

659th Session
Board of Examiners for Professional Engineers and Land Surveyors
February 17, 2004

The scheduled meeting of February 17, 2004 was held at the Board Office, 165 Capitol Avenue, Room 179 in the State Office Building, Hartford, Connecticut.

Anthony L D'Andrea, Chairman called the meeting to order at 9:05 am.

Attending the meeting were John DeWolf (1) PE, Terry McCarthy (3) PE, Anthony L D'Andrea (4) PELS, Robert L Doane (5) PELS, John Hallisey (6) PM, Leonard Grabowski (9) PM, and Robert W Grossenbacher (12)

Not present were Rocco V Laraia (8) PM, Jr., William O Giel (10) and Curtiss B Smith (11) LS.

Mr. Grossenbacher was excused at 9:50 am.

There are two vacancies on the Board.

Also present were Vicky Bullock attorney for the Department of Consumer Protection, Peter Huntsman from the Attorney General's office and Barbara Syp-Maziarz, Board Administrator.

Guests present were Reese Roberts and Jennifer Marks from CALS.

CHRO- Applications

Consumer Protection Legal Department

Attorney Vicky Bullock reported on two land surveying cases.

Complaint # 2002-2011 – The Department received a complaint alleging that the respondent was practicing land surveying without a license since 2001, the complainant and respondent are employed by the same firm. The complaint also alleged that a retired engineer had been signing maps without any involvement with the project. The Department sent this complaint to an outside party for review. The reviewer raised three issues which may be answered through a compliance meeting.

Complaint #2001-6103- This complaint was forwarded to an outside party for review. The complainant had claimed that in 1983 the subject land survey map was incorrect. Recommendation is to dismiss the complaint.

Action tabled- Lack of land surveying quorum.

A-Correspondence Received

A-1 Memorandum from NCEES dated December 17, 2003. Re: Appointment of Associate and Emeritus Members (Dist. 4)

For information only, no action required.

A-2 Memorandum from NCEES dated January 28, 2004. Re: Proposed Amendment to Constitution and Bylaws (Dist. 4)

For information only, no action required.

A-3 Letter from the Maine Board dated January 2004. Re: Invitation to Northeast Zone Meeting to be held April 22-24, 2004. (Dist. 2)

For information only, no action required.

A-4 Response to Texas Board from NCEES dated February 3, 2004. Re: Proposed Amendments to the NCEES Constitution and Bylaws. (Dist. 4)

For information only, no action required.

C-Old Business

C-1 Letter from Martin S Overton dated February 5, 2004. Re: Requesting waiver of the full written exam. (Dist. 2)

The Board initially reviewed Mr. Overton's application on November 18, 2003 which he requested a waiver of the full exam (Parts 1 & II). The Board determined that he would be entitled to a waiver of the Fundamentals of Engineering Exam and would be permitted to sit for the April 2004 Principles and Practice of Engineering Exam. Mr. Overton claims to be previously licensed as a professional engineer in the United Kingdom dating back to 1977.

Mr. Overton submitted a letter to the Board dated February 5, 2004 to waive the written portion of the examination based on his interpretation of the Board's statutes.

The Board held a brief discussion regarding the Board's past actions. Mr. McCarthy stated that Mr. Overton refers to the Statutes but that the Rules & Regulations are more specific which only refers to the waiver of the Fundamentals of Engineering Exam. Mr. DeWolf stated that an individual who seeks reciprocity from another state and did not sit for the NCEES exams would not be granted a license in Connecticut and since the State of Connecticut does not have an agreement with the United Kingdom regarding licensing, Mr. Overton does not hold a valid license to be considered for licensing under reciprocity.

Motion made by (1) seconded by (5) to reaffirm the Board's decision of November 13, 2003 denying the application under Class 4 and transferring the application to Class 1A- Waive Part 1. Motion carried.

