

RI BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

DATE 9 January 2007

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
Mr. Matthew Cotta, RISPLS Liaison
Mr. Thomas D. Drury, Jr.**

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

AGENDA ITEM #1 Mr. Federici made a motion, seconded by Secretary Lipsitz, to approve Approval of Minutes the open minutes of the 12 December 2006 meeting. The motion was

passed unanimously.

Mr. Federici made a motion, seconded by Secretary Lipsitz, to approve and seal the Executive Session minutes of the 12 December 2006 meeting. The motion was passed unanimously.

AGENDA ITEM #2 Because of the nature of the following items, Mr. DiOrio made a motion Executive Session at 1:15 PM, seconded by Mr. Federici, 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 unanimously.

Mr. DiOrio made a motion at 2:29 PM, seconded by Secretary Lipsitz, to come out of Executive Session and reconvene to an open meeting pursuant to RIGL §42-46-4. The motion was passed unanimously.

Mr. DiOrio made a motion, seconded by Secretary Lipsitz, to seal the Executive Session minutes 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 Secretary Lipsitz to continue this matter. The motion was passed unanimously.

Executive Agenda Item #2 - Secretary Lipsitz made a motion, seconded by Mr. DiOrio, to continue this matter until Mr. Federici is able to complete his investigation. The motion was passed unanimously.

Executive Agenda Item #3 - Mr. DiOrio made a motion, seconded by Mr. Federici, to continue this matter. The motion was passed unanimously.

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Executive Agenda Item #4 - Secretary Lipsitz made a motion, seconded by Mr. DiOrio to continue this matter. The motion was passed unanimously.

Executive Agenda Item #5 - Secretary Lipsitz made a motion, seconded by Mr. Federici, to have Ms. Styron send the final letter to the two individuals/firms involved in this complaint and to close this complaint file. The motion was passed unanimously.

Executive Agenda Item #6 – Secretary Lipsitz made a motion, seconded by Mr. Federici, to send the individual involved in this complaint a letter acknowledging receipt of his corrected plan and advising him that if this plan had been approved and recorded by the Town previously, he needs to have it re-approved and re-recorded and that he should provide a copy of the plan to his client; we will send a copy of the letter to the complainant and continue this matter. The motion was passed unanimously.

Executive Agenda Item #7 - Secretary Lipsitz made a motion, seconded by Mr. Federici, to have Ms. Styron send the letter as revised and to continue this matter.. The motion was passed unanimously.

Executive Agenda Item #8 - Mr. Federici made a motion, seconded by

Mr. DiOrio, to close this complaint file. The motion was passed unanimously.

Executive Agenda Item #9 - Mr. Federici made a motion, seconded by Mr. DiOrio, to close this complaint file. The motion was passed unanimously.

Executive Agenda Item #10 - Secretary Lipsitz made a motion, seconded by Mr. DiOrio, that he will draft a letter to the complainants in response to their 21 December 2006 letter; Ms. Styron will send a letter to the individuals/firms involved in this complaint stating that a complaint has been brought against them and that Mr. DiOrio has been appointed the Investigator; also a complete copy of the complaint will be made and given to Mr. DiOrio so that he will not be working with the only copy which is the original; Mr. DiOrio will go through the file and get together with Attorney Dennehy to make an initial determination as to which of the over 100 or so allegations are within the Board's jurisdiction and which are not within the Board's jurisdiction; Mr. DiOrio will concentrate his investigation on those that are; and to continue this matter. The motion was passed unanimously.

Executive Agenda Item 11 - Mr. Federici made a motion, seconded by Secretary Lipsitz, to send the person named in this complaint a letter and a copy of the complaint for his response with a pc to the complainant and to continue this matter. The motion was passed

unanimously.

