

RI BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

DATE 18 December 2007

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

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

**OTHERS PRESENT Ms. Christina Styron, Administrative Assistant
Mr. Peter N. Dennehy, Legal Counsel
Mr. Matthew Cotta, RISPLS Liaison**

CALLED TO ORDER Chairman Reddington called the meeting to order at 1:13 PM.

AGENDA ITEM #1 Vice Chairman Lipsitz made a motion, seconded by Mr. Drury, to approve Approval of Minutes the open minutes of the 20 November 2007 meeting. The motion was passed; Secretary Federici abstained.

Vice Chairman Lipsitz made a motion, seconded by Mr. Drury, to approve and seal the Executive Session minutes of the 20 November 2007 meeting. The motion was passed; Secretary Federici abstained.

AGENDA ITEM #2 Because of the nature of the following items, Mr. DiOrio made a

Executive Session motion, seconded by Vice Chairman 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 at 1:16 PM; Secretary Federici abstained..

Secretary Federici made a motion, seconded by , to come out of Executive Session and reconvene to an open meeting pursuant to RIGL §42-46-4. The motion was passed unanimously at 2:11 PM.

Mr. DiOrio made a motion, seconded by Secretary Federici, to seal the executive session and record the votes taken in executive session pursuant to RIGL §42-46-4 and §42-46-5. The motion was passed

unanimously.

Record of Votes Taken in Executive Session

Executive Agenda Item #1 – Mr. DiOrio made a motion, seconded by Vice Chairman Lipsitz, to appoint Mr. Drury as the investigator in this matter and send a letter to Mr. Cipolla and his attorney informing them of this. The motion was passed; Secretary Federici abstained.

Executive Agenda Item #2 – Mr. DiOrio made a motion, seconded by Vice Chairman Lipsitz, to continue this matter until a response is received. The motion was passed; Secretary Federici abstained.

12-18-07

Page 1 of 6

RI STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

Executive Agenda Item #3 – Mr. Drury made a motion, seconded by Mr. DiOrio, to have Vice Chairman Lipsitz write a letter to Mr. Ezeama, forward the plan to the State Board of Registration for Professional Engineers and close this matter. The motion was passed; Secretary

Federici abstained.

Executive Agenda Item #4 – Vice Chairman Lipsitz made a motion, seconded by Mr. Drury, to continue this matter until a response is received. The motion was passed; Secretary Federici did not vote as he recused himself during discussion of this matter.

Executive Agenda Item #5 – Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to accept the response and to close this complaint file. The motion was passed; Secretary Federici abstained.

Executive Agenda Item #6 – Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to continue this matter until a response is received. The motion was passed; Secretary Federici abstained.

Executive Agenda Item #7 – Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to continue this matter until a response is received. The motion was passed; Secretary Federici abstained.

Executive Agenda Item #8 – Vice Chairman Lipsitz made a motion, seconded by Mr. Drury, to have Mr. DiOrio draft a letter to CRMC. The motion was passed unanimously; Secretary Federici voted in the affirmative.

Executive Agenda Item #9 – Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to send a letter to Mr. Andrews telling him

that the Board's only issue was with the monumentation on the plan which he has corrected and send him a copy of the Board's 21 November 2007 letter to Mr. Pikul. There are minor drafting issues such as meridian on the north arrow which the Board assumes he will correct. The motion was passed; Secretary Federici did not vote as he recused himself during discussion of this matter.

Executive Agenda Item #b.1. – No motions were made regarding this agenda item.

End of record of votes taken in Executive Session

AGENDA ITEM #3 1. A Memorandum from NCEES was received regarding the revised Correspondence examination candidate agreement effective with the April 2008 examination.

2. The Center for Professional Engineering Services Bulletin was received.

12-18-07

Page 2 of 6

RI STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

- 3. A Memorandum from NCEES was received regarding the appointment of Associate and Emeritus Members. This Board will not be appointing or deleting anyone.**

- 4. Correspondence regarding the Blacks' Superior Court lawsuit was received from the Blacks and Attorney Marc Dolan.**

- 5. Correspondence regarding Regular Agenda Item 4. h. was received from the Blacks and Arthur Read and will be discussed under Agenda Item #4h.**

- 6. A Continuing Education Attendance Roster from Half Moon LLC for a 15 November 2007 seminar was received.**

- 7. A Continuing Education Attendance Roster from LORMAN Education Services for a 13 November 2007 seminar was received.**

- 8. Three CRMC notices of Public Hearings were received.**

- 9. A letter from the West Virginia State Board of Registration was received regarding Nominations for 2007-08 NCEES Northeast Zone Awards. This Board will not be nominating anyone.**

10. Recent mortgage inspection plans were received from Reney, Moran & Tivnan, Inc. per closed complaint file C06-LS-4 Consent Agreement

11. A copy of a 10 December 2007 letter from the Town of South Kingstown, RI, Department of Assessment letter to all land surveyors of coastal properties was received from Mr. DiOrio for the Board's review. The Board asked Mr. Cotta to distribute this letter to the RISPLS membership. Mr. DiOrio will draft a letter to the Tax Assessor asking him to clarify this correspondence.

