.

## LICENSE PRESENTATION CEREMONY

On November 3, 2005, the Board hosted the semi-annual License Presentation Ceremony at the Holiday Inn located in Jamesburg, New Jersey. This ceremony is an opportunity to honor the new licensees who passed the April 2005 examination. The award ceremony is a great opportunity for new engineers and surveyors to celebrate their accomplishments.

More than 50 professional engineers were presented with their professional licenses. The ceremony was well attended by recipients, family and friends. The featured speaker for the event was Robert English, P.E., Chair and Professor of Engineering Technology at the New Jersey Institute of Technology. Mr. English's address highlighted the importance of professional licensure and the responsibility that accompanies the designation as a "professional."

# ONLINE LICENSE RENEWAL

Please be advised that your current professional license expires on April 30, 2006, and must be renewed for the 2006 - 2008 license renewal period. Effective with the 2006 - 2008 license renewal period which commences on May 1, 2006 and ends on April 30, 2008, licensees will have the opportunity to renew their licenses online. All licensees will be sent a letter in 2006 advising them of their option to renew online at <https://newjersey.mylicense.com>. Licensees who renew online will not be sent a paper license renewal notice. However, in the event you do receive a paper license renewal notice after having renewed online, please ignore the paper license renewal notice. This scenario may result due to the overlap of the timing of the processing of online renewals and the entire licensee database.

If you choose not to renew online you will, of course, continue to receive the paper renewal notice. The paper renewal notice and your check or money order must be completed and returned by the due date of March 31, 2006. If the Division of Consumer Affairs has not received your

license renewal form and check by March 31, 2006, it cannot guarantee that you will receive your new license prior to the expiration date of April 30, 2006. Be advised that only during the last week prior to April 30, 2006, may you bring your completed license renewal form in person to the Consumer Service Center located on the 3<sup>rd</sup> floor of the State office building at 124 Halsey Street, Newark, NJ 07101.

Please note that if you fail to renew your license by May 30, 2006 (30 days after the expiration date of April 30, 2006), your license will be placed in suspended status without a hearing. If you do not want to renew your license and to avoid being placed in suspended status, you must complete and return the renewal application and request inactive status. Please note that by selecting inactive status, you may not practice your profession in the State of New Jersey. If you are renewing your license after June 1, 2006, which is more than thirty (30) days after the expiration date of April 30, 2006, do not submit the license renewal form. Instead, contact the Board's office at (973) 504-6460 concerning the procedures and forms needed to reinstate your license.

## UPDATE ON CORNER MARKER WAIVER REGULATIONS

The Corner Marker Waiver Regulations were published in the September 6, 2005, issue of the New Jersey Register and became effective on that date. The regulations were first published on August 2, 2004, and comments were received from more than 50 people. The Board addressed the comments and thereafter published the final regulations.

The Corner Marker Waiver Regulations were amended to protect consumers and improve the practice of land surveying in New Jersey. The regulations are contained primarily in N.J.A.C. 13:40-5.2 and require that appropriate corner markers, such as stakes, iron pipes, cut crosses, monuments, or other approved markers be set at each property corner unless a written waiver is obtained from the "ultimate user." The term "ultimate user" is defined to mean the owner or contract purchaser of the property. If the setting of corner markers is waived by the ultimate user, then the land surveyor must provide a specific written waiver notice which is signed by the ultimate user and a witness. The surveyor must also sign a certification that he/she has taken these steps.

The waiver form is not designed to be the sole communication between the land surveyor and the ultimate user. The waiver form is intended to memorialize the conversation between the land surveyor and the ultimate user in which the land surveyor would provide reasonable disclosure to the client of the costs, benefits and possible consequences of not having corner markers set. The Board believes that this regulation will protect both the consumer who will be informed of the consequences of waiving the setting of corner markers and the land surveyor who will ensure that the waiver form is properly signed and witnessed.

The use of a corner marker waiver form has been required for many years. These rules clarify the steps that should be taken to obtain the waiver, including the necessary informed disclosure to the ultimate user and a witnessed signature of the ultimate user. If properly implemented by land surveyors, these rules should reduce land surveyors' exposure to any liability as a result of a misunderstanding about the setting of corner markers.

