

STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

MINUTES OF THE MEETING OF THE BOARD

DATE 9 September 2008

PLACE 1511 Pontiac Avenue, Building 69-2 Conference Room, Cranston, RI

MEMBERS PRESENT Messrs. DiOrio, Drury, Lipsitz and Reddington

OTHERS PRESENT Ms. Christina Styron, Administrative Assistant

Mr. Richard W. Bernstein, Legal Counsel

Mr. Brian J. Riggs, DBR Department Budget Administrator

Mr. Patrick A. Arnow, PLS Applicant

Mr. Wayne C. Jalbert, PLS Applicant

CALLED TO ORDER Chairman Lipsitz called the meeting to order at 1:15 PM.

AGENDA ITEM #1 Mr. Reddington made a motion, seconded by Secretary DiOrio, to approve Approval of Minutes the Regular and Executive Session minutes of the 12 August 2008

meeting. The motion was passed unanimously.

AGENDA ITEM #2 Because of the nature of the following items, Secretary DiOrio made a Executive Session motion, seconded by Mr. Reddington, 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 1:16 PM.

Secretary DiOrio made a motion, seconded by Mr. Reddington, to come out of Executive Session and reconvene to an open meeting pursuant to RIGL §42-46-4. The motion was passed unanimously at 1:54 PM.

Secretary DiOrio made a motion, seconded by Mr. Reddington, 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. Reddington made a motion, seconded by Secretary DiOrio, to close this complaint file upon receipt of the signed Consent Agreement. The motion was passed unanimously.

Executive Agenda Item #2 - Mr. Reddington made a motion, seconded by Secretary DiOrio, to continue this matter. The motion was passed unanimously.

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

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Executive Agenda Item #4 - Chairman Lipsitz made a motion, seconded by Mr. Reddington, to have Ms. Styron call the complainants to confirm that the work is completed and to close this

complaint upon confirmation. The motion was passed unanimously.

Executive Agenda Item #5 - Mr. Reddington made a motion, seconded by Secretary DiOrio, to close this complaint file and to send a letter to the complainant advising him that the Board has closed this complaint file based upon his representation that this matter is in litigation and that if he wishes to re-open the complaint after litigation is complete, he may do so. The motion was passed unanimously.

Executive Agenda Item #6 - Vice Chairman Drury made a motion, seconded by Mr. Reddington, to continue this matter. The motion was passed unanimously.

Executive Agenda Item #7 - Mr. Reddington made a motion, seconded by Secretary DiOrio, to send a person involved in this matter a letter clarifying that the Board has determined that the letter of complaint received did not qualify as a valid complaint; however, the Board did find that there are technical issues on the plan that need correction. The motion was passed unanimously.

Executive Agenda Item #8 - Mr. Reddington made a motion, seconded by Secretary DiOrio, to send a letter to the complainant stating that this appears to be a contractual issue and that the Board does not mediate contractual civil matters unless it rises to the level of fraud; we do not resolve boundary disputes and we do not resolve surveys because we are not permitted by law unless the surveys themselves

do not reach our standards of practice and that this complaint file has been closed. The motion was passed unanimously.

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

Executive Agenda Item #2. b. c – No motions were made regarding these agenda items.

Executive Agenda Item #2.d. - Chairman Lipsitz made a motion, seconded by Secretary DiOrio, to have Attorney Bernstein work with the individual named in this matter and his/her attorney to enter into a Consent Agreement with the Board. The motion was passed unanimously.

Executive Agenda Item #2.e. - Mr. Reddington made a motion, seconded by Secretary DiOrio, to continue this matter. The motion was passed unanimously.

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Executive Agenda Item #2.f. - Mr. Reddington made a motion, seconded by Secretary DiOrio, to continue this matter. The motion was passed unanimously.

Executive Agenda Item #2.g. - Mr. Reddington made a motion, seconded by Secretary DiOrio, to continue this matter. The motion was passed unanimously.

Executive Agenda Item #2.h. - Mr. Reddington made a motion, seconded by Secretary DiOrio, to have Mr. Federici and Ms. Styron draft a letter after the PE Board meeting. The motion was passed unanimously.

