

MINUTES OF THE MEETING OF THE BOARD

DATE: 8 May 2012

**PLACE: 1511 Pontiac Avenue, Building 68-1 Conference Room,
Cranston, RI**

MEMBERS PRESENT: Chair John Mensinger, Vice-Chair Louis Federici, Secretary Richard Lipsitz and Member Daniel R. Cotta

MEMBERS ABSENT: Member Michael J. McCormick

**OTHERS PRESENT: Ms. Christina M. Styron, Administrative Assistant
Mr. Brian J. Riggs, DBR Administrator, Financial Management
(Present 2:02 p.m. to 3:54 p.m.)**

Ms. Neena S. Savage, Legal Counsel (Present 1:06 p.m. to 1:30 p.m.)

Ms. Dawne M. Broadfield, Administrative Assistant II

**CALLED TO ORDER: Chairman Mensinger called the meeting to order
at 1:06 PM.**

**AGENDA ITEM #1 Secretary Lipsitz made a motion, seconded by
Vice-Chair Federici, to approve Approval of Minutes the Regular
Meeting Minutes of 10 April 2012 as published. Motion passed;**

three (3) in favor, one (1) abstained and one (1) absent. Voting in

favor were

Chair Mensinger, Vice-Chair Federici, and Secretary Lipsitz.

Member Cotta

abstained from this vote since he was not present at the meeting.

Member

McCormick was absent from this vote.

**AGENDA ITEM #2 Because of the nature of the following items,
Member Cotta made a motion,**

**Executive Session seconded by Vice-Chair Federici, to convene into
Executive Session at 1:11 p.m.**

**pursuant to RI General Laws, §42-46-5(a)(2), for sessions or work
sessions**

**pertaining to collective bargaining or litigation and §42-46-5(a)(4)
for**

**investigative proceedings regarding allegations of civil or criminal
misconduct.**

**Motion passed; four (4) in favor and one (1) absent. Voting in favor
were Chair**

**Mensinger, Vice-Chair Federici, Secretary Lipsitz and Member
Cotta. Member**

McCormick was absent from this vote.

**Adjournment Member Cotta made a motion, seconded by Vice-Chair
Federici, to adjourn from Executive Session and to reconvene to an
open meeting at 2:24 p.m. pursuant to RI General Laws §42 46-4.**

Motion passed; four (4) in favor, and one (1) absent. Voting in favor were Chair Mensinger, Vice-Chair Federici, Secretary Lipsitz and Member Cotta. Member McCormick was absent from this vote.

05-08-12

Page 1 of 5

Member Cotta made a motion, seconded by Vice-Chair Federici, to seal the executive session and record the votes taken in executive session pursuant to RI General Laws §42-46-4 and §42-46-5. Motion passed; four (4) in favor and one (1) absent. Voting in favor were Chair Mensinger, Vice-Chair Federici, Secretary Lipsitz and Member Cotta. Member McCormick was absent from this vote.

Record of Votes Taken in Executive Session

Executive Agenda Item #s 2a – No votes were taken.

Executive Agenda Item #2.b.1. – No votes were taken.

Executive Agenda Item #2.b.2. – Disclosure deferred.

Executive Agenda Item #2.c.1. – Disclosure deferred.

Executive Agenda Item #2.c.2. – Vote was made to close.

Executive Agenda Item #2.c.3. - Disclosure deferred.

Member Cotta made a motion, seconded by Vice-Chair Federici, pursuant to RI General Law §42-46-4 that the Board defer disclosure

of all votes in executive session until such time as such disclosure would not jeopardize any strategy, negotiation, or investigation undertaken concerning RI General Law §42-46-5(a). Motion passed; four (4) in favor and one (1) absent. Voting in favor were Chair Mensinger, Vice-Chair Federici, Secretary Lipsitz and Member Cotta. Member McCormick was absent from this vote.

End of record of votes taken in Executive Session

In Executive Session pending matters, there are now five (5) pending matter, comprised of five (5) investigative matters and zero (0) matters were closed.

AGENDA ITEM #3 Secretary Lipsitz made a motion, seconded by Vice-Chair Federici, to approve

Approval of Executive the Executive Session Meeting Minutes of the 10 April 2012 as published.

Session Minutes Motion passed; three (3) in favor, one (1) abstained and one (1) absent. Voting in

favor were Chair Mensinger, Vice-Chair Federici, and Secretary Lipsitz. Member

Cotta abstained from this vote since he was not present at the meeting. Member McCormick was absent from this vote.

