

**State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
1511 Pontiac Avenue, Bldg. 68-2
Cranston, Rhode Island 02920**

**Design Professionals STATE BOARD OF REGISTRATION FOR
PROFESSIONAL LAND SURVEYORS**

MINUTES OF THE MEETING OF THE BOARD

DATE: 12 June 2012

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

**MEMBERS PRESENT: Chair John Mensinger, Vice-Chair Louis
Federici, Secretary Richard Lipsitz, Member Daniel R. Cotta, (Present
1:17 p.m. to 3:47 p.m.) and Member Michael J. McCormick**

MEMBERS ABSENT: None

**OTHERS PRESENT: Mrs. Dawne Broadfield, Board Administrator
Mr. Brian J. Riggs, DBR Administrator, Financial Management
(Present 2:00 p.m. to 3:32 p.m.)**

**CALLED TO ORDER: Chairman Mensinger called the meeting to order
at 1:07 PM.**

AGENDA ITEM #1 Vice-Chair Federici made a motion, seconded by Member McCormick, to approve Approval of Minutes the Regular Meeting Minutes of 8 May 2012 as published. Motion passed; four (4) in favor, one (1) abstained. Voting in favor were Chair Mensinger, Vice-Chair Federici, Secretary Lipsitz and Member Cotta.

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

AGENDA ITEM #2 Because of the nature of the following items, Member McCormick made a Executive Session motion, seconded by Vice-Chair Federici, to convene into Executive Session at

1:15 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; five (5) in favor and zero (0) absent. Voting in favor

were Chair John Mensinger, Vice-Chair Louis Federici, Secretary Richard

Lipsitz, Members Daniel R. Cotta and Michael J. McCormick.

Adjournment Member McCormick made a motion, seconded by

Secretary Lipsitz, to adjourn from Executive Session and to reconvene to an open meeting at 2:45 p.m. pursuant to RI General Laws §42 46-4. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Louis Federici, Secretary Richard Lipsitz and Members Daniel J. Cotta and Michael J. McCormick.

Member McCormick 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; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Louis Federici, Secretary Richard Lipsitz and Members Daniel J. Cotta and Michael J. McCormick.

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Member McCormick moved, seconded by Vice-Chair Federici, to record the votes taken in executive session in accordance with RI General Laws §42-46-4 as follows: Motions were made to close the following agenda item 2C2. Motions were made to continue the following agenda items 2b1, 2b2, 2c1 and 2c3. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Louis Federici, Secretary Richard Lipsitz and Members Daniel J. Cotta and Michael J. McCormick.

Member McCormick made a motion, seconded by Member Cotta, 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; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Louis Federici, Secretary Richard Lipsitz and Members Daniel J. Cotta and Michael J. McCormick.

In Executive Session pending matters, there are now four (4) pending matter, comprised of four (4) investigative matters and one (1) matter was closed.

AGENDA ITEM #3 Vice-Chair Federici made a motion, seconded by Secretary Lipsitz, to approve Approval of Executive the Executive Session Meeting Minutes of the 8 May 2012 as published.

Session Minutes Motion passed; four (4) in favor, one (1) abstained. Voting in favor were

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

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

AGENDA ITEM #4 1. Coastal Resource Management Council (CRMC) Notice of Rescheduling of Correspondence Public 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 McCormick updated the Board. Next week he will give the Board a “final draft” for input and then report back to the joint Board. The last draft consisted of changes in the categories of “Elevation Certificates,” “Condominium Boundary Survey Plat and Unit Plans,” and “As-Built Survey.” After final approval, this document will be “policy” without a public hearing.

b. PDH Approval Requests

The following course was reviewed:

Sponsor Dates Seminar/Course Title PDH Value

McKissock On-line Dispute Between Adjoining 3

100% Education Proctored by Landowners

Wendy Lathrop, PLS (180-Minutes = 3.6 pdhs)

Secretary Lipsitz made a motion, seconded by Member McCormick, to approve the above-listed course and Professional Development Hour (PDH) value as indicated with proof of completion required - 0 PDH's without. Thank McKissock 100% Education for including Ms. Wendy Lathrop's resume in the submitted package that the Board requested

previously on numerous occasions and indicated to continue in this manner, since it makes it much easier for this Board. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Louis Federici, Secretary Richard Lipsitz and Members Daniel J. Cotta and Michael J. McCormick.

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c. Administrative Issues

There are no 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. NCEES Computer-Based Testing (CBT) – (Written and Length of Time) -

Statutory Amendment required.

