

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
DIVISION OF DESIGN PROFESSIONALS  
1511 PONTIAC AVENUE, BLDG. 69-1  
CRANSTON, RI 02920  
(401) 462-9592 Fax: (401) 462-9532 [www.bdp.state.ri.us](http://www.bdp.state.ri.us)**

**MINUTES OF THE MEETING OF THE BOARD**

**DATE: 20 October 2010**

**PLACE: Department of Business Regulation  
1511 Pontiac Avenue, Building 68 Conference Room  
68-1 Cranston, RI 02920**

**TIME: 12:00 PM**

**MEMBERS PRESENT: Chairman L. Robert Smith, PE, Vice Chairman Richard A. Bernardo, PE, Secretary Christopher Duhamel, PE, PLS, and Mr. Wayne D. Moore, PE, Board Member**

**MEMBER ABSENT: Robert Fairbanks, Jr. Board Member**

**OTHERS PRESENT: Brian Riggs, DBR Administrator, Financial Management**

**Louis A. DeQuattro, Jr., Deputy Director & Counsel, Division of**

## **Regulatory Standards, Compliance and Enforcement**

**Lois Marshall, Administrative Assistant**

**Attorney Patrick Quinlan**

**Marilyn Rojas**

**CALLED TO ORDER: Chairman Smith called the meeting to order at 12:10 PM to commence Board business.**

**Mr. Riggs left at 1:25**

**Mr. DeQuattro left at 1:25**

### **(1) NEW BUSINESS:**

**Vice Chairman Bernardo made a motion to approve the minutes of the 15 September 2010 Board meeting. Mr. Moore seconded the motion. The motion passed unanimously, four in favors one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore, Board Member. Mr. Fairbanks, Jr., Board Member was absent. Vice Chairman Bernardo made a motion to accept and seal the minutes of the Executive Session of 15 September 2010. Mr. Moore seconded the motion. The motion passed unanimously, four in favors one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore, Board Member. Mr. Fairbanks, Jr., Board Member was absent.**

### **(2) EXECUTIVE SESSION**

**Vice Chairman Bernardo made a motion to convene into executive**

**session at 12:15 PM pursuant to RI General Laws, Section §42-46(5)(a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and §42-46-(5)(a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct. Mr. Moore seconded the motion. The motion passed unanimously, four in favors one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore, Board Member. Mr. Fairbanks, Jr., Board Member was absent.**

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**Vice Chairman Bernardo moved to adjourn from executive session and to reconvene to open meeting at 12:30 PM pursuant to R.I.G.L. §42-46-4. Mr. Moore seconded the motion. The motion passed unanimously, four in favors one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore, Board Member. Mr. Fairbanks, Jr., Board Member was absent.**

**Vice Chairman Bernardo made a motion to reconvene into executive session at 12:37 PM pursuant to RI General Laws, Section §42-46(5)(a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and §42-46-(5)(a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct. Mr. Moore seconded the motion. The motion passed unanimously, four in favors one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore, Board**

**Member. Mr. Fairbanks, Jr., Board Member was absent.**

**Mr. Moore moved to adjourn from executive session and to reconvene to open meeting at 1:15 PM pursuant to R.I.G.L. §42-46-4. Vice Chairman Bernardo seconded the motion. The motion passed unanimously, four in favors one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore, Board Member. Mr. Fairbanks, Jr., Board Member was absent.**

**Mr. Moore moved to seal the executive session pursuant to R.I.G.L. §42-46-4 and §42-46-5 and to record the votes taken in executive session in accordance with RI General Laws, §42-46-4 as follows: in “Old Business” C2010-1 continued, P2010-8 (a) continued, P2010-8 (b) continued, P2010-13 continued, C2007-8 continued, P2010-14 (a) continued, P02010-14 (b) continued, P2010-16 continued, P2010-17 closed. Vice Chairman Bernardo was recused on C2007-8, P2010-8 (a), and P2010-8 (b). Secretary Duhamel seconded the motion. Roll call vote was taken. Secretary Duhamel voted “I.” Vice-Chairman Bernardo voted “I.” Mr. Moore voted “I.” The Chair voted “I.” Mr. Fairbanks, Jr., was absent.**

