

**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: 8 January 2013

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

**MEMBERS PRESENT: Chair John Mensinger, Vice-Chair Richard S.
Lipsitz, Secretary Michael J. McCormick, Members Daniel R. Cotta
and Curtis M. Johnson**

MEMBERS ABSENT: None

**OTHERS PRESENT: Mrs. Dawne Broadfield, Board Administrator
Mrs. Lois Marshall, Administrative Assistant**

OTHERS ABSENT: None

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

Chair Mensinger welcomed Lois Marshall to the Board who will be the Board's Administrator as of March 1, 2013. Mrs Marshall has a distinguished amount of service with DBR and the Engineering Board. The Board welcomed Mrs. Marshall who will now be learning the ropes from Mrs. Broadfield who is still learning the ropes in her short tenure. The Board thanked Mrs. Broadfield in her short tenure for all that she has done for the Board.

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

Vice-Chair Lipsitz made a motion to approve the Regular Meeting Minutes of 13 November 2012 as published. Secretary McCormick seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick and Members Curtis J. Johnson and Daniel R. Cotta.

B. EXECUTIVE SESSION

(1) Because of the nature of the following items, Member Johnson moved to convene into Executive Session at 1:14 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. Member Cotta seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick,

Members Curtis J. Johnson and Daniel R. Cotta.

(2) Member Johnson moved to adjourn from Executive Session and to reconvene to an open meeting at 2:11 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, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick, Members Johnson J. Johnson and Daniel R. Cotta.

(3) Member Johnson 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, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick, Members Curtis J. Johnson and Daniel R. Cotta.

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(4) Member Johnson 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 and H. Motions were made to continue the following agenda items C (C12-LS-2), D (C12-LS-4), E, and F. Member Cotta seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick, Members Curtis J. Johnson and Daniel R. Cotta.

(5) Member Johnson 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, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick, Members Curtis J. Johnson and Daniel R. Cotta.

(6) In Executive Session closed matters, the vote was five (5) to zero (0), to close two (2) 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 five (5) investigative matters with zero (0) recusals.

(8) Member Cotta moved to approve and seal the Executive Session Meeting Minutes of 13 November 2012 as published. Secretary McCormick seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick, Members Johnson J. Johnson and Daniel R. Cotta.

C. CORRESPONDENCE (Review/Discuss/Take Action)

(1) Coastal Resources Management Council (CRMC) Notice – extends

deadline for emergency permitting – So noted.

**(2) Coastal Resources Management Council (CRMC) Public Notice –
So noted.**

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

**(1) Joint Professional Engineers/Professional Land Surveyors
(PE/PLS) Committee - “Tasks”**

**Secretary McCormick told the Board that the last time the Committee
met discussion occurred on “incidental” practice.**

**As indicated at the National Council of Examiners for Engineering
and Surveying (NCEES) 2012 Annual meeting, NCEES did set up a
“Task Force” to study the definition of “Engineering Surveys,” and
therefore, is moving forward. The “Task List/Joint Informational
Bulletin” is contingent on the decision of NCEES.**

**The Boards are so close to coming to an agreement. Chair Duhamel,
Chair of the Rhode Island Board of Registration for Professional
Engineers, indicated that the Engineering Board wants to come to an
agreement. It was discussed whether or not this Board can give the
Engineering Board a proposal.**

**It was also discussed that the “Task List/Joint Informational Bulletin”
does not change what a Surveyor and an Engineer can do according
to statute. It is merely a guideline for the Boards when another
design professional appears before it for practice.**

Secretary McCormick will work with Member Cotta on the “Task/List Joint Informational Bulletin” and distribute a draft before the next meeting.

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(2) Professional Development Hours (PDH) Approval Requests

(1) National Business Institute – Boundary Issues and Easement Law

Member Cotta moved to accept Secretary McCormick’s recommendation that the course content and instructors qualify for approval; that they are applying for 7.0 hours of credit with calculated class time at 6.5 hours. $1 \text{ pdh}/50 \text{ min}=7.8 \text{ pdh}$ or round down to 7 pdh. Member Cotta seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick, Members Curtis J. Johnson and Daniel R. Cotta.

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

• NCEES Examination Scores

The Board would like to know the NCEES Examination Scores and information provided for informational purposes only. The Board

noted the examination scores and information forwarded by NCEES.

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

Statutory Amendment required.

Attorney DeQuattro drafted the required statutory language change to allow NCEES Computer-Based Testing (CBT) in the 2013 legislative session. The eight (8) hour written requirement was crossed out. With the language being crossed out, it does not specify whether the examination is given on a computer or handwritten booklet or how long it has to be. It was crossed-out in several places. The change is appropriate to the Board. The statutory language is part of a joint bill, which includes the other Boards in the Division of Design Professionals. The bill also includes language giving the DBR Director authority over the Boards by having the final approval in that the Board does not act independently from DBR.

- 2013 Board Presidents' Assembly**

Member Johnson and Mrs. Broadfield will be attending.

Bullet Points for the RIPLS Board as follows:

- New Rules and Regulations that include revised Procedural and Technical Standards;**
- Working on a “Task List/Joint Information Bulletin” regarding engineers, surveying and engineering surveys;**
- Proposed legislation being introduced to revise the statute to incorporate Computer-Based Testing (CBT);**
- A number of disciplinary actions of out-of-state firms practicing land surveying in Rhode Island that resulted in Consent Orders and that**

included fines. The bulk of complaints are non-licensed practice.

- Very few applicants coming in for new licensure.**

- 2013 Northeast Zone Interim Meeting**

The Board members will notify Mrs. Broadfield within the next week whether or not they wish to attend.

