



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**

Volume 4

NEWSLETTER

Spring/Summer 2002

President's Message

I would like to take this opportunity to thank our outgoing president, James D. Kelly, P.E., and his predecessors, for performing such an outstanding job with the Board. I hope to continue in this fine tradition with the same dedication and commitment they have all demonstrated in the past.

I would also like to express my gratitude and appreciation for the Board's confidence in appointing me its next president. Under my leadership, the Board will continue to serve the consumers of the State in the same expeditious manner they have in the past, while promoting the health, safety and welfare of the general public. In my opinion, the diligence exercised by the Board in reviewing complaints against its licensees is extremely commendable and is second to none. It is hoped that this newsletter, now in its fourth year of publication, will continue to convey to licensees the message that violations of the Board's rules and regulations will be dealt with fairly, justly, and in the best interests of consumers.

Finally, I would like to commend the administrative staff of the Board for its outstanding and dedicated daily work performance. The Board is better able to meet its responsibilities due to the high level of service and the substantial contributions of the staff. In this regard, I would like to personally thank each and every member of the Board's staff for his or her untiring and steadfast efforts and for each staff member's commitment to the Board and its licensees.

Pravin H. Patel, P.E.

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Appeal of Board Decision

The Board recently issued a final order denying an applicant permission to sit for the principles and practices portion of the engineering examination, since the applicant did not have the requisite minimum two years' design experience. As you may know, New Jersey is one of the few states that requires that two out of the four years of professional experience must be of a design nature, which must be supported by the applicant's references and his or her work experience.

The applicant in this case has filed an appeal of the Board's decision in Superior Court, Appellate Division. The Board will keep you advised as the case progresses, since it is an important test of our requirements for licensure.

State Board of

PROFESSIONAL ENGINEERS & LAND SURVEYORS NEWSLETTER

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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:

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*State Board of Professional Engineers
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Board member, Louis A. Raimondi, P.E., L.S., has been elected to the position of Assistant Zone Vice President of the Northeast Zone of the National Council of Examiners for Engineering and Surveying (NCEES).

On April 19, 2001, the Board took an action which we believe was the first of its kind in recent history. An applicant sitting for the professional engineer (PE) exam, Part P, divulged examination questions or content over the Internet in a chat room. Every applicant, prior to taking the examination, signs a statement that indicates that he or she will not reveal in whole or in part any exam questions, answers, problems, or solutions to anyone during or after the exam, whether orally, in writing, or in any Internet chat room or otherwise. This matter was brought to the Board's attention by an out-of-state engineer who serves on the examination committee for the



NCEES. The Board began a thorough investigation. The applicant was found to have violated N.J.S.A. 45:8-35 and, notwithstanding his passing said exam, his license was suspended for a period of two years, all of which is to be stayed and served as a probationary period. He was also ordered to take and successfully complete two courses (one per year), in the area of ethics, and to submit proof annually to the Board office of the successful completion of the courses. If he fails to comply with the terms and conditions of the consent order, the stayed suspension will convert to an active suspension. The respondent was formally reprimanded for his violation of the examination certification and, hereafter, the records will reflect his consent to the action taken.

Candidates may now select from three statewide testing locations, effective with the April 2002 examinations. The three locations are: the New



Jersey Institute of Technology (N.J.I.T.), University Heights, Newark, NJ; Rowan University, Glassboro, NJ; and the West Trenton Fire Department, Ewing, NJ. The testing dates for the April 2002 examinations are: April 19, 2002 for the Principles and Practices of Engineering (PE) and the Principles and Practices of Land Surveying (PLS) and April 20, 2002 for the Fundamentals of Engineering (FE) and the Fundamentals of Land Surveying (FLS). The testing dates for the October 2002 examinations are: October 25, 2002 (PE, PLS) and October 26, 2002 (FE and FLS).

Beginning with the April 2002 examinations, environmental engineering is now available as a separate testing discipline.

The PE examination in electrical engineering is scheduled to change to the breadth/depth format in April 2002. Effective with the change in format, the name of the examination will change to Electrical and Computer Engineering. In this format there will be a 100% objectively-scored test that covers the breadth of knowledge of electrical and computer engineering. The afternoon section will consist of three modules that cover many aspects of electrical and computer engineering. The candidates must choose one of these modules. All modules will be 100% objectively scored. The examination will use an answer sheet for the morning session similar to the one used for the afternoon session. The specifications for this examination are available at www.ncees.org.

The Board has engaged Engineering Examination Services (EES), a division of Professional Credential Services (PCS), for examination scheduling, examination administration and grade reporting. Their Web site is www.pcshq.com.