AGENDA ITEM #4 1. Another reminder notification for the 2012 National Council of

Correspondence Examiners for Correspondence Engineering and Surveying (NCEES)

Annual Meeting was received. NCEES will fund one voting delegate and a first

time attendee. Member Cotta and Ms. Broadfield will be attending. There may

be discussion on the National Council of Engineering and Surveying (NCEES)

agenda of striking the “Engineering Surveys” language from the so-called NCEES

Model Law. There is a movement to support this by Rhode Island, California,

and New Mexico. New Mexico has led the movement and will introduce the

motion. Mr. Ed O’Brien, Rhode Island Society of Professional Land Surveyors

(RISPLS) President, is in support.

2. Coastal Resource Management Council Hearing Notices received. So noted.

AGENDA ITEM #5 a. Joint Professional Engineers/Professional Land Surveyors (PE/PLS)

Old Business Committee regarding “Tasks” – (Legislation - H5470 – Engineering surveys bill)

Member Cotta submitted an updated Committee report dated March 2012 of the last meeting with PE Board Members Aldinger and Farhoumand and reviewed it line-by-line with the Board. Changes were suggested in the categories of

05-08-12

Page 2 of 5

“Elevation Certificates,” “Condominium Boundary Survey Plat and Unit Plans,” and “As-Built Survey. Guidelines are being developed as to what the Board will enforce and how the Board will look at it. The Board felt that progress has been made and will continue with the changes made.

b. PDH Approval Requests

None at this time.

c. Administrative Issues

1. Website

The new Website has been launched; therefore this item has been removed from the agenda.

2. Any Other Administrative Issues

There are no other Administrative Issues at this time; therefore this item has been removed from the agenda.

d. NCEES (National Council of Examiners for Engineers and Surveyors)

1. Member Cotta and Ms. Broadfield will be attending the upcoming

NCEES Annual meeting in August 2012.

2. NCEES agenda discussion of striking the “Engineering Surveys” language from the so-called NCEES Model Law.

3. Computer-Based Testing (CBT) will be required for all states. This will require a statute change in Rhode Island in reference to written and length of time. The Board will present the change to the Department of Business Regulation (DBR), Division of Regulatory Standards, Compliance and Enforcement in order to introduce the legislation for the statute change in the next Legislative Session. The first examination administration is October 2013.

e. Procedural & Technical Standards

1. Review plan standards

2. Review Data Accumulation, Control and Compilation Sections

3. Schedule workshop

Mrs. Broadfield integrated the “Standards” into the “Rules and Regulations” and distributed what the Chair called the “final draft” of the “Standards.”

Secretary Lipsitz made a motion, seconded by Vice-Chair Federici, to accept and move the “Standards” forward at the appropriate time for public hearing. Motion passed; four (4) in favor and one (1) absent. Voting in favor were Chair Mensinger, Vice-Chair Federici, Secretary Lipsitz and Member Cotta. Member McCormick was absent from this vote.

f. Rules and Regulations

The Rules and Regulations are now 90% completed. Chair Messinger would like see the “Ethics” section strengthened to be more in conformance with the NCEES Model Language. Secretary Lipsitz will review the “Disciplinary Guidelines” created by the Architect Board to make it specific to the Surveying Board. Ms. Styron will review the examination section

g. Regulatory Agencies

1. Statutory Enforcement Strategies – Since there has been no issues, this item will be removed from agenda until an issues arises.

h. PLS Exam – RI State Examination

The RI State Exam was given on 12 April 2012.

Issues are as follows:

05-0812

Page 3 of 5

(1) An examination candidate had questions about the FEMA (Federal Emergency Management Agency) section of the examination in that the Board’s suggested study materials did not indicate this subject was going to be on the examination.

The Board will respond to the candidate’s question by indicating that the information that the Board suggests that the candidate studies is in no way ever meant to be everything and all things that the candidate may need to know about an examination, but the Board will take it under advisement in the future.

(2) The Board also has many questions specific to the Department of Environmental Management (DEM), Onsite Wastewater Treatment Systems (OWTS) Rules and Regulations. Secretary Lipsitz felt that these questions are too specific and should be more “general.” Most of the examination candidates did not get anywhere near fifty percent (50%) credit on all of those questions. Secretary Lipsitz felt that this area of questions should be reviewed again.

(3) There are several questions that the answer sheet does not have answers to, but Secretary Lipsitz was still able to score the examinations.