**Mr. Moore made a motion to record the votes taken in executive session in accordance with RI General Laws, §42-46-4 as follows: in “Monitoring” P2008-20 continued, P2010-2 continued, P2010-3 continued P2010-1 continued and stays under “monitoring.” .**

**Secretary Duhamel seconded the motion. Roll call vote was taken. Secretary Duhamel voted “I.” Vice-Chairman Bernardo voted “I.” Mr. Moore voted “I.” The Chair voted “I.” Mr. Fairbanks, Jr. was absent.**

**Chairman Smith stated for the record every vote taken in executive session was unanimous with the exception of Vice Chairman Bernardo’s recusal on C2007-8 and P2010-8(a) and P2010-8(b).**

**In Executive Session pending matters, there are twelve (12) pending matters, comprised of seven (10) potential litigation-related matters and two (2) investigative matters, four (4) monitoring matters with one (1) recusal in two (2) matters.**

### **(3) Discussion of the Task List**

**Public Attendee was: Patrick J. Quinlan, Executive Director, Rhode Island Consulting Engineers (RICE)**

**For the record Secretary Duhamel informed the Board that he had submitted a request of the Ethics Commission for an opinion on whether he could participate within the discussions of the Task List. Secretary Duhamel informed the Ethics Commission that he is a registered Professional Engineer and Professional Land Surveyor in Rhode Island. The Ethics Commission staff asked how many Professional Engineers and Professional Land Surveyor were registered in Rhode Island. Rhode Island has 3800 registered Professional Engineers and 200 Professional Land Surveyors given that information they felt that Mr. Duhamel should be exempt. Their**

**recommendation was given to the full Ethics Commission which voted unanimously that there was no conflict of interest. Chairman Smith asked Secretary Duhamel to submit a copy of the Ethics Commission's decision.**

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**Chairman Smith informed Attorney Quinlan that the Board had been advised by legal counsel that they have the statutory right as stated in 5-8-3 to go forward with adopting the negotiated Task List. The Board looks to the Department of Business Regulation to begin the procedure for a public hearing coordinating with, legal, administration and the Professional Land Surveyor Board.**

**Attorney Quinlan commented regarding the resolution of one item addressed in his correspondence. This issue being a decision from the Ethics Commission's regarding a conflict of interest for Secretary Duhamel. The decision received was that no conflict with Secretary Duhamel's voting on this matter. Attorney Quinlan respectfully disagreed on all other issues. Attorney Quinlan informed the Board that in his position as Executive Director for RICE he will participate fully if the Board proceeds with promulgating regulations at a Public Hearing.**

**Vice Chairman Bernardo made a motion to accept the Task List as negotiated and to begin the process of public hearings to properly promulgate the Task List. Mr. Moore seconded the motion. Roll call vote was taken. Secretary Duhamel voted "I." Vice-Chairman Bernardo voted "I." Mr. Moore voted "I." The Chair voted "I." Mr. Fairbanks, Jr. was absent.**

**(4) Governor Carcieri issues Executive Order**

**Mr. Riggs informed the Board that this matter has been placed on hold.**

**(5) NCEES examinations at Foreign Sites**

**So noted and filed**

**(6) NCEES Nominations for National Awards**

**So noted and filed**

**(7) Correspondence from the Maryland Board for Professional Engineers**

**So noted and filed.**

**(8) Discussion and Review of License renewals**

**The Board reviewed the paper renewal and post card for the June 30, 2011 Professional Engineers License Renewals and has asked Ms. Marshall to make several changes.**

**(9) Request by South Carolina for Comment on Equivalency of RI FE exam**

**Chairman Smith asked Ms. Marshall to contact a previous Board Chairman and question his knowledge of whether or not Rhode Island's 1961 FE exam was equivalent to an NCESS FE exam and report these findings to the Board.**