License Renewal

The Board has taken notice of the fact that some licensees have failed to renew their licenses in a timely fashion. Many used the excuse that the company secretary forgot to return the form, or that they had moved and did not get the form forwarded by mail, or that they simply forgot to renew. All licensees are reminded that nonrenewal and continuation of practice is considered practicing without a license and a violation of law which may subject the licensee to disciplinary action by the Board.

The Board wishes to also point out additional consequences which may occur for failing to renew the license in a timely manner. Under amendments to the Uniform Enforcement Act, a license is automatically suspended after 30 days have passed from the license renewal date. If the license remains expired for five years or more, re-examination will be required in order to reinstate the license. Therefore, all licensees are reminded that it is **their obligation to make sure that their biennial registration is completed on time. Failure to notify the Board of a change of address within 30 days of the change is also a violation of Board regulations.**

Active Licensees

As of December 31, 2001, there were 19,372 licensed professional engineers in the State of New Jersey. In addition, there were 1,185 licensed professional land surveyors and 385 dual licensees holding both a professional engineer's and land surveyor's license.

Web Site Update

The Board's Web site address has been enhanced to go directly to its main menu. Previously, the shorter Web site address would take you to the top of a listing of all the nonmedical, related board Web sites, and would require additional scrolling down to gain access to its main menu.

The new Web site address is: <http://www.nj.gov/lps/ca/nonmed.htm#eng8>. The former address is still operational and remains as: <http://www.state.nj.us/lps/ca/nonmed.htm>.

As of October 31, 2001, the Board's main menu includes the following items: a searchable licensee directory, complaint forms and an explanation of the complaint review process, application forms and applicable information, links to NCEES, The National Society of Professional Engineers (NSPE), and Engineering Examination Services (EES), directions to the Board office, and a certificate of authorization report.

In addition, you may view the Board's rule proposal regarding title blocks and seals, the preparation of land surveys, and continuing competency requirements. This rule proposal was published in the September 17, 2001 edition of the New Jersey Register (Volume 33, Number 18). Also available for viewing on the Board's Web site are the Home Inspection Advisory Committee (HIAC) Rule Proposal published in the May 7, 2001 edition of the New Jersey Register, and the HIAC statute (Title 45, Chapter 8), which are also known collectively as the Home Inspection Professional Licensing Act.

Finally, the public session minutes from both the Board and the Home Inspection Advisory Committee meetings, prior editions of the Board's newsletters, and a schedule of the Board and Committee meeting dates for the year 2002 are available on the Web site.

Retired Status Questionnaire

The Board has received inquiries from licensees regarding the question on the biennial renewal form concerning retired license status. An explanation regarding retired license status may be found in N.J.S.A. 45:8-36.2. A licensee who meets the requirements may elect to retire his or her professional engineer and/or land surveyor license. When selecting one of the retired categories, a licensee has the option to retire with the ability to use the "RET" designation, remain listed in the roster book, receive a pocket license and be included on the Board's mailing list. This status of retirement costs \$40 every renewal period. If the licensee chooses to retire without the above privileges, then there is not any ongoing fee.

Once a licensee retires and obtains a retired status license, the former licensee may no longer practice engineering or surveying in the State of New Jersey, and he or she need not complete the continuing professional competency requirements in the case of a land surveyor.

It is important to advise the Board of your intentions about retired status to avoid confusion in the renewal process.

Certificates of Authorization

The Board is actively pursuing the unlicensed practice of engineering and land surveying in New Jersey by monitoring any complaints that are received concerning services rendered by corporations that have not obtained a certificate of authorization.

The Board shall issue a certificate of authorization to qualified corporations on a biennial basis, pursuant to N.J.S.A. 45:8-56. 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 type of services offered. The responsible individuals serve either as employees of the corporation or under a contractual arrangement as required by N.J.A.C.13:40-10.1. Consequently, these licensees are responsible for insuring 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 1et. seq.).

The Board has opted to revise its regulations to include a certificate of authorization number in the title block of the firm, thus alerting the public that the corporation working for them is properly authorized to do so. Any firm registered as a professional association must by law identify what type of corporation it is by the use of the words "professional association" or the initials "P.A." The Board maintains an alphabetical listing of business entities holding a valid certificate of authorization on its Web site located at <http://www.nj.gov/lps/canonmed.htm#eng8>.

It was suggested in the Summer/Fall 2001 Newsletter that municipal officials make sure they check the above referenced listing before signing a contract for engineering and/or land surveying services to ensure that firms submitting proposals have a current certificate of authorization.

