

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF BUSINESS REGULATION

DIVISION OF DESIGN PROFESSIONALS

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BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

MINUTES OF THE MEETING OF THE BOARD

DATE: 16 July 2008

PLACE: Department of Business Regulation

**1511 Pontiac Avenue, Building 69, Conference Room
69-1 Cranston, RI 02920**

**MEMBERS PRESENT: Messieurs: Smith, Capezza, Jr., Bernardo and
Fairbanks, Jr.**

MEMBERS ABSENT: None

OTHERS PRESENT: Brian M. Moore, PE Emeritus Member

Richard W. Berstein, Esq.

Brian Riggs, Department Budget Administrator

Lois Marshall, Administrative Assistant

CALLED TO ORDER: Chairman Smith called the meeting to order at 12:05 PM to commence Board business.

(1) NEW BUSINESS:

Secretary Bernardo made a motion to accept the minutes of the 25 June 2008 meeting. Mr. Moore seconded the motion. Motion carried. Secretary Bernardo made a motion to approve and seal the minutes of the Executive Sessions of 25 June 2008. Mr. Moore seconded the motion. Motion carried.

(2) EXECUTIVE SESSION

Secretary Bernardo made a motion at 12:15 PM to move into Executive Session pursuant to RI General Laws, Section §42-46(5)(a)(2) for sessions pertaining to collective bargaining or litigation and §42-46-5 (a) (4) for investigative proceedings regarding allegations of civil or criminal misconduct. Mr. Fairbanks, Jr. seconded the motion. Motion carried.

Secretary Bernardo moved to adjourn from executive session and reconvene to open meeting at 1:45 PM pursuant to R.I.G.L. §42-46(5) (a) (2) and §42-46-5 (a) (4). Mr. Fairbanks, Jr. seconded the motion. Motion carried.

Secretary Bernardo made a motion to seal the Minutes of the Executive Session and to record the vote taken in executive session

in accordance with R.I.G.L. § 42-46(5) (a) (2) and §42-46-5 (a) (4) as follows. Mr. Fairbanks, Jr. made a motion to confirm in open session the vote to close P2008-7 Richard S. Lipsitz, PLS vs. E.A. Designs/Martin Ezeama. Mr. Moore seconded the motion. Motion carried.

7/16/2008

Page 1 of 4

(3) ELSE Proposal

After a lengthy discussion Chairman Smith stated that he will be meeting with members of the ELSE staff to discuss their fees. Chairman Smith asked Ms. Marshall to arrange an appointment for him with Director Marques to discuss the ELSE proposal.

(4) Correspondence from Attorney Berstein to Sandra L. Skogen, Idearc Media Corp.

Attorney Berstein reported on his conversation with Ms. Skogen regarding the placement of a disclaimer in the engineer's section of the Yellow Pages. Ms. Skogen's explained that she had been offended by prior correspondence from the Board which appeared to be a demand for the disclaimer to be reinstated when in fact there was no legal requirement to do so. Attorney Berstein explained that she had misinterpreted the Board's correspondence and that they were aware that there was no legal requirement. Attorney Berstein

explained that it was not a disclaimer but a consumer notice and that Idearc had sufficient corporate socially responsible concerns for consumers and that it would be amicable to replace this consumer notice. Ms. Skogen will take this under consideration. This matter will be continued to the Board's next meeting.

(5) Correspondence received from Deputy Attorney General Coyne Attorney Berstein informed the Board that he had responded to Deputy Attorney General Coyne indicating that the Board had received his letter and questioned whether or not this meant that the Attorney General's office planned to repeal RIGL § 5-8-20(f) at the next session of the Legislature. Chairman Smith instructed Ms. Marshall to turn over to Attorney Berstein several files that should have been given to the Attorney General's office for his review.

(6) Correspondence from Dan Wittliff, PE, F. NSPE, Consortium Facilitator

Chairman Smith informed the Board that there is a group of engineers that want to create a Software Engineering Examination. Mr. Wittliff, Consortium Facilitator is asking the Rhode Island Board to support the development by NCEES of a Professional Engineers examination for Software Engineers. Mr. Fairbanks, Jr. made a motion to have Chairman Smith response to Mr. Wittliff stating that the Rhode Island Board is not in support of this examination. Secretary Bernardo seconded the motion. Motion carried.

(7) Statement from Attorney Berstein

Attorney Berstein Executive Counsel for the Department of Business Regulation wanted to memorialize for the record that under budget Article 9 which was recently passed effective on 1 July 2008 the board status of each the design professional entities has been restored by virtue of Article 9. There are now four distinct Boards. The Boards are basically being restored to their prior status with the only difference being that they are now a Division of the Department of Business Regulation.

APPLICATIONS:

(8) Oldeman, Andrew K.

Mr. Oldeman's application was reviewed by the Board. Secretary Bernardo made a motion to register Mr. Oldeman in the mechanical discipline. Mr. Fairbanks, Jr. seconded the motion. Motion carried.

(9) Torosian, Arek A.

Mr. Torosian's application was reviewed by the Board. Secretary Bernardo made a motion to register Mr. Torosian in the mechanical discipline. Mr. Fairbanks, Jr. seconded the motion. Motion carried.

7/16/2008

Page 2 of 4

C.O.A. APPLICATIONS;

Secretary Bernardo made a motion to approve the applications for Certificates of Authorization listed on the 16 July 2008 list for Corporations, COA's renewing, and Soles as noted in the specific disciplines mentioned with the exception of (0), which were denied. Mr. Fairbanks, Jr. seconded the motion. Motion carried.

ADJOURNED:

Chairman Smith informed the Board that the next meeting would be scheduled for 20 August 2008 at 12:00 noon. Mr. Moore made a motion to adjourn the meeting at 1:19 PM. Mr. Fairbanks, Jr. seconded the motion. Motion carried.

7/16/2008

Page 3 of 4

C. O. A. APPLICATIONS

Board Meeting of 16 July 2008

SOLES PAID COMMENTS

SHEILA TERRANOVA BEATTIE 0 OK MECHANICAL

RICHARD J. BOURBONNAIS, II 0 OK CIVIL

PARTNERSHIPS

LIMITED LIABILITY COMPANY

CORPORATIONS

ARMOR TOWER, INC. \$125 OK CIVIL

BLACK POINT ENGINEERING GROUP, INC. \$125 OK CIVIL

**HAINES, GIPSON & ASSOCIATES, INC. \$125 OK STRUCTURAL
ONLY**

RALEY AND ASSOCIATES, INC. \$125 OK CIVIL

WITHDRAWAL

RENEWAL WITH DISCIPLINARY ACTION

DANNY DOSS OK CIVIL

UP FOR DENIAL ;V(No response to request for Good Standing)