12. A letter from Director A. Michael Marques, Director, DBR, was received and will be discussed under Agenda Item #4a.

AGENDA ITEM #4 a. Legislation

Old Business

- Board reorganization – Attorney Dennehy had previously re-drafted proposed legislation deleting paragraphs 5 & 6 of the law enacted in Article III of H-5300Aa regarding the Board's reorganization. Attorney Dennehy has not been given any belief thus far that DBR will introduce this legislation. The Board reviewed the above mentioned letter from Director Marques regarding the 2007 Budget Article making the Boards a division of DBR.**

12-18-07

Page 3 of 6

RI STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

Attorney Dennehy advised the Board that Brian Moore of the State Board of Registration for Professional Engineers whose term on that Board expired 9/07 had asked Attorney Adam Sholes and Attorney Dennehy to render their opinions as to whether he could continue on the Board until otherwise notified of a replacement or otherwise. It was their opinion that he could. However, Attorney Richard Berstein of DBR stated that according to the language, it is his opinion that he could not continue after 1 January 2008. This is the same situation that Secretary Federici of this Board is in.

Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to not hold the previously scheduled 8 January 2008 Board meeting and that the Board shall not meet until after the scheduled 23 January 2008 1st “combined” board. The next scheduled meeting date is 12 February 2008 which will be held unless otherwise directed at the 23 January 2008 meeting. The motion was passed; Secretary Federici abstained.

Mr. Matthew Cotta, RISPLS Liaison, asked for a copy of re-draft of proposed Article III of H-5300Aa to distribute among the RISPLS membership and to possibly have introduced.

• RISPLS legislation – The RISPLS will submit a draft of the legislation to the Board for their review and approval.

b. Statewide Planning/RIGIS - Mr. DiOrio reported that there is going to be a forum presented by RISPLS on RIGIS on 16 January 2008.

c. PDH review - There are no seminars/courses for review at this time.

Chairman Reddington reported that in the course of his ongoing audit of the Continuing Education reporting forms from the June 2007 renewal, it is apparent that the Board will need to make a policy or change the regulation to not allow registrants to acquire 100% of their continuing education participation over the Internet and that they cannot go to the same seminar each year and claim it twice within a renewal period.

d. Administrative Issues

e. NCEES- There was no discussion on this agenda item.

f. NSPS – Mr. Drury reported that he will be attending the conference

in Spokane, WA in March..

g. Miscellaneous -

• **RISPLS Advisory Committee regarding the Technical Standards & Code of Ethics – There was a meeting which Chairman Reddington and Vice Chairman Lipsitz did not attend.**

12-18-07

Page 4 of 6

RI STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

h. Complaint #C06-LS-7-John J. Black (a.k.a. “Jeff Black”) and Janice F. H. Black, Complainants vs. Stephen M. Murgu, Sr., PLS, Respondent & David C. Stanley/Stanley Engineering, Inc. – Consideration of Final Order

A letter was received from the Blacks and a letter and plan was received from Arthur Read. Mr. DiOrio will review the plan and report to the Board at the next meeting.

AGENDA ITEM #5 COA Application Review

New Business

The following new applications were reviewed:

FCI Engineering Group, LLC listing Alexander Scungio as the person in responsible charge

Vice Chairman Lipsitz made a motion, seconded by Mr. Drury, to approve the above listed COA pending their amending their purpose at the Secretary of State's office to include land surveying.. The motion was passed; Secretary Federici abstained.

The following amended applications were reviewed:

The BSC Group, Inc. d/b/a Boston Survey Consultants – removing James Peterson as a person in responsible charge as of 7 December 2007

Surveying and Mapping Consultants, Inc. – adding James Peterson as a person in responsible charge as of 18 December 2007

Vice Chairman Lipsitz made a motion, seconded by Mr. Drury, to approve the above listed COA amendments. The motion was passed; Secretary Federici abstained.

Merrill Associates, Inc.

Per last month's meeting, a letter was sent to them citing the Board's 16 November 2000 letter to them which they never responded to, asking them if they have practiced or offered to practice in Rhode Island since 2000 to present and to continue review of this application pending a response. The Board reviewed a response dated December 5, 2007, in which they stated that at no time did the firm practice or offer to practice surveying in RI. The Board instructed Ms. Styron to send them a letter referring to their website which states that they have provided survey and engineering services in East Greenwich, RI.

12-18-07

Page 5 of 6

RI STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

b. LSIT/PLS Application

Interview with Matthew Insana/LSIT Applicant – Mr. Insana appeared

before the Board to further discuss his education and experience.

Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to approve Mr. Insana to sit for the April 2008 LSIT exam and to advise him in the approval letter that he will need to acquire satisfactory field experience prior to applying for the 2nd Day PLS exams in the future. The motion was passed; Secretary Federici abstained.

Interview with Timothy Bodah/PLS Applicant – Mr. Bodah appeared before the Board to further discuss his education and experience.

Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to approve Mr. Bodah to sit for the April 2008 RI Portion exam pending receipt of a transcript from Northeastern University. The motion was passed; Secretary Federici abstained.

c. Miscellaneous

• Election of Officers

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

• **Social Security Numbers on Applications, Board records – There was no discussion on this agenda item.**

d. Comments from the General Public – There were no comments.

e. The next Board meeting is tentatively scheduled for 12 February 2007 at 1:00 PM.

AGENDA ITEM #6

Adjournment Upon the appropriate motion, the meeting was adjourned at 4:20 PM.

12-18-07

Page 6 of 6