C-2 Town of North Haven requests an opinion by the Board-

Mr. D'Andrea stated that this issue came before the Board in March of 2003. The letter from the Town of North Haven was a request to modify the regulations of the town to allow site plans to be submitted by a landscape architect, whereas right now they are excluded. The town of North Haven denied the application because they felt that it would go beyond the limits of professional jurisdiction for licensed landscape architects. The Board's discussion resulted in the position that landscape architects should not be prohibited from submitting site plans as long as there is a qualification as to the other disciplines required to produce the ultimate final product.

E-Applications

The following applications were approved by 1, 2, 3, 4, 5, 9 & 11 except as noted.

Permit CL 1 Exam

Choi, You-Jin

Transfer from CL 1 to CL 2 –Permit CL 2 Exam

Fickinger, David P

Permit CL 1 Exam-Credit Part 1

Galeota, Jermy T-EIT from CT -Tabled from 1/20/04 for clarification of overlapping experience)

Hoor, Chee Yeun-EIT from UT
Kalarickal, Luke K-EIT from NY
Kinsman, Peter D-EIT from IL

Patel, Kishor-EIT from CT -Tabled from 1/20/04 for clarification of experience after graduation)

Rodriguez, Katherine-EIT from MA
Simpson, James M-EIT from MA
Violanti, Michael R-EIT from PA

Vogt, Chad H-EIT from MA -Tabled from 11/18/03 meeting for update of experience.
Weiss, Steven R- EIT from NY

Permit CL 2 Exam-Credit Part 1

Bogar, Brian T-EIT from CT
Comenale, David J-EIT from NH -Tabled from 8/02 to redo application
Domlija, Mladen-EIT from NY
Gumedelli, Naveen L-EIT from TX
Hefflefigner, Robert A-EIT from CT -Was denied under Class1 on 1/20/04 wants to be considered under Class 2 with Associates degree.
Moine, Philipp

Permit CL 3 Exam-Waive Part 1

Montalto, Anthony J- Reconsideration from 4/8/03 (Applicant was denied waiver of FE Exam **Motion made by (3) seconded by (2) to approve application under Class 3 – Waive Part 1. Motion carried with one opposition (1).**

Approve CL 4 License

Becher, Mark L
Bertos, Stelios N
Casella, Michael
Coleman, Peggy K
Cribbs, Ronald A
Daham, Walid S
Dale, Michael F
Dolhon, Anthony M
Dunn, Timothy G
Gilson, Gregory R -Tabled from 1/20/04 for clarification of education
Green Jr., Thomas B
Harding, Thomas W
Kutta, Richard M
Leon, Huga A
Lewis, Matthew D
Merkel, Cameron C
Mucci, Paul L
Oliver, Billy D
Steininger, Adam D
Stoudt, Raymond L
Swindlehurst, James M
Verma, Victor K

Permit CL 6 Exam- Credit Part 1

Brooks, Sean T-Deny- **From November 1998 to present was a fulltime student, applicant requires 2 more years of land surveying experience.**

Motion made by (12) seconded by (5) to deny application. Motion carried.

Earley, Michael L-Deny- Applicant was a fulltime student during the experience record that was listed requires 2 more years of surveying experience in responsible charge.

Motion made by (12) seconded by (5) to deny application. Motion carried.

Aldieri, Michael- Denied at 8/13/03 meeting- Defer application and to submit an updated application from May 2002 to the presented

Permit CL 7 Exam-Waive Part 1

Beaman, Robert F-Deny under Class 7- Transfer to Class 14 subject to verification of working under a licensed land surveyor. Motion made by (12) seconded by (5). Motion carried.

Permit CL 8 Exam

Davis, Stephen E

Permit CL 9 Exam

Barnes, Danielle D (UConn)
Perez, Hector A (Manhattan College)
Santangelo, Michael J (UConn)

Permit CL 9s Exam

Pina, Victor J (U of Hartford)

Approve Certificate of Authorization for the Corporate Practice of Engineering

Michael Horton Associates, Inc.
151 Meadow Street (PEs currently licensed)
Branford CT 06405

Motion made by (1) seconded by (5) to approve application. Motion carried.