The total number of certificates of authorization issued through December 31, 2001 is 1,744. The Board has been able to track down over 350 corporations that were not properly authorized to provide engineering or surveying services and has contacted approximately 60 firms so far in an effort to notify them that they are re-

quired by law to obtain certificates of authorization.

The Board has embarked upon a program to alert all municipalities and other governmental agencies within the State of the fact that corporations offering professional engineering and/or land surveying services must have a valid certificate of authorization as required by the statutes. We are also attempting to have all municipal engineers, planning board engineers and zoning board engineers check for the certificate of authorization number in a title block when plans are submitted to them by engineers and/or surveyors.

MEETING DATES

Note the meeting dates for the State Board of Professional Engineers and Land Surveyors in the year 2002:

January 3rd Public	January 17th Public/Executive Session
February 7th Public	February 21st Public/Executive Session
March 7th Public	March 21st Public/Executive Session
April 4th Public	April 18th Public/Executive Session
May 2nd Public	May 17th Public/Executive Session (Offsite meeting)
June 6th Public	June 20th Public/Executive Session
July 11th Public	July 25th Public/Executive Session
September 5th Public	September 19th Public/Executive Session
October 3rd Public	October 17th Public/Executive Session
November 7th Public	
December 5th Public	December 19th Public/Executive Session

All meetings are held at the Board's offices at 124 Halsey Street, Newark, New Jersey, unless otherwise noted. The media throughout the State will be notified if there are any changes to the above schedule.



Q. Is a licensee required to furnish to a client copies of records generated for a project?

A. In accordance with N.J.A.C. 13:40-8.1(c) 1 and 2 and (d) the licensee, upon request, shall furnish all records generated for a project within a reasonable period of time and upon payment of such proportion of the fees as to reflect the extent of all services performed. In addition, the licensee shall be compensated for the reasonable costs of research and reproduction for copies of records released.

Q. Is the licensee in responsible charge of an engineering or land surveying project required to render regular and effective supervision to those individuals performing services which directly and materially affect the quality and competence or land surveying work rendered by the licensee?

A. Yes! As required by N.J.A.C. 13:40-9.1(a).

Q. Who is responsible for renewal of a licensee's biennial certificate?

A. The licensee is responsible for renewing the biennial certificate. According to N.J.A.C. 13:40-11.9, the licensee cannot be relieved of this responsibility and the Board will not tolerate any excuses on his or her behalf.



Electronic Signatures

The time is fast approaching when the State of New Jersey must come to a decision regarding the use of electronic signatures for the practice of engineering and land surveying. Presently, the State only allows licensees to use the raised seal, so the use of digital signatures would significantly affect the present practice in daily work life. However, the need to protect the public's safety, health and welfare will not change. Therefore, in considering the acceptance of electronic signatures, the appropriate application and protection of digital signatures must be analyzed. Only with proper, foolproof safeguards will both the welfare of the public and the interests of the licensee remain protected.

The following is an excerpt from the National Council of Examiners for Engineering and Surveying's (NCEES) electronic technology's task force report (white paper) dated March 2000. The article also appeared in the Delaware board's winter newsletter of 2001.

"A digital signature is not a digitized image of a handwritten signature such as happens when signing an electronic cash register at the point of sale. Once a digitized image of a signature is in the computer system, the image can be altered by any graphics software. The digital signature being discussed (here) is an electronic file that is encrypted in such a way that anyone can decode the file but cannot alter it. This feature requires a pair of keys to operate the encryption process. The description of the first key is a secret known only to the author of the document

to be encrypted and is called the "private key." The second key decodes the electronic file and is called "the public key." The public key is linked to the private key through knowledge of the public key. Anyone with the public key can decode the file and read it, such as the builder at a construction site using a lap top computer. When the public key successfully decodes the electronic files, the holder of the public key needs to be assured that it is still the valid match to the private key originally used by the author of the document. A trusted third party is needed to certify to the public key holder that any file successfully decoded with that public key was authorized by the particular person holding the matching private key. This trusted third party is called the "certifying authority." The certifying authority validates the key pair and the identity of the original author."

The referenced white paper goes on to explain that "the possibility always exists that someone using a high speed computer and code breaking technology will successfully open the encrypted digital signature file." However, "the digital signature encryption algorithms are so complex that by the time enough code breaking possibilities have been tried, the value of getting into the file has diminished to zero. For instance, it might take a high speed computer 20 years to break into a contractor's bid file. If mischievous active code (virus) is inserted into the file after the digital signature is applied, the file will not authenticate."

Disciplinary Actions

January 2001– December 2001

Richard C. Barrios, P.E.

