

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

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

MINUTES OF THE MEETING OF THE BOARD

DATE: 14 August 2012

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

**MEMBERS PRESENT: Chair John Mensinger, Vice-Chair Louis
Federici, Secretary Richard Lipsitz, Members Daniel R. Cotta, and
Michael J. McCormick**

MEMBERS ABSENT: None

**OTHERS PRESENT: Mrs. Dawne Broadfield, Board Administrator
Attorney Neena Sinha Savage, DBR Chief of Legal Services
(Present 1:07 p.m. to 3:43 p.m.)**

**OTHERS ABSENT: Louis A. DeQuattro, Jr., Esq., CPA, DBR Deputy
Director & Executive Counsel**

Mr. Brian J. Riggs, DBR Administrator, Financial Management

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

AGENDA ITEM #1 Member McCormick made a motion, seconded by Member Cotta, to approve Approval of Minutes the Regular Meeting Minutes of 12 June 2012 as published. Motion passed;

five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger,

Vice-Chair Louis Federici, Secretary Richard S. Lipsitz, Members Daniel R. Cotta

and Michael J. McCormick.

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

1:08 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

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

Adjournment Member McCormick made a motion, seconded by Member Cotta, to adjourn from Executive Session and to reconvene to an open meeting at 3:43 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 S. Lipsitz and Members Daniel J. Cotta and Michael J. McCormick.

Member McCormick made a motion, seconded by Member Cotta 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 S. Lipsitz and Members Daniel J. Cotta and Michael J. McCormick.

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Member McCormick moved, seconded by Member Cotta, 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 2b1a and 2b1c. Motions were made to continue the following agenda items 2b1, 2b1b, 2b1d, 2b2, 2c1, 2c2, 2d1, 2d2, 2d3 and 2d4. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Louis Federici, Secretary Richard S. 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 S. Lipsitz and Members Daniel J. Cotta and Michael J. McCormick.

In Executive Session closed matters, the vote was five (5) to zero (0), to close. Each vote was unanimous at the time that it was taken with no Board members recused and zero (0) Board member absent.

In Executive Session pending matters, there are ten (10) pending matters, comprised of seven (7) investigative matters and three (3) registration matters with zero (0) recusal.

AGENDA ITEM #3 Due to lack of time, the Executive Session Meeting Minutes of 12 June 2012 as

Approval of Executive published were not voted on and are scheduled to be voted on at the next

Session Minutes regularly scheduled meeting.

AGENDA ITEM #4 1. Coastal Resource Management Council (CRMC) Notices

Correspondence Due to lack of time, this item was not discussed.

AGENDA ITEM #5 a. Joint Professional Engineers/Professional Land

Surveyors (PE/PLS)

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

Due to lack of time, this item was not discussed.

b. PDH Approval Requests

The following course was reviewed:

Sponsor	Dates	Seminar/Course Title	PDH Value
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100% Education Live Webinar Elevation Certificates	4
By McKissock	

100% Education Live Webinar Tracking the Railroads	4
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Secretary Lipsitz made a motion, seconded by Member McCormick, to approve the above-listed courses pending Secretary McCormick’s response to Mrs. Broadfield that the courses are satisfactory and the approved Professional Development Hour (PDH) value as indicated or as Secretary McCormick suggests. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Louis Federici, Secretary Richard S. Lipsitz and Members Daniel J. Cotta and Michael J. McCormick.

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c. 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.

The first CBT for the fundamentals of surveying (FS) examination will be administered in January 2014 and the first CBT for the Professional Surveyor (PS) examination will follow as soon as possible after the January 2014 date. The examination will be proctored by Pearson Vue. The Professional Surveyor (PS) examination will become closed-book in April 2013.

The CBT change will require a statutory change in reference to the written examination and the length of time of the examination. CBT discussion is continued. After discussion, the statutory change will then be forwarded to the DBR, Division of Regulatory Standards, Compliance and Enforcement for introduction in the next legislative session.

2. Rhode Island Society of Professional Land Surveyors (RISPLS)

Correspondence regarding National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting and the striking of “Engineering Surveys” language in the so-called NCEES Model Law.

The proposal to strike the “Engineering Surveys” language in the so-called NCEES Model Laws was submitted at the last meeting in the Spring 2012 and was bounced back. There was an opportunity at the very end of the Spring 2012 meeting to propose the motion again, but after discussion, it was determined that the same language cannot be proposed again and postponed it to the Annual meeting in St. Louis. Rhode Island will propose and submit the formal motion with New Mexico endorsing the motion.