# Disciplinary Actions

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The following individuals paid civil penalties ranging from \$500 to \$1,500 and were reprimanded for practicing engineering and or land surveying at a time when their licenses were expired in violation of N.J.S.A. 45:8-27 and N.J.S.A. 45:8-39.

***Bogerman, Kevin Scott, P.L.S., license GS41379***

***Cote, John C., P.E., license GE37058***

***Fellenzer, Jr., Archie D., P.E., license GE10913***

***Gran, Thomas G., P.E., license GE27829***

***Guedelhoefer, III, Otto C., P.E., license GE42523***

***Jacobs, Leon, P.E., license GE38691***

***Mundy, Michael K., P.E., license GE29327***

***Schlossberg, Edward L., P.E., license GE32884***

***Saffner, Alan, P.E., license GE25679***

***Thornton, Thomas Randall, P.E., license GE4177***

## ***Michael D. Fantozzi (Unlicensed)***

Mr. Fantozzi violated N.J.S.A. 45:1-21b, by engaging in the use of fraud by intentionally making material misrepresentations on applications, business cards and letters indicating that he was a New Jersey licensed professional engineer, which were relied upon by third parties in making determinations in connection with utilizing his services and/or his employer, Colm Engineering. Additionally, Mr. Fantozzi duplicated a valid engineering license and altered the copy to evidence that he was a licensed professional engineer in New Jersey. In addition, Mr. Fantozzi violated N.J.S.A. 45:8-27, N.J.S.A. 45:8-28 and N.J.S.A. 45:8-39 by falsely representing that he is a New Jersey licensed professional engineer which constitutes the unlicensed practice of engineering.

The Board ordered that Mr. Fantozzi immediately cease and desist from utilizing the designation of “engineering,” “P.E.,” “professional engineer,” or any derivative thereof, or any other term which tends to convey the impression he has a license to practice engineering in New Jersey, or which conveys the impression that he provides, or offers to provide, engineering services in the State of New Jersey. Further, Mr. Fantozzi was ordered to destroy any existing document which states or implies that he is or has been a New Jersey licensed professional engineer.

The Board also ordered Mr. Fantozzi not to submit an application to sit for the examination to obtain an engineer-in-training certificate or license to practice engineering in the State of New Jersey, or seek to obtain a certificate or license in the State of New Jersey based upon licensure or certification in another state or by other means, for a minimum of three (3) years.

Should Mr. Fantozzi submit an application to the Board to sit for the professional examination(s), the Board will

require that he appear before it to demonstrate fitness to take an examination in connection with, or obtain, an engineer-in-training certificate or license to practice engineering in the State of New Jersey. At the time of his appearance before the Board, he shall provide: proof that he has successfully completed, to the Board’s satisfaction, two (2) Board-approved ethics courses; and provide all documentation in connection with any pending or prior criminal charges against him (if applicable) including, but not limited to, an indictment, information, plea agreement, judgment of conviction, or other documents as the Board deems necessary. Further, Mr. Fantozzi must demonstrate to the Board’s satisfaction at the time of his appearance that he has successfully completed any and all terms and conditions in connection with the outcome of any pending or prior criminal charges against him. The Board reserves the right to deny or place restrictions upon Mr. Fantozzi’s application to sit for any examination or, if applicable, Mr. Fantozzi’s certificate or license to practice engineering in the State of New Jersey.

## ***Robert J. Foley, P.L.S.***

***License No. GS37877***

Mr. Foley’s land surveying license was suspended by the Board until such time that he satisfactorily responds to the Board’s inquiries. Mr. Foley had a duty to cooperate and failed to do so and, further, his failure to respond to the Board constituted professional misconduct. He was also assessed a civil penalty of \$500.00. A Certificate of Debt was issued in this matter.