Executive Agenda Item 2 b.c. – Mr. Federici made a motion, seconded by Mr. DiOrio, to move this item onto today’s regular agenda item 5.a. for review and it will no longer appear on the Executive or Regular Agenda after this meeting. The motion was passed unanimously

Executive Agenda Item 2 b.d. – Secretary Lipsitz made a motion, seconded by Mr. DiOrio, to continue this matter. The motion was passed unanimously.

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

AGENDA ITEM #3 1. A letter of resignation from David R. Sheldon from the Board Correspondence was received this morning Mr.

DiOrio recommended that the Board send

Mr. Sheldon a letter of appreciation for his services on the Board..

Mr.

Federici made a motion, seconded by Secretary Lipsitz, to have the Board

send a letter to the Governor for Thomas D. Drury, Jr., to be appointed to

the Board. The motion was passed unanimously.

The Board asked Mr. Matthew Cotta to ask the RISPLS Board if that Board would also write a letter of support for Mr. Drury. He will ask them.

2. NCEES Zone Update was received.

3. Notice of CRMC Public Hearing was received.

4. A letter dated was received 19 December 2006, RE: Preserve the Evidence & Request for Due Process, Public Records Request from Janice and Jeff Black. Attorney Dennehy has responded to them and is continuing to research their requests.

5 A letter was received dated 5 January 2007 RE: Public Records Request from Jeff and Janice Black. Attorney Dennehy will respond.

6. A letter was received dated 6 January 2006 (sic) regarding an

Administrative Appeal to Attorney Dennehy's response to a 19 December 2006 request for Public Record from Jeffrey and Janice Black.

7. A letter was received questioning a surveyor's copyrighting of a client's survey from William Nye. The Board instructed Ms. Styron to send him a letter advising him that when a plan is recorded, it becomes public record and that the Board suggests that he seeks legal advice on this matter.

8. A letter was received from James F. Wishart, PLS #1667, in which he states that he will no longer be in responsible charge for Cataldo Associates, Inc. effective 5 January 2007.

9. A letter was received from Ralph A. Cataldo, Cataldo Associates, Inc., in which he states that James Wishart, PLS #1667, will no longer be in responsible charge for Cataldo Associates, Inc. effective 5 January 2007.

AGENDA ITEM #4 a. Legislation

Old Business

- Comity - Attorney Dennehy drafted proposed language for out of state applicants which was sent to all Board members last week for their review and comment. He suggests that this draft should also be circulated to those people that are interested in it.**

- **Right of Entry – target 2008**

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b. Statewide Planning/RIGIS

Mr. DiOrio reported that some discussions regarding Parcel Standards have been undertaken by the RIGIS Executive Committee. They are not thinking of re-writing them but as the various Cities & Towns are beginning to implement their own GIS packages, they are running into what will be an eventual collision between surveyors and GIS people. The interface is going to happen on the GPS front. Mr. DiOrio suggested that the Board send out an Informational Bulletin to the GIS people in every city/town outlining a few of the Board's concerns. Also, the Board should write to the schools where GIS courses are being given advising them that they need to make sure that people getting out there in the GIS community understand that

just because they can measure it doesn't mean that they're allowed to measure it. Mr. DiOrio will draft these letters in cooperation with John Stachelhaus and have the Board review them.

c. PDH review- The following courses were reviewed and recommended PDH value as follows:

Sponsor Dates Seminar/Course Title PDH Value

GrowSmartRI

Land-Use 2-1-07 & Conservation 3.5

Training 3-7-07 Development

Collaborative/ Workshop

RIDEM

Secretary Lipsitz made a motion seconded by Mr. Federici, 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. This agenda item will no longer appear as a monthly agenda item. It will appear once in the fall of each year after the Budget has been prepared.**

- Website – Mr. Federici indicated that the person in responsible**

charge is not listed on the COA list on the website. Ms. Styron had sent that information to the webmaster and will have this corrected..

- **BOR Schedule – The schedule will be updated and provided to the Board.**

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

f. **NSPS**

Mr. Drury reported that the NSPS Spring convention will be held March 9-13, 2007 in St. Louis, MO.