**APPLICATIONS:**

**(10) Robert R. Steen**

**Vice Chairman Bernardo made a motion that the Board's original decision of denial remains unchanged. Mr. Moore seconded the motion. The motion passed unanimously, four in favors one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore, Board Member. Mr. Fairbanks, Jr., Board Member was absent**

**(11) Thomas E. Spencer**

**Mr. Spencer's application was placed on hold.**

**(12) Michael C. Grapperhaus**

**Vice Chairman Bernardo made a motion to approve Mr. Grapperhaus registration in the Mechanical discipline. Mr. Moore seconded the motion. The motion passed unanimously, four in favors one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore, Board Member. Mr. Fairbanks, Jr., Board Member was absent**

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**(13) Wayne B. Howell**

**Vice Chairman Bernardo made a motion to approve Mr. Howell's registration in the Mechanical discipline. Mr. Moore seconded the motion. The motion passed unanimously, four in favors one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore, Board Member. Mr. Fairbanks, Jr., Board Member was absent**

**(14) Harri K. Kytomaa**

**The Board reviewed Mr. Kytomaa request for reconsideration of his denial for registration by comity. Vice Chairman Bernardo made a motion that after further review the Boards stands by its original decision of 25 August 2010 to deny Mr. Kytomaa registration. Mr. Moore seconded the motion. The motion passed unanimously, four in favors one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore, Board Member. Mr. Fairbanks, Jr., Board Member was absent**

**C.O.A. APPLICATIONS:**

**Vice Chairman Bernardo made a motion to approve the applications for Certificates of Authorization listed on the 20 October 2010 list for Sole Proprietorships, Corporations, Limited Liability, Change in Responsible Charge, and Withdrawals as noted in the specific disciplines mentioned with the exception of (0), which was denied**

**and two that were placed on hold. Mr. Moore seconded the motion. The motion passed unanimously; four in favors, one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore, Board Member. Mr. Fairbanks, Jr., Board Member was absent.**

**ADJOURNED:**

**Chairman Smith informed the Board that the next Board meeting would be scheduled for November 17, 2010 at 12:00PM. Vice Chairman Bernardo made a motion to adjourn the meeting at 2:00 PM.**

**Mr. Moore seconded the motion. The motion passed unanimously; four in favor and one absent. Voting in favor were Chairman Smith, Vice Chairman Bernardo, Secretary Duhamel and Mr. Moore, Board Member. Mr. Fairbanks, Jr., Board Member was absent.**

**Posted on November 30, 2010 electronically on Secretary of State's Office website. Pursuant to the Open Meetings Law, R.I. Gen. Laws Sec. 42-46-6(b), business not included in this notice may be considered with the consent of the majority of the members, and/or may convene into Executive (closed) Session pursuant to R.I. Gen. Laws Sec. 42-46-5.**