Computer-Based Testing (CBT) will be required for all states in January 2014. This will require a statute change in Rhode Island in reference to the examination as written and the 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 legislative change in the next Legislative Session. The first CBT for the fundamentals of surveying (FS) examination will be administered in January 2014 and the Professional Surveyor (PS) will follow as soon as possible after that date. The examination will be proctored by Pearson Vue. The

Professional Surveyor (PS) examination will become closed-book in April 2013. This will be continued for discussion at the next meeting and then forwarded to the DBR, Division of Regulatory Standards, Compliance and Enforcement.

2. Rhode Island Society of Professional Land Surveyors (RISPLS) Correspondence regarding NCEES Annual Meeting and the striking of “Engineering Surveys” language in the so-called NCEES Model Law.

There may be discussion on the National Council of Engineering and Surveying (NCEES) agenda of the striking the “Engineering Surveys” language from the so-called NCEES Model Law. There is a movement to support this by New Mexico, Rhode Island, and California. 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. Chair Mensinger will confirm with Mr. O’Brien what the status of the presentation is and inquire what role the Board will be in seconding the motion.

e. Procedural & Technical Standards

1. Review plan standards

2. Review Data Accumulation, Control and Compilation Sections

3. Schedule workshop

This item will be removed from the agenda since it is complete, voted on and approved. The “Standards” were incorporated into the “Rules and Regulations.” Any discussion of the “Standards,” henceforth,

will be in the context of the “Rules and Regulations” that they are now a chapter of.

The Board suggested that Member McCormick notify the RISPLS to remove the “draft 2010 Standards” from their website, since it is confusing people. A person looking at that contacted the Board and thought that those are the “Standards” that in place today. The Board suggested that a notice be published on the website that the Board will hold public hearings for comment in the future. The tentative deadline to move forward is approximately Fall 2012.

f. Rules and Regulations

The Rules and Regulations are now 90% completed. Again, the tentative deadline to move forward is Fall 2012. Chair Mensinger indicated that as a result of the last meeting, there were three (3) areas that are to be followed-up on as follows:. (1) Ethics Section – Chair Mensinger indicated that he has been

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reading the NCEES Model Law and Rules and felt that the NCEES Model Law and Rules are no better than what the Board has in place in the “draft.” No changes will be made in the interest of moving forward. (2) Disciplinary Guidelines Section – The Board added this section as adopted by the “Board of Examination and Registration of Architects.” Secretary Lipsitz will review to change the law references as it relates to “Professional Land Surveyors.” (3)

Practice Section – This section contains the Certificate of Authorization (COA) issues and language that will be drafted adding language regarding “national brokers.” Chair Mensinger and Vice-Chair Federici will work on drafting this language. (4)

Examination Section – Mrs. Broadfield will review to for language to reference to NCEES Model Law and Rules and Regulations.

g. PLS Examination

1. Exam Database – No discussion at this time.

h. 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. No discussion at this time.

k. Miscellaneous – There was no discussion.

1. Any Other Old Business – Mrs. Broadfield will confirm and update Vice-Chair Federici as to whether or not his Board member appointment is due to expire in September 2012.

AGENDA ITEM #6 a. COA Application Review

New Business 1. No Certificate of Authorization (COA) applications were reviewed.

b. LSIT/PLS Application review

**Steven Michael Horsfall, Professional Land Surveyor (PLS), MA
Comity or Endorsement Applicant**

Mr. Horsfall received his PLS in Massachusetts in October 2000. The Board will research what the Rhode Island requirements for licensure were at the time of his initial registration in the other jurisdiction, Massachusetts in 2000, pursuant to the Board's current statute, §5-8.1.9(x).

Under Section V. Experience Record, Column E – Surveying Work Field and Column F – Surveying Work Office is not completed. The Board will return the application for completion.

c. Miscellaneous –

1. Any Other New Business

Mrs. Broadfield told the Board that there are currently applications to be processed. The reference forms are being sent to the Board separately. Mrs. Broadfield asked the Board if she could develop the application process as done by the Board of Registration for Professional Engineers where the reference forms are part of the application package. The applicant sends in a completed application package to include all of the completed reference forms in sealed envelopes. This puts the burden on the applicant and not the Board.

Secretary Lipsitz made a motion, seconded by Vice-Chair Federici, to make the application process whatever is easier for the Board.

Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Louis Federici, Secretary Richard Lipsitz and Members Daniel J. Cotta and Michael J. McCormick.

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d. Comments from the General Public – No one from the public were present. Therefore, no comments were made at this time.

f. Next Meeting

The next Board meeting is scheduled for 10 July 2012 at 1:00 PM.

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

Adjournment the meeting at 3:47 p.m. Motion passed; five (5) in favor,

zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Louis

Federici, Secretary Richard Lipsitz and Members Daniel J. Cotta and Michael J.

McCormick.

Posted on 11 July 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.

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