

RI BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

DATE 16 October 2007

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

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

OTHERS PRESENT Ms. Christina Styron, Administrative Assistant

Mr. Peter N. Dennehy, Legal Counsel

Mr. Stephen M. Murgo, Respondent

Mr. Arthur Read, Esquire

Mr. David Stanley, Respondent

Mr. Stanley Pupecki, Esquire

CALLED TO ORDER Chairman Reddington called the meeting to order at 1:15 PM. Messrs. DiOrio, Drury, Lipsitz, Reddington, Attorney Dennehy and Ms. Styron were present.

AGENDA ITEM #1 Vice Chairman Lipsitz made a motion, seconded

by Mr. Drury, to approve Approval of Minutes the open minutes of the 11 September 2007 meeting. The motion was passed unanimously.

Vice Chairman Lipsitz made a motion, seconded by Mr. Drury, to approve and seal the Executive Session minutes of the 11 September 2007 meeting. The motion was passed unanimously.

AGENDA ITEM #2 Because of the nature of the following items, Mr. DiOrio made a 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 unanimously at 1:17 PM.

Mr. Drury 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 2:52 PM.

Record of Votes Taken in Executive Session

Executive Agenda Item #1 – Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to close this complaint file since ABL, Inc./Reney, Moran & Tivnan, Inc. have complied with the terms of the Consent Agreement. The motion was passed unanimously.

10-16-07

Page 1 of 5

RI STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

Executive Agenda Item #2 – Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to continue this matter until the next meeting since Secretary Federici who was the investigator in a previous matter involving an interview with Mr. Cipolla is present. The motion was passed unanimously.

Executive Agenda Item #3 – Vice Chairman Lipsitz made a motion,

seconded by Mr. DiOrio, to continue this matter until the letter is written. The motion was passed unanimously.

Executive Agenda Item #4 – Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to continue this matter until the letter is written. The motion was passed unanimously.

Executive Agenda Item #5 – Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to continue this matter until the letter is written. The motion was passed unanimously.

Executive Agenda Item #6 – Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to continue this matter until the letter is written. The motion was passed unanimously.

Executive Agenda Item #7 – Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to continue this matter until the letter is written. The motion was passed unanimously.

Executive Agenda Item #8 – Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to close this compliant file at this time. The file would be re-opened if any of the clients have any concerns in the future. The motion was passed unanimously.

Executive Agenda Item #9 - Vice Chairman Lipsitz made a motion, seconded by Mr. DiOrio, to continue this matter until the letter is

written. The motion was passed unanimously.

Executive Agenda Item #b - Mr. DiOrio made a motion, seconded by Vice Chairman Lipsitz, to send a letter to Mr. Pikul informing him that this is a contractual issue and that the Board does not mediate contractual civil matters unless it rises to the level of fraud; does not resolve boundary disputes and does not resolve surveys because we are not permitted by law unless the surveys themselves do not reach our standards of practice and that based on the experience of the Board members, the order of magnitude that's been put on the table here is not out of order; and to send a letter to Mr. Andrews informing him that the plan does not meet the monumentation standards of the Procedural and Technical Standards for the Practice of Land Surveying and that he needs to bring it up to the standards. The motion was passed unanimously.

10-16-07

Page 2 of 5

RI STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

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 1:38 PM.

End of record of votes taken in Executive Session

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 Memorandum from NCEES was received regarding the 2007 Annual Correspondence Meeting highlights.

2. A Memorandum from NCEES was received regarding Nominations for NCEES National Awards.

3. The California Board for PE and LS Bulletin was received.

4. NCEES Licensure Exchange was received.

5. An email from NCEES was received regarding NCEES being named ANSI Accredited Standards Developer.

6. Notice of 32nd Annual FARB Forum was received.

7. A response from Eastern Surveyors & Associates was received

regarding Verizon Yellow Pages.

8. A letter from Russell Moresi, PLS applicant, postponing Oct. exam to April exam was received. A letter will be sent to him concerning forfeiture of the exam fee.

9. A letter was received from the Blacks regarding the hearing scheduled for today.

10. A motion to dismiss from Arthur Read, Attorney, was received regarding charges against Stephen Murgo.

A memorandum from NCEES was received regarding the Center for Professional Engineering education Services.

11. A letter from John Stachelhaus, RIGIS was received.

AGENDA ITEM #4 a. Legislation

Old Business

Board reorganization – Attorney Dennehy has drafted legislation extending the deadline for the Board’s reorganization.

10-16-07

Page 3 of 5

RI STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

• **b. Statewide Planning/RIGIS** - The Board reviewed a letter from John Stachelhaus. Mr. DiOrio will draft a letter of response to Mr. Stachelhaus. Chairman Reddington and Vice Chairman Lipsitz will ask Ed O'Brien, PLS, to be the liaison for the Board with RIGIS.

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

Sponsor Dates Seminar/Course Title PDH Value

**Half Moon 11-15-07 RI Land Use Law for
LLC Civil Engineers &
Land Surveyors 7.5**

d. Administrative Issues - There was no discussion on this agenda item.

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

f. NSPS – Mr. Drury will write a report on last week's meeting that he attended.

g. Miscellaneous -

• RISPLS Advisory Committee regarding the Technical Standards & Code of Ethics – There will be a meeting this afternoon.

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

The hearing began at 2:15 pm. The hearing was conducted before Board Members Reddington, Lipsitz, and Drury. Mr. Stanley was present, represented by attorney Stanley Pupecki, and Mr. Murgo was present, represented by attorney Arthur Read. Neither Mr. Black nor Mrs. Black appeared at the hearing.

At the hearing, no evidence was presented that Mr. Stanley breached duties to complainants, or violated rules and standards of professional conduct and professional licensing in his conduct toward complainants.

Mr. Murgo testified that he had provided the Blacks with several draft survey plans, which he referred to as “working papers”, and had received partial payment from the Blacks.

10-16-07

Page 4 of 5

**RI STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND
SURVEYORS**

MINUTES OF THE MEETING OF THE BOARD

Mr. Read presented as an exhibit a survey plan dated October 15, 2006, which contains the highlighted words FINAL VERSION NOT ISSUED and contains the stamp of Stephen M. Murgo. Because Mr. Murgo had been fired by the Blacks, the stamped survey plan dated October 15, 2006 had never been presented to the complainants. Additionally, no evidence was presented that Mr. Murgo swore at the complainants or made an obscene gesture at them.

Following consideration, the Board members requested that Attorney Dennehy draft a decision & order.

AGENDA ITEM #5 COA Application Review

New Business

The following amended application was reviewed:

ATS Survey, Inc. – removing John Lambert as of 5 August 2007

Vice Chairman Lipsitz made a motion, seconded by Mr. Drury, to approve the above listed COA. The motion was passed unanimously.

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

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

d. Comments from the General Public

e. The next Board meeting will be 20 November 2007 at 1:00 PM.

AGENDA ITEM #6

Adjournment Upon the appropriate motion, the meeting was adjourned at 3:49 PM.

10-16-07

Page 5 of 5