3. NCEES Professional Surveying (PS) will become a closed-book exam in April 2013.

Due to lack of time, this item was not discussed.

4. NCEES 2012 Annual Meeting.

This item was discussed as it relates to the striking of “Engineering Surveys” language in the so-called NCEES Model Laws

d. 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 after reading the National Council of Examiners for Engineers and Surveyors (NCEES) Model Law, 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. Chair Mensinger and Vice-Chair Federici will work on drafting “national brokers” language. (4) Examination Section – Mrs. Broadfield will review language as it relates to the new NCEES CBT change.

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e. PLS Examination

- 1. Exam Database – No discussion at this time.**
- 2. Preparation of the RI Portion Exam**

The RI Portion Examination is scheduled to be held on Thursday, October 25, 2012 from 9:00 a.m. to 11:00 a.m. The Board will work on putting the examination together for review at the next meeting.

f. Proposed Informational Bulletins

- 1. Guidelines regarding Professional Land Surveyors (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.

Due to lack of time, this item was not discussed.

g. Miscellaneous – There was no discussion.

1. Board Member Re-Appointment –

Vice-Chair Federici’s second term expires September 1, 2012.

2. Any Other Old Business

AGENDA ITEM #6 a. COA Application Review

New Business 1. Due to lack of time, no Certificate of Authorization (COA) Initial applications were reviewed.

2. Certificate of Authorization (COA) renewal applications.

Secretary Lipsitz made a motion, seconded by Member McCormick, that the Board approve all of the applications provided that person in responsible charge is currently licensed, that the person in responsible charge is not listed on more than two (2) COAs, that there is no disciplinary action and that a current “Certificate of Good Standing” from the Rhode Island Secretary of State’s office is received. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Louis Federici, Secretary Richard S. Lipsitz and Members Daniel J. Cotta and Michael J. McCormick.

b. LSIT/PLS Application(s) review

1. Christian SanMartin, Land Surveyor-in-Training (LSIT) applicant. Secretary Lipsitz made a motion, seconded by Member McCormick, to conditionally approve the application for Christian SanMartin to take the October 2012 fundamentals of surveying (FS) examination, to send a letter requesting further clarification on how much of the 14 years 1 month was in “field” and how much was in “office” and provide verification of his degree indicating what it was and when it was awarded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Louis Federici, Secretary Richard S. Lipsitz and Members Daniel J. Cotta and Michael J. McCormick.

2. Stephen Angell Kubiak, Land Surveyor-in-Training (LSIT) applicant. Secretary Lipsitz made a motion, seconded by Member McCormick, to conditionally approve the application for Stephen Angell Kubiak to take the October 2012 fundamentals of surveying (FS) examination, to send a letter stating that the Board accepted his application and that the Board amended his application changing the category of his application for him under which requirement he is applying under. Mr. Kubiak can take the examination if he accepts the Board’s amendment. He cannot take the examination if he does not accept the Board’s amendment. 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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**3. Steven Michael Horsfall, Professional Land Surveyor (PLS), MA
Comity or Endorsement Applicant**

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

The Board returned and received the corrected application with completion of Section V. Experience Record, Column E – Surveying Work Field and Column F – Surveying Work Office.

Secretary Lipsitz made a motion, seconded by Member McCormick, to approve the application for Stephen Michael Horsfall to sit and take the October 2012 RI Portion examination. 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.

c. Miscellaneous –

1. General Discussion – “Form Letters”

a. Individuals/firms that did not renew regarding language that includes notification to cease and desist the practice or offer to practice without holding a current registration or certificate of authorization (COA).

Due to lack of time, this item was not discussed.

b. Notification to the firm of Registered Professional Land Surveyor(s) (PLS) no longer in responsible charge and not being able to practice or offer to practice until a Registered PLS is in responsible charge. Due to lack of time, this item was not discussed.

2. Any Other New Business

No new business at this time.

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

e. Next Meeting

The next Board meeting is scheduled for 11 September 2012 at 12:00 PM.

AGENDA ITEM #7 Secretary Lipsitz made a motion, seconded by Secretary McCormick to adjourn

Adjournment the meeting at 4:13 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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