

**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: 9 July 2013**

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

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

**MEMBER ABSENT Curtis M. Johnson**

**OTHERS PRESENT: Mrs. Lois Marshall, Administrative Assistant  
Attorney Neena Sinha Savage, DBR Chief of Legal Services**

**(Present 1:11 p.m. to 1:30 p.m.)**

**CALLED TO ORDER: Chairman Mensinger called the meeting to order  
at 1:09 p.m.**

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

**Vice Chairman Lipsitz made a motion to approve the Regular Meeting Minutes of 11 June 2013. Secretary McCormick 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, Member Daniel R. Cotta. Member Curtis Johnson was absent.**

## **B. EXECUTIVE SESSION**

**(1) Because of the nature of the following items, Secretary McCormick moved to convene into Executive Session at 1:11 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; 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 Daniel R. Cotta. Member Curtis Johnson was absent from this vote.**

**(2) Secretary McCormick moved to adjourn from Executive Session and to reconvene to an open meeting at 1:15 p.m. pursuant to RI General Laws §42 46-4. Member Cotta 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 Daniel R. Cotta. Member Curtis Johnson was absent from this vote.**

**(3) Secretary 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; 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 Daniel R. Cotta. Member Curtis Johnson was absent from this vote.**

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**(4) Secretary McCormick moved that no votes were taken in executive session at this time. Member Cotta 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 Daniel R. Cotta. Member Curtis Johnson was absent from this vote.**

**(5) Secretary 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; 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 Daniel R. Cotta. Member Curtis Johnson was absent from this vote.**

**(6) In Executive Session pending matters, there are six (6) pending matters, comprised of six (6) investigative matters with zero (0) recusals.**

**(1) Because of the nature of the following items, Secretary McCormick moved to convene into Executive Session at 1:30 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; 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 Daniel R. Cotta. Member Curtis Johnson was absent from this vote.**

**(2) Secretary McCormick moved to adjourn from Executive Session and to reconvene to an open meeting at 2:48 p.m. pursuant to RI General Laws §42 46-4. Member Cotta 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 Daniel R. Cotta. Member Curtis Johnson was absent from this vote.**

**(3) Secretary 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; 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 Daniel R. Cotta. Member Curtis Johnson was absent from this vote.**

**(4) Secretary 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 continue the following agenda items B (C12-LS-4), E, J and to close agenda items C, D, and F. Member Cotta 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 Daniel R. Cotta. Member Curtis Johnson was absent from this vote.**

**(5) Secretary 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; 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 Daniel R. Cotta. Member Curtis Johnson was absent from**

**this vote.**

**(6) In Executive Session pending matters, there are six (6) pending matters, comprised of six (6) investigative matters with zero (0) recusals.**

**(7) Vice Chairman Lipsitz moved to approve and seal the Executive Session Meeting Minutes of June 11, 2013 as published. Secretary McCormick 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 Daniel R. Cotta. Member Curtis Johnson was absent from this vote.**

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

**(1) Coastal Resources Management Council (CRMC) Notice – Proposed changes to their Rules and Regulations of the Coastal Resources Management Council.**

**So noted.**

**(2) Rhode Island Society of Professional Land Surveyors – General Membership Meeting and Individual Renewal Registrations –**

**So noted.**

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

**(1) Joint Informational Bulletin**

**The Board is awaiting a response from Chairman Duhamel of the Board Registration for Professional Engineers.**

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

**(1) Vice Chairman Lipsitz moved to approve the courses as requested by McKissock. Member Cotta 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 Daniel R. Cotta. Member Curtis Johnson was absent from this vote.**

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

**• 2013 NCEES Annual meeting.**

**Member Cotta and Johnson will be attending the 2013 NCEES Annual Meeting as voting delegates.**

**(4) Rules and Regulations**

**Attorney Savage explained to the Board that new legislation had passed combining the Office of Regulator Reform, the Department of Business Regulation and the EDC. For all regulations the Department will have to do new small business impact statement and analyzes. The Department will be held accountable for the regulations it issues and the rationale for these regulations. Attorney Savage does not feel that the Boards regulations will in any way burden small businesses and in fact will have a positive effect by protecting the**

**public. Attorney Savage did receive Chairman Mensinger's summary of regulations changes and for the record clarified that there are no major changes. Vice Chairman Lipsitz moved to promulgate this regulation so that the current standing regulation on Continuing Education and Procedural and Technical Standards are repealed simultaneously with the promulgation of the new regulation. Secretary McCormick 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 Daniel R. Cotta. Member Curtis Johnson was absent from this vote.**

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

- Joint Bill of the Division of Design Professionals to include in part:**
- House Bill No. 5610 SUB A (Business Regulation)**

**Chairman Mensinger requested to have this agenda item title changed to 2014 Legislation –status update.**

**(6) PLS Examination**

- Exam Database**

**Member Cotta is moving forward with the conversion of the Rhode Island portion of the PLS exam database to a digitalized format. He is in the process of codifying the format.**

**(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**

**Chairman Mensinger informed the Board that the Building Code matter is ongoing.**

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**• Rhode Island Department of Transportation Plan Conformance  
Secretary McCormick informed the Board that this matter is ongoing.**

**(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**

**None at this time.**

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

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

**(A) Lee B. Gagnon and Douglas Faulds**

**Vice Chairman Lipsitz made a motion, seconded by Secretary McCormick, that the Board approves the Sole Proprietorship applications for the individuals listed above provided that the person in responsible charge is currently licensed, that the person in**

responsible charge is not listed on more than two (2) COAs, and that there is no disciplinary action. 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 M. Johnson and Daniel J. Cotta.

**(B) Tetra Tech, Inc.**

Vice Chairman Lipsitz made a motion, seconded by Secretary McCormick, that the Board approve this application 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-Chairman Richard S. Lipsitz, Secretary Michael J. McCormick and Members Curtis M. Johnson and Daniel Cotta.

**(C) Tauper Land Survey, Inc.**

Vice Chairman Lipsitz made a motion, seconded by Secretary McCormick, to approve this renewal application 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-Chairman Richard S. Lipsitz, Secretary Michael J. McCormick and Members Curtis M. Johnson and Daniel Cotta.**

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

**None that this time.**

**G. Next Meeting 6 August 2013 Adjournment**

**Secretary Michael J. McCormick moved to adjourn the meeting at 3:18 p.m. Member Johnson seconded. Motion passed; five (5) in favor. Voting in favor were Chair John Mensinger Vice-Chair Richard S. Lipsitz, Secretary Michael J. McCormick and Members Daniel R. Cotta and Curtis M. Johnson.**

**Posted on 5 September 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.**