(4) The third question was with the ATV question.

i. Proposed Informational Bulletins

1. Guidelines regarding PLS procedures with regard to joint ventures with firms not holding Certificates of Authorization (COAs) both local and out-of-state, including plan requirements; brokers. Chair Mensinger is still working on a draft. The State of Kentucky had a summary of why they thought “national brokers” need a COA and several States agreed with Kentucky. Chair Mensinger indicated that he will prepare a proposed insert using the State of Kentucky language be incorporated into the Rules and Regulations under the COA category that addresses this matter.

2. Elevation Certificates – This item was removed from the agenda

until it is resolved by Committee.

j. Submission of digital plans by municipalities – This item was removed from the agenda until something comes up.

k. Miscellaneous – There was no discussion.

1. Any Other Old Business – None at this time.

AGENDA ITEM #6 a. COA Application Review

New Business 1. Advanced Engineering Group, P.C. with Ralph Urban

Vice-Chair Federici made a motion, seconded by Secretary Lipsitz, to issue “conditional approval” pending amending their purpose at the Rhode Island Secretary of State. Motion passed; four (4) in favor and one (1) absent. Voting in favor were Chair Mensinger, Vice-Chair Federici, Secretary Lipsitz and Member Cotta. Member McCormick was absent from this vote.

b. LSIT/PLS Application review - There were no applications for review.

c. Miscellaneous - There were no miscellaneous items for review.

1. Any Other New Business – There was no other New Business.

2. RISPLS Correspondence regarding NCEES Annual Meeting & Engineering Surveys

Ed O’Brien, RISPLS President, has gotten involved at the National

level (NCEES) in an effort to remove the so-called “engineering surveys” language from the

05-08-12

Page 4 of 5

NCEES Model Law. RISPLS is in a leadership role together with the State of New Mexico who is going to be introducing the motion at the Annual meeting in August in St. Louis. There are six (6) or eight (8) letters from other States including a strong letter of support from the Connecticut Board. The arguments to remove the language are all worthy and were presented at the NCEES Annual Meeting held in Rhode Island last year. RISPLS can only submit a letter to NCEES and is looking for the Board’s official support since it is the voting authority. New Mexico will be making the motion for discussion of this item. NCEES Committee rejected the proposal and thinks that the language as it stands is adequate. If a Board member cannot attend, Mrs. Broadfield will stand up and read a statement submitted on behalf of the Board.

Vice-Chair Federici made a motion, seconded by Secretary Lipsitz, to support the RISPLS issue to remove the “engineering surveys” language from the NCEES Model Law and to send a letter that the Board endorses the attempt for the RISPLS to change the NCEES Model Law. Motion passed; four (4) in favor and one (1) absent. Voting in favor were Chair Mensinger, Vice-Chair Federici, Secretary Lipsitz and Member Cotta. Member McCormick was absent from this vote.

The Board will send a letter to Ed O'Brien, RISPLS President, indicating that the Board discussed and agreed to submit his proposal to remove the language from the NCEES Model Law and that the Board will make a presentation, or a third party presentation, at the NCEES Annual Meeting.

Member Cotta received personal correspondence, as a Board member, from a PE/PLS from NY and SD requesting to learn more about the situation. It was suggested that Member Cotta respond by indicating "Thank you for writing me about this situation. It is a matter of deep concern to all of us. The Board is engaged in extensive discussions as whether or not it will support the initiative. You will be informed at the NCEES Annual Meeting."

3. Vice-Chair Federici questioned the Board that he came across a situation where his associate was testifying on a matter in court regarding an aerial draft plan. The plan did not have a seal, signature and date on it. It was accepted by the Judge. It was duly noted in Court that that document was not properly signed and sealed as a final document because it had the word "preliminary" on it, and the Judge accepted it. Vice-Chair Federici questioned if this is a violation of the statute and/or standards? After discussion, what gets introduced into Court is out of the registrant's control.

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

f. Next Meeting

The next Board meeting is scheduled for 12 June 2012 at 1:00 PM.

AGENDA ITEM #7 Vice-Chair Federici made a motion, seconded by Secretary Lipsitz to adjourn

Adjournment the meeting at 3:54 p.m. Motion passed; four (4) in favor and one (1) absent.

Voting in favor were Chair Mensinger, Vice-Chair Federici, Secretary Lipsitz and

Member Cotta. Member McCormick was absent from this vote.

Posted on 13 June 2012 electronically on Secretary of State's Office website; pursuant to the Open Meetings Law, R.I. Gen. Laws Sec. 42-46-6(b), business not included in this notice may be considered with the consent of the majority of the members, and/or may convene into Executive (closed) Session pursuant to R.I. Gen. Laws Sec. 42-46-5.

05-08-12

Page 5 of 5