License No. GE36845

Mr. Barrios paid a \$2,500.00 civil penalty for engaging in the use or employment of dishonesty, fraud, deception and misrepresentation in his failure to disclose to the Board the sanctions imposed against his Illinois engineering license, pursuant to N.J.S.A. 45:1-21b and N.J.S.A. 45:1-21e. Mr. Barrios practiced structural engineering without a valid structural engineering license in Illinois in violation of that state's relevant statutes.

Alan J. Bloch, P.E.

License No. GE29226

Mr. Bloch paid a civil penalty of \$1,000.00 for engaging in the practice of engineering with a lapsed license, for engaging in the unlicensed practice of engineering, and for professional misconduct. He was in violation of N.J.S.A. 45:8-37, N.J.S.A. 45:8-27, N.J.S.A. 45:8-39, and N.J.S.A. 45:1-21e.

Gregory S. Blash, PE

License No. GE30926

Mr. Blash was charged a \$10,000.00 civil penalty for his professional misconduct in violation of N.J.S.A. 45:1-21e and N.J.A.C. 13:40-3.1(a)8. He failed to determine and document the identity of the client prior to the commencement of work. He violated N.J.S.A. 45:1-21h and N.J.A.C. 13:40-1.6 by his failure to comply with the provisions of any regulation administered by the Board and his failure to indicate a subtitle block on plans.

Harry J. Duckinfield, P.L.S.

License No. GS22711

Previous action taken by the Board, as reported in the Summer/Fall 2001 issue of the newsletter, has been

rescinded based upon newly submitted documentation which was brought to the Board's attention.

John F. Eberth, P.L.S.

License No. GS24197

Mr. Eberth paid a civil penalty of \$1,000.00 for his failure to complete the required 24 credits of continuing professional competency credits for the period April 30, 1998 to May 1, 2000, in violation of N.J.S.A. 45:8-35.21 and N.J.A.C. 13:40-11. Subsequent to his completion of the 24 delinquent credits by December 31, 2001, Mr. Eberth's land surveying license shall be retired in good standing.

Clifford Gold, P.E.

License No. GE9695

Mr. Gold was formally reprimanded for several violations. He failed to comply with the provisions of any act or regulation administered by the Board, a violation against N.J.S.A. 45:1-21h. He affixed his signature and seal to any plans, specifications, plats or surveys which were not prepared by him or under his supervision by his employees, a violation against N.J.A.C. 13:40-3.1(a)5. He did not document the work of each professional or sign and seal the document with clear reference to the work he or she performed, a violation of N.J.A.C. 13:40-1.1(d). He was also found in violation of N.J.A.C. 13:40-1.2(e), which states that no person shall remove a title block from any print or reproduction for any reason. Mr. Gold was also reprimanded for violations against N.J.A.C. 13:40-1.6 which states that a subtitle block of another professional, not under the immediate supervision of the licensee in responsible charge and not otherwise identified in accordance with

N.J.A.C. 13:40-7, must appear on all plans involving that professional. Mr. Gold has also agreed to keep his clients informed.

Jack C. Hann, P.L.S.

License No. GS16749

Mr. Hann paid a civil penalty totaling \$1,520.00. He paid \$1000.00 for not having a certificate of authorization in violation of N.J.S.A. 45:8-56 b. He also paid \$520.00 in restitution to his former client.

Joseph G. Hodak, P.E., P.L.S.

License No. GB11667

Mr. Hodak paid a \$1,000.00 civil penalty for his failure to cooperate with the Board's written requests in violation of N.J.S.A. 45:1-21e.

John Hooyman, Jr., P.L.S.

License No. GS13921

Mr. Hooyman is in violation of the Board requirements for the preprinting of a corner marker notation and also for failure to obtain a waiver to set corner markers prior to completing a survey. He paid a total civil penalty of \$1,500.00 pursuant to N.J.S.A. 45:1-21h and N.J.A.C. 13:40-5.1(d).

Theodore W. Kruger (Unlicensed)

Mr. Kruger has consented to cease and desist from using the terms engineer[s] and/or land surveyor, and/or the initials P.E. and L.S., or any of their derivatives in or on his stationery and/or letterhead, business cards, etc., or in any other manner. He also agreed to cease and desist from engaging in the unlicensed practice of engineering until he becomes licensed by the Board as a professional engineer. He must also forward a written apology to a former client and a professional engineer for rendering engineering services for which he was not legally au-

thorized or permitted to perform, and for fraudulently utilizing the seal and signature of a licensed professional engineer. Finally, Mr. Kruger has agreed to pay restitution to the former client for monies received involving the preparation of a site plan.

