

**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: 16 October 2012**

**PLACE: 1511 Pontiac Avenue, Building 69-1 Conference Room,  
Cranston, RI**

**MEMBERS PRESENT: Chair John Mensinger, Secretary Richard S.  
Lipsitz, Members Daniel R. Cotta (Present 1:11 p.m. to 3.50 p.m.),  
Curtis M. Johnson and Michael J. McCormick**

**MEMBERS ABSENT: None**

**OTHERS PRESENT: Mrs. Dawne Broadfield, Board Administrator  
Attorney Neena Sinha Savage, DBR Chief of Legal Services  
(Present 1:00 p.m. to 2:03 p.m.)**

**Michael Manning, DBR Legal Intern (Present 1:00 p.m. to 2:03 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 1:00 p.m. and welcomed new Board member, Curtis M. Johnson, who replaced Louis Federici. Mr. Federici completed his two (2) consecutive terms plus as a Board member. With Mr. Federici's departure, the Board will lose a wealth of institutional knowledge.**

#### **A. MEETING MINUTES (Review/Discuss/Take Action)**

**Chair Mensinger again complimented Mrs. Broadfield on an excellent summary of the meeting and already told her that he had no comments, and that the minutes are very complete. Secretary Lipsitz made a motion to approve the Regular Meeting Minutes of 11 September 2012 as published. Member McCormick seconded. Motion passed; three (3) in favor, one (1) abstained and one (1) absent. Voting in favor were Chair John Mensinger, Secretary Richard S. Lipsitz, and Member Michael J. McCormick. Member Curtis M. Johnson abstained since he is a new Board member, and this is his first meeting. Member Daniel R. Cotta was absent from the vote.**

#### **B. EXECUTIVE SESSION**

**(1) Because of the nature of the following items, Member McCormick**

**moved to convene into Executive Session at 1:05 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. Secretary Lipsitz seconded. Motion passed; four (4) in favor and one (1) absent. Voting in favor were Chair John Mensinger, Secretary Richard S. Lipsitz, Members Curtis M. Johnson and Michael J. McCormick. Member Daniel R. Cotta was absent from this vote.**

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**(2) Member McCormick moved 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. Member Cotta seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Secretary Richard S. Lipsitz, Members Daniel R. Cotta, Curtis M. Johnson and Michael J. McCormick.**

**(3) Member McCormick moved 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. Member Cotta seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Secretary Richard S. Lipsitz, Members Daniel R. Cotta, Curtis M. Johnson and Michael J. McCormick.**

**(4) Member McCormick moved 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 items B, D and H. Motions were made to continue the following agenda items C, E, F, G and I. Member Cotta seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Secretary Richard S. Lipsitz, Members Daniel R. Cotta, Curtis M. Johnson and Michael J. McCormick.**

**(5) Member McCormick moved 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). Member Cotta seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Secretary Richard S. Lipsitz, Members Daniel R. Cotta, Curtis M. Johnson and Michael J. McCormick.**

**(6) In Executive Session closed matters, the vote was five (5) to zero (0), to close three (3) matters. Each vote was unanimous at the time that it was taken with no Board members recused and zero (0) Board members absent.**

**(7) In Executive Session pending matters, there are five (5) pending matters, comprised of three (3) investigative matters and two (2) registration matters with zero (0) recusals.**

**(8) Secretary Lipsitz moved to approve and seal the 11 September 2012 executive session meeting. Member Cotta seconded. Motion passed; four (4) in favor, one (1) abstained. Voting in favor were Chair John Mensinger, Secretary Richard S. Lipsitz, Members Daniel R. Cotta and Michael J. McCormick. Member Curtis M. Johnson abstained since he is a new Board member, and this is his first meeting.**

### **C. CORRESPONDENCE (Review/Discuss/Take Action)**

- CRMC Notices - So noted.**

### **D. OLD BUSINESS (Review/Discuss/Take Action)**

#### **(1) Joint Professional Engineers/Professional Land Surveyors (PE/PLS) Committee - "Tasks"**

**As a result of the National Council of Examiners for Engineering and Surveying (NCEES) 2012 Annual meeting, the NCEES formed a Committee to study the "Engineering Surveys" language in the NCEES Model Law. The result of the study will be presented for vote at the NCEES 2013 Annual meeting in San Antonio, TX. The Board may or may not win, or there maybe no action. Therefore, Member Cotta felt that the Board should still continue working on an agreement in Rhode Island in the interim. If this issue comes up in the 2013 General Assembly, the Board and DBR could tell the Rhode Island Society of Engineers (RISE) that the language is under review by NCEES and that the Boards are working together through**

**sub-committees on the language.**

**Member McCormick will continue working on this for Board review at the next meeting in order to forward back to the PE sub-committee.**

**Secretary Lipsitz clarified that the “Tasks” document is used when a complaint comes before the Board of a surveyor doing engineering or of an engineer doing surveying as the Board’s guidelines to its registrants. The Board was calling the document the “Joint Informational Bulletin” instead of the “Task List.”**

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**(2) Professional Development Hours (PDH) Approval Requests**

**No requests received this month.**

**(3) National Council of Examiners for Engineers and Surveyors (NCEES)**

**• NCEES Computer-Based Testing (CBT) – (Written and Length of Time) –**

**Statutory Amendment required.**

**Mrs. Broadfield forwarded the “Request for Legal Services” for the statutory language change to allow Computer-Based Testing (CBT) to the DBR, Division of Regulatory Standards, Compliance and Enforcement for introduction in the 2013 legislative session.**