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**C. O. A. APPLICATIONS**

**BOARD MEETING OF 20 OCTOBER 2010**

**SOLES PAID COMMENTS**

**SFM ENGINEERING ASSOCIATES 0 OK CIVIL**

**PAUL A. SYLVIA 0 OK CIVIL**

**LIMITED LIABILITY CORPORATIONS**

**HATCH MOTT MACDONALD, LLC \$150 OK CIVIL**

**PEREIRA ENGINEERING, LLC \$150 OK CIVIL**

**CORPORATIONS**

**FRENCH & PARRELLO ASSOCIATES. P.A. \$150 OK CIVIL  
STASIUNAS CONSTRUCTION CO., INC. \$150 OK HOLD REQUEST  
LETTER**

**COA#5698 SCHIRMER ENG. CORPORATION \$50 OK  
NAME CHANGE TO AON FIRE PROTECTION ENGINEERING  
CORPORATION**

**COA#5999 KIEWIT POWER ENG. CO. 0 OK .  
ADDING FRANCIS AMRHEIN IN RESP. CHARGE.**

**COA#5186FUSS & O'NEILL, INC. 0 OK  
REMOVE MICHAEL SOUSA AND ADD J. MICHAEL CALLAHAN IN  
RESP. CHARGE**

**COA#5567 KIMLEY-HORN & ASSOC., INC. 0 OK  
REMOVE T.J. BAGBY, II AND ADD BRIAN J. BREWERN IN RESP.  
CHARGE.**

**COA# 5939 CONTECH BRIDGE SOLUTIONS, INC.0 OK  
ADDING CRAIG B. THORSTAD IN RESP. CHARGE.**

**COA#5011 CHERENZIA & ASSOCIATES, LTD. 0 OK  
REMOVE RAYMOND CHERENZIA AND ADD SERGIO F. CHERENZIA**

**IN RESP. CHARGE.**

**COA#5349 ARCADIS U.S. INC. 0 OK**

**ADDING STACEY SNOW IN RESP. CHARGE.**

**COA# 5234 GZA GEOENVIRONMENTAL, INC. 0 OK**

**REMOVE PHILIP VIRGADAMO AND JUSTIN MONAGHAN ADDING  
MATTHEW PAGE AND**

**DINO FISCALETTI**

**COA#5789 AMERICAN EAST ENGINEERS & CONSULTANTS,  
INC. HOLD**

**NAME CHANGE TO MOHAMAD B. NADER \$50 (SEE ATTACHED)**

**COA#5292 NORTHEAST ENG. & CONSULTANTS, INC. OK**

**REMOVING ANDREW ERIC OFFENBERG AND PAUL SILVIA AND  
ADDING JASON GOLD, IN RESP. CHARGE**

**COA#5326 ARCHITURAL ENGINEERS, INC. 0 OK**

**ADD SUSAN M. WISLER IN RESP. CHARGE**

**COA#5902SMITHGROUP, INC. 0 OK**

**ADD IL KIM IN RESP. CHARGE.**

**COA#5099 ITW BLDG. COMPONENTS GROUP, INC. 0 OK**

**REMOVE DONALD SCOTT AND ADD SOWRI RAJAN IN RESP.**

**CHARGE**

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**COA#5098 URS CORPORATION 0 OK**

**ADD GREGORY STIDHAM, DANIEL L. BAKER, MICHAEL BROWN IN  
RESP. CHARGE.**

**COA#5679 GOLDER ASSOCIATES, INC. 0 OK**

**REMOVE PETER CONTI AND ADD RICHARD A. WESENBERG IN  
RESP. CHARGE.**

**COA#5848 EFI GLOBAL, INC. 0 OK**

**REMOVE MICHAEL J. RAINS AND ADD CURT FREEDMAN IN RESP.  
CHARGE.**

**COA#BARD, RAO, ATHANAS CONSULTING ENGINEERS, P.C. OK**

**REMOVE ARJUN RAO AND ADD ALLAN AMES 0**

**COA#5767 BLW ENGINEERS, INC. 0 OK**

**ADD JUDITH O'BRIEN IN RESP. CHARGE**

**COA#5408 CODE CONSULTANTS, INC.d/b/a PROFESSIONAL  
CODE OK**

**ADDING JACOB HEMKE, KEVIN MORAN AND WILLIAM SMITH IN  
RESP. CHARGE.**

**COA#5873 CONSTRUCTION TECHNOLOGY LABORATORIES,  
INC. OK**

**ADD JOHN W. GAJDA 0**

**COA#5584 COSENTINI ASSOCIATES, INC. 0 OK**

**REMOVE RICHARD P. LEBER AND ADD DOUGLAS C. MASS AND  
RANDALL DUKE IN RESP. CHARGE**

**WITHDRAWAL**

**COA#4028 SFM ENGINEERING ASSOCIATES OK**

**COA #5150 POST, BUCKLEY, SCHUH & JERNIGAN, INC., d/b/a  
PBS&J OK**

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