

RI BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

DATE 21 November 2006

PLACE 1 Capitol Hill, 2nd Floor Conference Room B, Providence, RI

MEMBERS PRESENT Messrs. DiOrio, Federici, Lipsitz, and Reddington

**OTHERS PRESENT Ms. Christina Styron, Administrative Assistant
Mr. Peter N. Dennehy, Esquire, Legal Counsel**

CALLED TO ORDER Chairman DiOrio called the meeting to order at 1:11 PM.

AGENDA ITEM #1 Secretary Reddington made a motion, seconded by Mr. Lipsitz, to approve Approval of Minutes the Regular and Executive Session minutes of the 17 October

2006 meeting. The motion was passed unanimously.

AGENDA ITEM #2 Because of the nature of the following items, Secretary Reddington made Executive Session a motion at 1:12 PM, seconded by Mr. Lipsitz, to hold an

Executive Session according to Section 42-46-5a of the Rhode Island

General Laws, for sessions or work sessions pertaining to collective

bargaining or litigation under Section 42-46-5(A)(2) and for investigative

proceedings regarding allegations of civil or criminal misconduct under

Section 42-46-5(A)(4) and the motion was passed. See Executive Session

Minutes Agenda.

Secretary Reddington made a motion at 2:59 PM, seconded Mr. Lipsitz, to come out of Executive Session. The motion was passed unanimously.

Record of Votes Taken in Executive Session

Executive Agenda Item #1 - Secretary Reddington made a motion, seconded by Mr. Federici, to have Attorney Dennehy file the prepared Motion to adjudge the person named in this complaint in contempt of the Consent Judgment and be ordered to pay an additional \$500.00 for the cost of pursuing this motion. The motion was passed

unanimously.

Executive Agenda Item 2 - Mr. Federici made a motion, seconded by Secretary Reddington, to continue this matter until the next meeting

Executive Agenda Item 3 - Secretary Reddington made a motion, seconded by Mr. Federici, to continue this matter until the next meeting. The motion was passed unanimously.

Executive Agenda Item 4 - Mr. Lipsitz made a motion, seconded by Secretary Reddington, to continue this matter until the next meeting.

Executive Agenda Item 5 - Mr. Federici made a motion, seconded by Secretary Reddington, to continue this matter until the 9 January 2007 meeting. The motion was passed unanimously.

Executive Agenda Item 6 – Mr. Reddington made a motion, seconded by Mr. Lipsitz, to continue this matter until the next meeting.

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Executive Agenda Item 7 - Mr. Federici made a motion, seconded by Secretary Reddington, to continue this matter until the next meeting. The motion was passed unanimously.

Executive Agenda Item 8 - Mr. Federici made a motion, seconded by Mr. Lipsitz, to have Ms. Styron draft a letter to the person named in this complaint stating that in order to avoid further issues with the Board, the Board would urge him/her to provide a mylar plan to the client and live up to the terms of his agreement with his client. Chairman DiOrio will review the letter before sending. We will send a copy of the letter to the complainant. The motion was passed unanimously.

Executive Agenda Item 9 - Chairman DiOrio made a motion, seconded by Secretary Reddington, to have Ms. Styron draft a letter to the person named in this complaint stating that the Board agrees that this is a civil contractual matter and that the Board does not deal with contractual matters. However, the invoice dated 9 April 1998 states that he/she contracted to do a “survey of property and plans as required certified”. Therefore, if he/she has a contractual agreement to provide plans, he/she should live up to the terms of his agreement with his client. If he/she is waiting for payment from the complainant to fulfill the obligations, that would be a civil matter for him/her to

pursue. If this becomes a civil court matter, please bring the resolution to this Board's attention. Chairman DiOrio will review and approve the letter before sending. The motion was passed unanimously.

Executive Agenda Item 2 b.c. - Secretary Reddington made a motion, seconded by Mr. Lipsitz, to continue this matter until the next meeting. The motion was passed unanimously

Executive Agenda Item 2 b.d. – No Mr. Lipsitz made a motion, seconded by Secretary Reddington, to send a letter of acknowledgement of receipt to an individual involved in this matter stating that we will hold the information and wait to see if a complaint is filed. The motion was passed unanimously.