- Nominations for 2012-2013 Northeast Zone Distinguished Service Awards**

The Board does not have any nominations at this time.

- Endorsement from Louis A. Raimondi, PE, LS for Howard C. (Skip) Harclerode, PE, for the office of President-Elect of the NCEES for 2013-2014**

The Board so noted.

(4) Rules and Regulations

Chair Mensinger indicated that at the last meeting the Board approved the Rules and Regulations subject to one last revision of some typos which were made. Chair Mensinger prepared a Memo to attach to the “Request for Legal Services” which is required in order to be submitted to the DBR Legal Division explaining how the background of the Standards. Mrs. Broadfield will e-mail a copy to all Board Members for their records. Chair Mensinger felt that the Rules and Regulations are surely at a place where the Board does not need to be concerned that it is filled with inconsistencies and errors. The Rules and Regulations reflect the many years of diligent effort and review made by the Society and the Board and that they represent a substantial in advancement in the regulatory documents. Chair

Mensinger will make a bullet

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list of all of the items that were changed. Chair Mensinger asked the Board members to be familiar with all the items in the document for the public hearing.

Mrs. Broadfield will forward the Rules and Regulations to the DBR Legal Division in order to move forward.

(5) PLS Examination

- **Exam Database**

Since the two (2) potential RI Portion examination candidates for April 2013 are not re-takers, the Board can give the same RI Portion examination that was given in October 2012.

The Board's overall goal is to work on the RI Exam Database that would contain questions that the Board could pick and chose from that would be organized by category and in digital format. Member Cotta with coordinate and work with Mrs. Broadfield in the development.

(6) Proposed Informational Bulletins

- **Elevation Certificates was discussed and is already being addressed in the "Task List/Joint Informational Bulletin."**

(7) Municipal Official's acceptance of Improper Plans

- **Report from Annual Building Officials Meeting**
- **Nulman v. Lamoureau (Ocean Road, Narragansett, RI)**

Vice-Chair Lipsitz attended the meeting on 16 November 2012. There were approximately fifty (50) present. He did a two (2) part presentation. The first part was what happened with the Nulman/Lamoureau survey that if the building official is doing anything with a boundary survey, there has to have a surveyor's stamp on it. There was a never a boundary survey stamped by the surveyor. When surveyors became involved, all of the surveyors involved found the mistake. The building officials asked many of questions. Vice-Chair Lipsitz felt that the Building Officials understand and were accommodating. Mr. John Leyden and Mr. Warren Ducharme were also present and happy to have Vice-Chair Lipsitz also present.

Vice-Chair Lipsitz told the Building Officials about the new Standards that were coming and that they would be notified of the public hearing.

Chair Mensinger will edit the section of the State Building Code, 23-27-3, 111.0, as follows: "and the plans shall be drawn in accordance with the accurate boundary lines and surveyed by a registered land surveyor if required by the Building Official and when necessary," and e-mail it to Vice-Chair Lipsitz. Vice-Chair Lipsitz will prepare a quick letter and send it to Mr. Leyden and Mr. Ducharme as a follow-up to the meeting.

**This category item will be changed to reflect the following:
“Municipal Official’s and State Regulatory Acceptance of Improper
Plans followed by a new bullet “Follow-up on Letter to State Building
Code Commissioner as a result from Annual Building Officials
Meeting.”**

(9) Any other Old Business

There is no old business at this time.

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

(1) Any Other New Business

There is no other new business.

(2) Comments from the General Public

There were no comments from the General Public. None present.

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F. Applications (Review/Discuss/Take Action)

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

(A) Fontaine Land Surveying-LLC

Secretary McCormick moved to accept “conditionally” pending receipt of the “Certificate of Good Standing” from the Rhode Island Secretary of State’s office. Member Johnson seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair

John Mensinger, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick, Members Curtis J. Johnson and Daniel R. Cotta.

(B) Tetra Tech, Inc.

Secretary McCormick moved to send Mr. Charles E. Lent, RIPLS #1947, and Tetra Tech, Inc. the Board's "form letter" that was sent in the past to out-of-New England firms asking how Mr. Lent is going to meet the standard of being in responsible charge of work in Rhode Island given the circumstances of Tetra Tech, Inc. being located in California, and also to complete his address on his "Affidavit for Person Listed in Responsible Charge" form. Vice-Chair Lipsitz and Member Johnson seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick, Members Curtis J. Johnson and Daniel R. Cotta.

(2) Land Surveyor-in-Training/Professional Land Surveyor (LSIT/PLS) Application(s) by Examination and Comity

(A) Normand Thomas Gamache, Jr.

The question that the Board always has is when Mr. Gamache was registered in Massachusetts what was the registration law in Rhode Island. Mr. Gamache was registered in 1989. The first Rhode Island registration statutes requiring a college degree was 2004. Therefore, Mr. Gamache qualifies to take the RI Portion Examination. Mr. Gamache has a degree in Math and History.

Vice-Chair Lipsitz moved to approve and accept Mr. Gamache to take the RI Portion Examination by Comity. Member Johnson seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick, Members Curtis J. Johnson and Daniel R. Cotta.

G. Next Meeting 12 February 2013 - Adjournment

Vice-Chair Lipsitz moved to adjourn the meeting at 3:37 p.m. Member Johnson seconded. Motion passed; five (5) in favor, zero (0) absent. Voting in favor were Chair John Mensinger, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick, Members Curtis J. Johnson and Daniel R. Cotta.

Posted on 13 February 2013 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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