

RI BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

DATE 8 May 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**

CALLED TO ORDER Chairman Reddington called the meeting to order at 1:05 PM. Messrs. DiOrio, Federici, Lipsitz and Reddington, Attorney Dennehy and Ms. Styron were present.

AGENDA ITEM #1 Secretary Federici made a motion, seconded by Vice Chairman Lipsitz, to Approval of Minutes approve the open minutes of the 10 April 2007. The motion was passed unanimously.

Secretary Federici made a motion, seconded by Chairman, to approve and seal the Executive Session minutes of the 10 April 2007 meeting. The motion was passed unanimously.

AGENDA ITEM #2 Because of the nature of the following items, Mr. DiOrio made a motion, Executive Session seconded by Secretary 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 at 1:06 PM.

Record of Votes Taken in Executive Session

Executive Agenda Item #1 - Vice Chairman Lipsitz made a motion, seconded by Secretary Federici, to continue this matter. The motion was passed unanimously.

Executive Agenda Item #2 - Secretary Federici made a motion, seconded by Mr. DiOrio, to send the letter and continue this matter.

The motion was passed unanimously.

Executive Agenda Item #3 - Secretary Federici made a motion, seconded by Mr. DiOrio, to send a letter asking for a comprehensive list of all surveying work that has been done in Rhode Island which includes mortgage inspection plans as well as Class I & Class II surveys. Their COA application will remain pending until this matter is resolved. Also, a letter will be sent notifying the has law has been violated and are being put on notice that any further violation may result in disciplinary action. Chairman Reddington will draft this letter. The motion was passed unanimously.

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Executive Agenda Item #4 - Vice Chairman Lipsitz made a motion,

seconded by Chairman Reddington to accept the draft Investigator's report pending minor revisions, typographical corrections. The motion was passed with three members approving; Secretary Federici did not vote because he had recused himself and left the room prior to discussion of this matter.

Executive Agenda Item #5 - Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to close this complaint file because Mr. Marrier has complied by returning the \$100.00. We will have to confirm that the Blacks received the \$100.00. The motion was passed with three members approving; Secretary Federici did not vote because he had recused himself.

Executive Agenda Item #6 – Secretary Federici made a motion, seconded by Vice Chairman Lipsitz, to have Ms. Styron make a list make a list of all COA's issued to Mr. Coutu for each year, wait for the response from Mr. Coutu and to continue this matter. The motion was passed unanimously.

Executive Agenda Item #7 - Mr. DiOrio made a motion, seconded by Vice Chairman Lipsitz, to get further information from the State Board of Registration for Professional Engineers and to have Secretary Federici draft a letter to Hydro Data, Inc. restating the Board's position in this matter and advising her and her firm to cease and desist any further hydrographic surveying in Rhode Island until and unless she complies with the statute. Attorney Dennehy will review it

before sending. The motion was passed unanimously.

Secretary Federici made a motion, seconded by Vice Chairman Lipsitz, to continue this matter until the next meeting. The motion was passed unanimously.

Executive Agenda Item #8 - Secretary Federici made a motion, seconded by Mr. DiOrio, to send a copy of the plan, when received, and a complaint letter to Mr. Virgadamo for his response. The motion was passed unanimously.

Executive Agenda Item #9 - Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to send a copy of the plan and a complaint letter to Apex Environmental, Inc. for their response. The motion was passed unanimously.

Executive Agenda Item #10 - Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to send a letter to Martin E. Ezeama/E. A. Design Ltd. asking him to provide the documentation that shows that the information on the plan was provided by a Rhode Island registered Professional Land Surveyor and to forward the plan to the three above listed Boards. The motion was passed unanimously.

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

3:42 PM.

End of record of votes taken in Executive Session

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Mr. DiOrio made a motion, seconded by Vice Chairman Lipsitz, 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.

AGENDA ITEM #3 1. A letter was received from NCEES, regarding notice of future changes to Correspondence NCEES examinations and Supporting Materials.

2. A letter was received from NCEES regarding the Funded Delegate for the 2007 NCEES Annual Meeting. Vice Chairman Lipsitz, Secretary Federici and Ms. Styron are interested in attending. A decision on who will be the funded delegate will made at the next

meeting

3.. Letters were received from John and Janice Black dated April 11, April 12, April 14 and May 3, 2007 regarding Public Record Requests and their pending Executive Session complaints. Attorney Dennehy reported that he has been responding to the records requests pursuant to the Access to Public Records Act.

4. NCEES newsletter was received.

5. A letter was received from Nathan Lauder asking about Continuing Education credit for a particular seminar. Ms. Styron has responded to him.

6. Semi annual newsletter was received from ELSES.

7. A letter was received from the District of Columbia Board of Registration for PE asking this Board to support Howard Gibbs, for the position of NCEES Northeast Zone Vice President when voting at the Northeast Zone Meeting.

8. Notice was received from FARB of their 15th Annual Attorney Certification Seminar in Professional Regulatory Law.

AGENDA ITEM #4 a. Legislation

Old Business

S0877 - Secretary Federici and Attorney Dennehy, and from the RISPLS - Matthew Cotta, Richard Nudenberg, Robert Cournoyer and Michael Darveau attended the Committee hearing on this bill yesterday. After hearing, Senator Ruggierio made a motion to hold the bill.... Secretary Federici suggested having a representative of the Board and the Society meet and try to work out a compromise and submit a revised bill next year.

*** Attorney Dennehy left the meeting room at 4:00 to attend to his other duties.**

• Comity - There is no update on this matter.

• Right of Entry – Secretary Federici made motion, seconded by Vice Chairman Lipsitz, that this no longer appear as a running agenda item. The motion was passed unanimously.

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• **b. Statewide Planning/RIGIS - There is no update on this matter.**

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

Sponsor Dates Seminar/Course Title PDH Value

**NBI 6-12-07 A Step-by-Step Guide
to Understanding Easements 7**

**MTS 3-7-07 Surveying Workshop:
Accuracy & Precision for
Conventional Equipment 3**

With the stipulation that the Board is provided a sign-in attendance sheet

Secretary Federici made a motion, seconded by Vice Chairman Lipsitz, to approve to approve the above listed courses and PDH values as indicated. The motion was passed unanimously.

d. Administrative Issues – There is no update on this matter.

e. NCEES – There is no update on this matter.

f. NSPS – There is no update on this matter.

g. Education –

CCRI Update - There is no update on this matter.

Letter to John Gomes – Secretary Federici asked Ms. Styron to draft a letter thanking Mr. Gomes for all of his assistance in developing the land surveying program. The Board members will all sign the letter at the next meeting.

h. Pending Policies

- **Interim (Emergency) COA – Vice Chairman Lipsitz made a motion, seconded by Secretary Federici, to table discussion on this agenda item. The motion was passed unanimously.**

- **i. Unusual Plan Filing - There Vice Chairman Lipsitz made a motion, seconded by Secretary Federici, to table discussion on this agenda item. The motion was passed unanimously.**

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j. Miscellaneous -

- **RISPLS Advisory Committee regarding the Technical Standards & Code of Ethics - There is no update on this matter.**

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AGENDA ITEM #5 a. COA Application Review

New Business

Reney Moran & Tivnan, Inc. – This COA application will be tabled pending the outcome of Executive Session Agenda Item 3.

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

c. Miscellaneous - There was no discussion on this agenda item.

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

e. The next Board meeting will be 12 June 2007 at 1:00 PM.

ADJOURNMENT Upon the appropriate motion, the meeting was adjourned at 4:16 PM.

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