## ***Mark H. Langdon, P.E.***

***License No. GE36631***

Mr. Langdon paid a \$1,500 civil penalty and was publicly reprimanded for violating N.J.S.A. 45:1-21h (violated or failed to comply with the provisions of any act or regulation administered by the Board); N.J.A.C. 13:40-1.1(e) (signed and sealed a plan prepared by another person not under your direction and supervision); and N.J.A.C. 13:40-1.3 (failed to have a proper title block on the plan).

## ***Robert Lord, P.E., P.L.S.***

***License No. GB9591***

Mr. Lord was formally reprimanded by the Board for his violation of N.J.S.A. 45:1-21h and N.J.A.C. 13:40-5.1(b), in that he failed to obtain and show an existing recorded easement in a survey.

## ***David J. Plante, P.E.***

***License No. GE40400***

Mr. Plante paid \$500.00 for his violation of N.J.S.A. 45:8-28(e) and N.J.S.A. 45:1-21h, for preparing an easement description of a property located in Morristown, New Jersey, which constitutes the unlicensed practice of land surveying.

*Continued on next page...*

**Samuel M. Ruth, P.E.**  
**License No. GE26072**

Mr. Ruth paid a \$1,000 penalty and his license to practice engineering in the State of New Jersey was suspended for his failure to cooperate with the Board.

**James R. Watson, P.L.S.**  
**License No. GS30750**

Mr. Watson paid a \$1,000 civil penalty for his violation of N.J.S.A. 45:1-21h, and N.J.A.C. 13:40-1.3(a)5 which requires that a title block must contain a manual handwritten signature, not an electronic signature; and N.J.S.A. 45:1-21h and N.J.A.C. 13:40-1.1(c) and (e) which require that at the time a document is sealed, the licensee takes professional responsibility based on accepted standards of practice and, further, that a licensee must not affix a seal to a document prepared by another person unless such work was performed under the direction and supervision of the licensee. Finally, Mr. Watson agreed to successfully complete an examination of applicable regulations and statutes at the Board's office within six (6) months.

**Vincent Zambetti, P.E.**  
**License No. GE36565**

Mr. Zambetti paid a \$500 civil penalty for his violation of N.J.S.A. 45:8-56 in that his company did not have a Certificate of Authorization. However, the Board noted that Mr. Zambetti immediately applied for and obtained a Certificate of Authorization upon notification of the complaint against him. As to the allegations set forth in the complaint, the Board has determined that there was insufficient cause for any further action against Mr. Zambetti.

## "SUNSETTING" REGULATIONS

The regulations governing the practice of professional engineering and land surveying are contained primarily within N.J.A.C. 13:40-1.1 et seq. Generally, these regulations are adopted for a five-year period. As the end of that period approaches, the regulations are considered to be "sunsetting" and, therefore, need to be readopted or readopted with amendments.

In 2005, the State Board undertook the substantial task of reviewing all of the regulations. The proposed readoption with amendments was published in the New Jersey Register on September 6, 2005, and were adopted as final regulations on February 21, 2006. The Board's decision to readopt

the regulations with amendments provided the Board with the opportunity to address and clarify many procedural and substantive matters including application procedures, licensure education requirements, license renewal, fees, sealing and title block issues, certificates of authorization, continuing education requirements for surveyor and many other issues. The Board decided to withdraw proposed changes to the regulations concerning topographic surveys and the Board intends to review this topic in detail in 2006.

The Board urges all licensees to review the regulations on a regular basis.

## TRIVIA

by Richard H. Frantz, M.A.

During the early stages of the industrial revolution in Britain, it took the wood from 10 acres of forest to stoke the fires in the furnaces needed to produce one ton of iron.

## RETRACTION

In the last edition of its Newsletter (Volume 7, Summer 2005), the Board inadvertently listed Roger I. Johnson, P.E., (license #GE43683) in the Disciplinary Action section for having practiced engineering without a current license for an interval of time during the 2004-2006 biennial licensure period.

Rather, Mr. Johnson did, in fact, renew his P.E. license in a timely manner, in advance of the start of the 2004-2006 biennial licensure period, and his license is currently active.

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or e-mail us at [AskConsumerAffairs@lps.state.nj.us](mailto:AskConsumerAffairs@lps.state.nj.us)

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