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Also, NSPS has been trying to get surveyors insurance declared

nationally, had enough sponsors by the Senate, needed 50 co-sponsors from the House and only got 33. They had tried to have the Governors contact all their various representatives to get on board but obviously it did not work.

g. Education

- **CCRI Update – Mr. Lipsitz reported that Mr. Cardin is no longer at CCRI. Mr. Federici reported the Department is in the final stages of finalizing the program to start in September 2007. It just needs to be approved by the CCRI Business Committee.**

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h. Pending Policies

- **Interim (Emergency) COA – Attorney Dennehy will work on language.**

i. Historic Plans

The Board discussed cities and towns and the need to statutorily require that historic plans that have been recorded now be null and void because they were not prepared properly. The Board will work on a strategy. This will appear on upcoming Agendas as Unusual Plan Filing.

j. Miscellaneous -

RISPLS Advisory Committee regarding the Technical Standards & Code of Ethics – There is no update at this time.

AGENDA ITEM #5 a. COA Application Review

New Business

The following applications were reviewed:

1. Cataldo Associates, Inc. – amending application removing James F. Wishart and replacing with George E. Corrente, Sr. as the person in responsible charge.

2. Robert B. Boyer - corrected renewal application

Mr. Federici made a motion, seconded by Secretary Lipsitz, to approve the above listed COA's. the motion was passed unanimously.

b. LSIT/PLS Application Review

Michael Gavitt - PLS – 2nd Day & RI Portion

We will schedule an interview for the 13 February 2007 meeting.

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c. Miscellaneous

1. Rules and Regulations – Attorney Dennehy discussed the recent Rules and Regulations re-filing . In looking at this Board’s rules and regulations during the re-filing process, it became apparent that the proposed rules and regulations for which there was a public hearing on 14 October 2003 and were approved by the Board on that date, were not formally filed with the Secretary of State. Attorney Dennehy spoke with the former attorney for the board at that time to see if he had a stamped, filed copy; the attorney stated that he did not. An earlier set of regulations from 1992 were electronically re-filed in 2001, erroneously by the Secretary of State’s office, because they were originally filed as emergency rules in 1992 and had expired. Attorney Dennehy also spoke with Karen Wall who is the Administrative Records & Technical Services, Specialist, Office of the Secretary of State A. Ralph Mollis. State Archives Division, Administrative Records regarding this matter.

Due to the passage of time, Attorney Dennehy recommends that the

Board should move forward and that he be charged with the responsibility of taking the 14 October 2003 regulations and suggesting revisions so that they can be noticed, a public hearing be held, adopted by the Board and filed with the Secretary of State. The Board should all review the document to make proposed revisions and send those revisions to Ms. Styron. The Board agreed with Attorney Dennehy's recommendations.

2. Mrs. Lois Marshall, Administrative Assistant, Boards for Design professionals, entered the meeting at approximately 3:30 PM with a fax from Mr. & Mrs. Black which Attorney Dennehy will get a copy of tomorrow. This letter will be acknowledged as correspondence at the 13 February 2007 meeting.

3. Due to the resignation of Mr. Sheldon (see AGENDA ITEM #3(1.)), it has become necessary to re-elect Officers.

Mr. Federici made a motion, seconded by Secretary Lipsitz, to elect Vice Chairman Reddington as Chairman. The motion was passed unanimously.

Mr. Federici made a motion, seconded by Mr. DiOrio, to elect Secretary Lipsitz as Vice Chairman. The motion was passed unanimously.

Secretary Lipsitz made a motion, seconded by Mr. DiOrio, to elect Mr.

Federici as Secretary. The motion was passed unanimously.

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

e. The next Board meeting will be 13 February 2007 at 1:00 PM.

ADJOURNMENT The meeting was adjourned on the appropriate motion and was

approved unanimously at 4:16 PM.

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