Executive Agenda Item 2 b.e. – Secretary Reddington made a motion, seconded by Mr. Lipsitz, to continue this matter until the next meeting. The motion was passed unanimously.

Executive Agenda Item 2 b.f. - No motions were made for this agenda item.

Executive Agenda Item 2 b.g. - Mr. Lipsitz made a motion, seconded by Mr. Federici, to send a registrant a letter telling him/her that the Board needs a physical address and another phone number at which he/she can be reached. If he/she does not respond, the Board will be

holding a hearing at the 7 January 2007 meeting to consider suspension of his/her Certificate of Authorization. The motion was passed unanimously.

Executive Agenda Item 2 b.h. - No motions were made for this agenda item.

Executive Agenda Item 2 b. i. - No motions were made for this agenda item.

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AGENDA ITEM #3 1. Alabama Board newsletter was received.

Correspondence

2. Texas Board newsletter was received.

3. A letter from the West Virginia asking if the Board has any nominations for the NCEES Northeast Zone Awards was received.

This Board will not be making any nominations.

AGENDA ITEM #4 a. Legislation – There is no update at this time.

Old Business

Comity Applicants - Secretary Reddington and Mr. Federici are still working on developing a guideline as a policy.

b. Statewide Planning/RIGIS - There is no update at this time.

c. CEU committee - committee - The following courses were reviewed and assigned PDH value as follows:

Sponsor Date Seminar/Course Title PDH Value

LORMAN 1-10-07 Law of Easement:

Legal Issues and

Practical Considerations

in Rhode Island 7.2

Secretary Reddington made a motion, seconded by Mr. Lipsitz, to approve the above listed course and PDH value as indicated. The motion was passed unanimously.

d. Administrative Issues

• Budget -There is no update at this time.

- **Website – Ms. Styron has made several updates and is continuing to work on updating the website to include a list of which registrants are exempt from Continuing Education.**

- **BOR Schedule – There are no additional comments at this time.**

- **Rules & Regulations have to be re-filed on January 2, 2007.**

e. NCEES –There is no update at this time.

f. NSPS – Mr. Drury discussed a letter dated 17 October 2006 from Joseph M. Dolan, PLS, NSPS President, regarding the unlicensed practice of land surveying. He is asking for feedback from all Boards on their position on GPS machine control for Site grading contractors and a letter from the California Board dated 19 April 2006 regarding this issue.

We will have Attorney Dennehy review the statute and advise; from an ad hoc committee on how to proceed and come up with a strategy and ask the RISPLS to have Mr. Drury represent them on this issue

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g. Education

- **CCRI Update – Mr. Federici reported that he, Mr. Lipsitz and Mr. Robert Cournoyer, RISPLS President, attended the Advisory Committee’s meeting at CCRI. The program is not as far along as they should be. There is still a lot of gathering of data to be done. There is one more committee that this has to go through at the college; then on to the Board of Governors.**

h. Pending Policies

- **Interim (Emergency) COA – There is no update at this time.**

i. Miscellaneous -

Re-writing of the Technical Standards & Code of Ethics – Secretary Reddington reported that they are having a meeting this afternoon.

AGENDA ITEM #5 a. COA Application Review

New Business

The following application was reviewed:

1. Digital Geographic Technologies, Inc.. – new company with Michael Clifford and Robert Engelhardt as the persons in responsible charge – approve pending receipt of Certificate of Good Standing.

Chairman DiOrio made a motion, seconded by Mr. Federici, to approve the above listed COA. The motion was passed unanimously.

Ms. Styron found an advertisement in the North Kingstown Standard Times listing William Cobble, Accredited Surveyor, North Kingstown who does not have a PLS registration or a COA. The Board asked Ms. Styron to send him a letter.

b. LSIT/PLS Application Review – There are no applications for review at this time.

c. Miscellaneous – There are no miscellaneous items

d. Election of Officers

Mr. Lipsitz made a motion, seconded by Mr. Federici to elect the following as officers: Mr. Sheldon – Chairman; Mr. Reddington – Vice Chairman and Mr. Lipsitz - Secretary. The motion was passed unanimously.

e. Comments from the General Public – There are no comments at

this time.

f. The next Board meeting will be 12 December 2006 at 1:00 PM.

ADJOURNMENT The meeting was adjourned on the appropriate motion and was

approved unanimously at 3:55 PM.

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