Executive Agenda Item #2.i. - Mr. Reddington made a motion, seconded by Secretary DiOrio, to have Chairman Lipsitz draft a letter to a person involved in this matter; cc to Attorney Berstein and L. Robert Smith and Attorney Berstein will write a letter to the contractor inviting him to enter into a Consent Agreement or appear before the Board. The motion was passed unanimously.

End of record of votes taken in Executive Session

AGENDA ITEM #3 1. Two CRMC Public hearing Notice were received.

Correspondence

2. RISPLS newsletter was received.

3. NCEES Licensure Exchange was received.

4. A notice of cancellation for LORMAN Education Services “The Development Approval process” seminar was received.

5. ABET Newsletter was received.

AGENDA ITEM #4 a. Legislation

Old Business

The Legislators are out of session until January. Chairman Lipsitz reported that the RISPLS plans to have the Bill revising registration requirements reintroduced at that time.

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

The Board discussed the RIGIS proposal of a “Rhode Island Draft of Statewide Digital Plan Submissions Standard”. The Board opposes this as it conflicts with the statutes regulating land surveying in the State of Rhode Island.

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

Sponsor Dates Seminar/Course Title PDH Value

**HalfMoon 9-17-08 MA Land law for Civil
LLC Engineers & Land Surveyors 7.5**

**PESI, LLC 10-14-08 Boundary Law & Landowner
10-15-08 Disputes 8.7**

**LORMAN 8-14-08 Law of Easements: Legal Issues and Practical
Consideration 6.8**

**NBI 11-5-08 Road & Access Law:
Successfully Handling Disputes 7**

Secretary DiOrio made a motion, seconded by Mr. Reddington, to approve the above listed courses and PDH values as indicated. The motion was passed unanimously.

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

Attorney Berstein has been in contact with the Yellow Pages/Yellow Book legal counsel who indicated that they will remove unauthorized firms' listings. Attorney Berstein asked Ms. Styron to review the current books to see if there are any unauthorized firms listed.

e. NCEES – Ms. Styron will be attending the NCEES MBA Meeting in Clemson on 14 October 2008.

f. NSPS – There was no discussion on this agenda item.

g. Miscellaneous

1. RISPLS Advisory Committee regarding the Technical Standards & Code of Ethics – Chairman Lipsitz reported that there is a meeting tonight.

2. CCRI – GIS Course

CCRI is proposing adding a GIS Course to the current Land

Surveying curriculum.

3. RIDEM – Proposed amendment to OWTS regulations which would allow Class I Designers to practice both engineering and land surveying

Ms. Styron will mail the letter drafted by Secretary DiOrio to Director Sullivan, RIDEM and a pc to Mary Kay, legal counsel.

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AGENDA ITEM #5 a. COA Application Review

New Business

The amended applications were reviewed:

Michael J. Paolino – changing from exempt to sole proprietor

John P. Caito – removing Stephen Murgio as of 1 June 2008

Caputo & Wick Ltd. – removing Rodney Wick as of 1 June 2008

**Civil Engineering Concepts, Inc. – removing Donald Medeiros as of 1
June**

2008

**Bryant Associates, Inc. - adding Geoffrey Hoogasian in responsible
charge**

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

b. LSIT/PLS Application

Patrick Arnow – PLS Reciprocity Application

**Mr. Arnow appeared to further discuss his experience and
qualifications.**

Wayne Jalbert – PLS Reciprocity Application

**Mr. Jalbert appeared to further discuss his experience and
qualifications.**

**Mr. Reddington made a motion, seconded by Secretary DiOrio, to
approve Mr. Arnow's and Mr. Jalbert's applications to take the**

October 2008 RI Portion exam. The motion was passed unanimously.

c. Miscellaneous – There were no miscellaneous items.

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

e. The next Board meeting is scheduled for 21 October 2008 at 1:00 PM.

AGENDA ITEM #6 Upon the appropriate motion, the meeting was adjourned at 2:58 PM.

Adjournment

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