Gary C. McKnight, P.E.
License No. GE42986

Mr. McKnight received a two year stayed suspension of his license during which time he will be required to complete two courses in the area of ethics. He was formally reprimanded for violations of the professional engineer's examination certification by revealing examination content on the Internet, a violation of N.J.S.A. 45:8-35.

Albert Nogueira (Unlicensed)

Mr. Nogueira was publicly reprimanded for engaging in the unlicensed practice of engineering in violation of N.J.S.A. 45:8-27 and N.J.S.A. 45:8-28.

William P. Schemel
License No. GS36275

Mr. Schemel was assessed a civil penalty of \$1,250.00 for violating N.J.A.C. 13:40-51(c), N.J.A.C. 13:40-5.1(d), N.J.A.C. 13:40-5.1(f)4 & 7, and N.J.A.C. 13:40-5.1(f)5. He failed to obtain recommended field measurements to perform an accurate survey. He failed to set appropriate corner markers or to show the point of beginning and adjoining street names. He also failed to show the metes and bounds description of the subject property.

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

Mr. Stewart paid a total civil penalty of \$1,000.00 for his violating N.J.A.C. 13:40-5.1(d) and N.J.A.C. 13:40-5.1(f). He paid \$500 for his failure to set appropriate corner markers

or obtain a written waiver of this requirement signed by the ultimate user. He was also charged for omitting mandatory items from a survey. In addition, Mr. Stewart has consented to set the corner markers free of charge for the former client and to submit a revised survey plat to the Board indicating this has been completed. Finally, Mr. Stewart has agreed to take and successfully pass the New Jersey law examination.

Leo F. Stinson, III, P.E.
License No. GE32891

Mr. Stinson was formally reprimanded for engaging in the unlicensed practice of engineering in this State. He held himself out as a licensed professional engineer by utilizing the initials P.E. on his report during the period his license was lapsed. He is in violation of N.J.S.A. 45:8-37 and N.J.S.A. 45:8-39.

Thomas N. Tolbert, P.L.S.
License No. GS38608

Mr. Tolbert paid a civil penalty of \$500.00 for his failure to comply with the provisions of any act or regulation administered by the Board and his failure to perform a proper field survey, in violation of N.J.S.A. 45:1-21h and N.J.A.C. 13:40-5.1(c).

Kenneth M. Turner, P.L.S.
License No. GS38339

Mr. Turner was assessed a total civil penalty of \$750.00 for several violations. He failed to identify the maker with a durable cap, disc or shiner bearing the name of the surveyor or firm responsible for setting the corner, a penalty of \$250.00 pursuant to N.J.A.C. 13:40-5.1(d)3. He failed to obtain all pertinent information and documentation in the client's possession relative to the property to be surveyed. This was a \$250.00 pen-

alty pursuant to N.J.A.C. 13:40-5.1(b). He was also charged for his failure to describe on a plat of survey all boundary or corner markers delineating the property surveyed, found or set, and was charged another \$250.00 pursuant to N.J.A.C. 13:40-5.1(d)1.

Robert J. Wesp, P.L.S.
License No. GS35891

Mr. Wesp paid a total civil penalty of \$1,000.00 for his failure to perform a proper field survey, and to set appropriate corner markers, such as stakes, iron pipes or cut crosses, unless he obtained a written waiver signed by the ultimate user pursuant to N.J.A.C. 13:40-5.1(c) & (d).

Trivia

During the Civil War, engineers and men under the command of Brigadier General Herman Haupt performed remarkable engineering feats in order to keep Union railroads operating. His most famous accomplishment was the construction of the Potomac Creek Railroad Bridge in May of 1864. This bridge was 82 feet high, 414 feet long and consisted of 204,000 feet of timber. It was built in only 40 hours.

Abraham Lincoln once commented that it was "the most remarkable structure that human eyes ever rested upon over which loaded trains are running every hour, and there is nothing in it but beanpoles and cornstalks."

By Richard H. Frantz

License Presentation Ceremony

On October 18, 2001, the Board held a license presentation ceremony for licensees who passed the April 2001 examination. A ceremony was held at the Holiday Inn in Jamesburg, New Jersey, and was attended by some 42 newly licensed professional engineers, along with their families and friends. The featured speaker for the evening was Dean Dianne Dorland, Ph.D., of Rowan University. Dean Dorland was also presented with her New Jersey Professional Engineer's certificate. The presentation to Dean Dorland is significant because she is one of the first college deans to be awarded this license in the State of New Jersey.

For more information you may visit the Division's Web site at <http://www.nj.gov/lps/ca/home.htm>
or e-mail us at AskConsumerAffairs@dca.lps.state.nj.us

*Remember...take advantage of us, so no one
takes advantage of you.*