Giuffrida Engineering Inc.
564 Pine Street (PEs currently licensed)
Middletown CT 0645

Motion made by (3) seconded by (5) to approve application. Motion carried.

Schoor DePalma Inc.

200 State Highway Nine (PEs currently licensed)
Manalapan NJ 07726

Motion made by (3) seconded by (5) to approve application. Motion carried.

Approve Certificate of Authorization for the Joint Practice of Professional Engineering and Land Surveying

Bascom & Benjamin, LLC

360 Main Street (PE & LS currently licensed)
Durham CT 06422

Motion made by (12) seconded by (5) to approve application. Motion carried.

Hewitt Engineering & Surveying LLC

470 New Britain Road (PE & LS currently licensed)
Berlin CT 06037

Motion made by (12) seconded by (5) to approve application. Motion carried.

Approve Certificate of Authorization for the Joint Practice of Architecture and Professional Engineering

Greenberg Farrow Architecture, Inc.

1755 The Exchange
Atlanta GA 30339 –Tabled from 1/20/04 meeting for opinion from the Board’s counsel regarding shareholders and ownership of shares. (Dist. 4)

The Board requested clarification from the Board’s counsel on the issue of whether or not the ownership or the control of the million shares by an Employee Stock Option Plan (ESOP) constituted ownership.

Atty. Huntsman stated that the statute (Sec. 20-306b (a) (1)) specifically requires that “persons licensed as architects, engineers or land surveyors under Chapter 390 or this chapter together own not less than two-thirds of the voting stock of the corporation....” Atty. Huntsman stated that he does not believe that the Trustee’s ownership qualifies, in that the ownership is not as a person, but rather as a straw man for a defined group. The beneficial ownership of the shares is not with the Trustee, but with the participants in the ESOP. Therefore, because it says persons, the reasonable interpretation is that the way the statute is written, the legislature intended that the actual beneficial ownership be licensed engineers, architects or

land surveyors licensed in the state of Connecticut. The percentage of shares owned in the ESOP listed on the application for Greenberg Farrow Architecture Inc. does not indicate to the Board that all the participants are licensed in Connecticut. A letter from the company's attorney concedes the point: "The 1,000,00 shares owned by the ESOP are held in trust and controlled by the Trustee of the ESOP" Atty. Huntsman stated that the statute doesn't say "control" but says "own".

Motion made by (2) seconded by (1) to deny the application based on the interpretation of the Board's statutes and the lack of clear demonstration that the ownership of the stock in the ESOP is by licensed Connecticut professionals. Motion carried.

Reinstatements

Christman, Robert-License # 9972 lapsed 1/31/96- Completed new application and paid appropriate fees. -Tabled by Board on 1/20/04 for notarized statement, expansion of work experience and details of why license lapsed. (Dist. 2)

Motion made by (3) seconded by (9) to approve reinstatement. Motion carried.

Morse, Frank K-License #19650 lapsed 1/31/00- Tabled by Board on 1/20/04 for expansion of work experience and details of why license lapsed. (Dist. 2)

Motion made by (3) seconded by (2) to approve reinstatement. Motion carried.

Olsen, Ronald V-License #18250 lapsed 1/31/03 updated experience record and paid appropriate fees. (Dist. 2)

Motion made by (1) seconded by (9) to approve reinstatement. Motion carried.

Motion made by (1) and seconded by (5) to adjourn the meeting. Motion carried.

Meeting adjourned at 10:55 am

The next meeting is scheduled for March 9, 2004.

Respectfully reviewed by:

Anthony L D' Andrea, PELS
Chairman

Respectfully submitted by:

Barbara Syp-Maziarz
Licensing & Applications Specialist