**• Rhode Island Society of Professional Land Surveyors (RISPLS)**

**• “Engineering Surveys” language in the NCEES Model Law.**

**The NCEES President will be using existing Committee members in forming a Committee to review the “Engineering Survey” language in the NCEES Model Law. This is in order to keep it fair. Member Cotta told NCEES that Rhode Island is interested and asked to keep Rhode Island informed. This agenda item is being removed from the agenda until it comes up again.**

#### **(4) Rules and Regulations**

**The “Rules and Regulations” need to be reviewed for final editing. Chair Mensinger indicated that he would go through the last draft issued with final comments, questions, and/or concerns for discussion at the next Board meeting. Mrs. Broadfield will send the draft copy to Member Johnson.**

#### **(5) PLS Examination**

- Exam Database**

**Vice-Chair Federici sent the question categories to each Board member along with last year’s exam. Each Board member was to contribute one (1) exam question for the exam database for preparation and assembly of the exam. This will not be accomplished for this exam.**

**Exam question categories were developed in order to attempt to create an exam database. The effort to collect the questions from previous exams under the exam questions categories was incomplete. Since Vice-Chair Federici is no longer a Board member,**

he will not be preparing the exam. The exam database contains only the new questions that were written at the start of the exam database creation. The old exam questions need to be incorporated into the exam question categories in order to have a history of exam questions.

Chair Mensinger designated Member Cotta to give the status of the exam database some thought between now and the next exam in April 2013 on how the Board can set up a more systematic way of putting together exams. The old exams will be put into a digital format in preparation of developing the exam database. Chair Mensinger thought that the Board would be in a much better position if it can populate the exam database.

- **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 RI Portion Exam must be prepared within the next week. Since the Board has applicants that are retaking the exam from, the Board cannot use the same exam given at the last exam. Mrs. Broadfield will send Secretary Lipsitz the last exam and the exam four (4) back. Secretary Lipstiz will work with Mrs. Broadfield to prepare and assemble the exam.



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**(6) Proposed Informational Bulletins**

• **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.**

**Chair Mensinger indicated that this issue has been partly addressed by the Board's latest Informational Bulletin and the remaining of the contents will be addressed in the Board's "Rules and Regulations." Therefore, it will be removed from the agenda.**

**(7) Board Member Appointment**

**Vice-Chair Federici's second term expired September 1, 2012. Mr. Federici cannot be re-appointed. The Governor appointed Curtis M. Johnson for a term expiring September 1, 2017.**

**(8) Any other Old Business**

**No other old business at this time.**

**E. NEW BUSINESS (Review/Discuss/Take Action)**

**(1) General Discussion – "Form/Letters"**

• **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).**

**Based on the Department of Business Regulation (DBR) direction, the Board will not be sending any cautionary letters due to resources.**

**• 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.**

**Based on the DBR direction, the letter will not be sent. It is the firm's responsibility to notify the Board of any change.**

## **(2) Municipal Official's acceptance of Improper Plans**

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

## **(3) Nulman v. Lamoureau (Ocean Road, Narragansett, RI)**

**Chair Mensinger told the Board that there were headlines in this case because somebody put up a two-million dollar (\$2,000,000) house on the wrong lot. Surveyors took a black-eye on the front page of the Providence Journal. The Judge said that faulty surveys lead to the problem. The problem is, as it turns out, Secretary Lipsitz did a boundary survey on behalf of the buyer before the one point eight million dollar (\$1,800,000) deal was closed. There had been thirty-thousand dollar (\$30,000) worth of permitting done.**

**Upon the Board's legal counsel's request, Chair Mensinger wrote a letter containing his professional opinion regarding the case. The Judge is talking about amending his ruling to make it clear that it was an issue of "no survey" and not "bad survey." The Board is now**

waiting for the Judge's decision. The Board will be attending the Annual Building Officials' meeting to talk about what the building officials need to look at in plan and requiring a Class I survey plan.

**(4) John P. Macolini, RI PLS, Requesting if Continuing Education (CE) requirements taken fulfills the Rhode Island requirements.**

**Member McCormick moved that the contents of the courses provided meet the requirements for the State of Rhode Island. Secretary Lipsitz seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Secretary Richard S. Lipsitz and Members Daniel R. Cotta, Curtis M. Johnson and Michael J. McCormick.**

**(5) Any Other New Business.**

**None other new business at this time.**

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**(6) Comments from the General Public**

**No comments from the General Public at this time.**

**F. Applications (Review/Discuss/Take Action)**

**(1) Certificate(s) of Authorization (COA) Application(s)**

**1. WSP USA Corp d/b/a WSP Sells –**

**(Name Change from: Chas H. Sells, Inc. d/b/a WSP Sells)**

**Secretary Lipsitz moved to approve the name change for the**

above-named Corporation, and noted that the “Certificate of Good Standing” from the Rhode Island Secretary of State’s office was already received. Member McCormick seconded. Motion passed; five (5) in favor and zero (0) absent. Voting in favor were Chair John Mensinger, Secretary Richard S. Lipsitz, Members Daniel R. Cotta, Curtis M. Johnson and Michael J. McCormick.

**(2) Land Surveyor-in-Training/Professional Land Surveyor (LSIT/PLS) Application(s) by Examination and Comity**  
No applications reviewed at this time.

**G. Next Meeting 13 November 2012 - Adjournment**

Secretary Lipsitz moved to adjourn the meeting at 3:50 p.m. Member McCormick seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Secretary Richard S. Lipsitz, Members Daniel R. Cotta, Curtis M. Johnson and Michael J. McCormick.

**Posted on 14 November 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.**

