

**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: 12 February 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
(Present 1:13 p.m. – 3:36 p.m.) and Curtis M. Johnson**

MEMBERS ABSENT: None

OTHERS PRESENT: Mrs. Dawne Broadfield, Board Administrator

Mrs. Lois Marshall, Administrative Assistant

Attorney Neena Sinha Savage, DBR Chief of Legal Services

(Present 1:06 p.m. to 2:11 p.m.)

OTHERS ABSENT: None

CALLED TO ORDER: Chairman Mensinger called the meeting to order

at 1:06 p.m.

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

Vice-Chair Lipsitz made a motion, with Chair Mensingers' revision under "(D4 – Rules and Regulations) to include the following language to the paragraph: "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 advancement in the regulatory documents," to approve the Regular Meeting Minutes of 8 January 2013. Member Johnson seconded. Motion passed; four (4) in favor, one (1) absent. Voting in favor were Chair John Mensinger, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick and Member Curtis J. Johnson. Member Daniel R. Cotta was absent from this vote.

B. EXECUTIVE SESSION

(1) Because of the nature of the following items, Member Johnson moved to convene into Executive Session at 1:13 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. Vice-Chair Lipsitz seconded. Motion passed; four (4) in favor, one (1) absent. Voting in favor were Chair John Mensinger, Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick, and Member Curtis J. Johnson. Member Daniel R. Cotta was absent from this vote.

(2) Member Johnson moved to adjourn from Executive Session and to reconvene to an open meeting at 1:48 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 Curtis 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: No motions were made to close any of the agenda items. Motions were made to continue the following agenda items B (C12-LS-2), C (C12-LS-4), D, E and F. 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 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, there were no votes to close zero (0) matters.

(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 8 January 2013 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 – Extension of 60-day Public Notice – So noted.

(2) Rhode Island Society of Professional Land Surveyors – General Membership Meeting – So noted.

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

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

Member Cotta gave the Board an update on the document. The Board will prepare a final draft #6 document for discussion and final revisions are to be made and submitted to the full Board for final approval next month. Part of the revisions will include a name change to "Joint Informational Bulletin" and to include a "preamble."

(2) Professional Development Hours (PDH) Approval Requests

(1) Charles R. Hampton, PLS, CFM

Member Cotta moved to approve Mr. Hampton's request for 4 pdhs. 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.

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

• 2013 Board Presidents' Assembly

Mrs. Broadfield attended. A report was given on the "Engineering Surveys Task Force" that the term would not be deleted but that the task force is working on the language.

• 2013 Northeast Zone Interim Meeting

Member Johnson will attend.

- **NCEES April 2013 Exam Administration Update – PS Exam will be closed-book. – So noted.**
- **NCEES Notice of Initiation of Computer-Based Testing – NCEES has provided two (2) options to register candidates for the fundamentals of surveying (FS) exams, effective with the opening of registration on November 4, 2013. Vice-Chair Lipsitz moved to select “Option 1: Automatic” and to notify NCEES. Vice-Chair Lipsitz and Member Johnson**

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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.

- **NCEES – Candidate for Treasurer and Candidate for President-Elect – No position.**

(4) Rules and Regulations

Attorney Savage commented as follows:

- (1) Attorney Savage wanted to make the “enforcement” section uniform for all of the Boards and to use the department “enforcement” regulation.**
- (2) The Board is going to repeal the old regulation and do a whole new regulation.**
- (3) When Attorney Savage notices the rules and regulations for public hearing, Attorney Savage has to explain in a “concise explanatory statement” how the new rules and regulations are**

different from the old rules and regulations and requested the “general concepts” that were changed. Chair Mensinger will prepare a summary and provide it to Attorney Savage, so that she can prepare the required “concise explanatory statement.”

Attorney Savage felt that it is a good idea to have a “joint sub-committee” of members of both Boards to look at both of the proposed rules and regulations. The “joint sub-committee” can come back to both Boards with comments. This Board will not do anything and will wait to hear back from Attorney Savage after she presents this to the Board of Registration for Professional Engineers.

(5) The Department of Business Regulation (DBR) Legislation

- Joint Bill of the Division of Design Professionals to include in part:**
- NCEES Computer-Based Testing (CBT) – (Written and Length of Time)**
- DBR Director Authority**
- Continuing Education Exemption –**

Chair Mensinger moved to accept the “position paper” prepared to present to the House Labor Committee tomorrow as amended. Chair Mensinger included two (2) additional bullets that he sent via e-mail to Attorney Savage. 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 Curtis J. Johnson and Daniel R. Cotta.

(6) PLS Examination

- **Exam Database**

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

(7) Proposed Informational Bulletins

- **None at this time.**

(8) Municipal Official's and State Regulatory Acceptance of Improper Plans

- **Follow-up on Letter to State Building Code Commissioner as a result from the Annual Building Officials Meeting**

The Board discussed recommending a change in the State Building Code registration definition that would solve some of the mutual issues. Vice-Chair Lipsitz will send the letter.

- **Onsite Wastewater Treatment Systems (OWTS)**

Mr. Louis Federici telephoned Chair Mensinger about a seminar that he attended on OWTS at the University of Rhode Island (URI) given by Mr. George Loomis. Mr. Federici felt that the time might be right to initiate a conversation with about the need for a surveyor to be involved in septic design when it is appropriate and when it is not appropriate. Chair Mensinger will speak to Mr. Federici regarding his request.

The Board will add a new bullet under item #8 that called “Discussion Regarding Onsite Wastewater Treatment Systems (OWTS) Surveys.”

(9) Bathymetric Surveys

The issue is concerned with non-design professionals performing bathymetric surveys.

It was suggested that the Board develop an “informational bulletin” that will be targeted to the person that ultimately takes the application and reviews it that the non-design professional cannot do bathymetric surveys. It is not necessarily intended for the individual who produced the bathymetric survey. The target would be the public and/or the government agencies of Department of Environmental Management (DEM), Coastal Resource Management Council (CRMC) and the Army Core.

Bathymetric Surveys done by non-design professionals will remain on the agenda as an item bullet under item #8.

(10) Rhode Island Geographic Information System (RIGIS) – Memorandum of Understanding (MOU)

Chair Mensinger told the Board that this came out of a mutually collaborative relationship between the Board and the Society and GIS individuals. It very fairly states the mutually areas of responsibility

and is the source of the word “authoritative” that the Board uses.

Member McCormick moved for Chair Mensinger to sign the “Two Year Extension – Memorandum of Understanding Between the Rhode Island Geographic Information Systems (RIGIS) Executive Committee and the Rhode Island Board of Registration (RI BOR) for Professional Land Surveyors” once received by the Board and that the Board have a signed copy for its file. 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.

Chair Mensinger will contact Mr. Edward O’Brien in order to initiate the signing and that the Board is prepared to discuss a longer extension.

(10) 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 has not been a member of the Society present at a meeting in approximately a year. The Board will speak at the Society meeting to tell the membership that the Board has proposed amended rules and

regulations which will be set for public hearing which now include the standards.

F. Applications (Review/Discuss/Take Action)

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

No applications reviewed.

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

No applications reviewed.

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G. Next Meeting 12 March 2013 Adjournment

Member McCormick moved to adjourn the meeting at 3:36 p.m. Vice-Chair Lipsitz 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 March 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.