

690<sup>th</sup> Session  
Board of Examiners for Professional Engineers and Land Surveyors  
February 19, 2008

The scheduled meeting of February 19, 2008 was held at the Board Office, 165 Capitol Avenue, Room 117 in the State Office Building, Hartford, Connecticut.

Anthony L D'Andrea, Chairman called the meeting to order at 8:50 am.

Attending the meeting were John DeWolf (1) PE, John Hallisey (2) PE, Terry McCarthy (3) PE Anthony L D'Andrea (4) PELS, Robert L Doane (5) PELS, Edward Farrell (6) PM Al Regina (7) PM, T. Mark Barbieri (9) PM and Robert W Grossenbacher (12) LS

Mr. Doane arrived at 9:05 am.

Absent were Rocco V Laraia (8) PM William O Giel (10) LS and Curtiss B Smith (11) LS.

Also present were Steven Schwane, attorney for the Department of Consumer Protection, Peter Huntsman, Asst. Attorney General and Barbara Syp-Maziarz, Board Administrator.

Guests: Reese Roberts

Mr. Grossenbacher was excused at 10:10 am.

**Motion made by (5) seconded by (1) to accept the November 27, 2007 minutes as amended. Motion carried.**

### **CHRO- Applications-None**

### **Legislative Update**

Jerry Padula, the department's legislative liaison provided the Board with the language that is included in the department's legislative package. There were some minor changes in the definition of engineering to appease the Home Builders Association. The Board reviewed the information and made some minor revisions in regard to dates. Mr. Padula will advise the Board members when there will be a hearing date.

### **A-Correspondence Received**

A-1 Letter from National Society of Professional Engineers (NSPE) dated January 2, 2008. Re: Request for NCEES to develop a PE exam for Software Engineering (Dist. 2)

**Chairman D'Andrea stated that if you want to be placed in this category, then you would have to have an exam for every potential discipline as a designer of software. The Board's discussion concluded that the Board is not in support of this PE Exam.**

A-2 Letter from Atty. Kirk A. Fornes dated January 9, 2008. Re: Corporate registration to practice land surveying (Dist. 4)

**Assistant Attorney General Peter Huntsman spoke with Attorney Fornes and advised him that the Board would prefer to see an actual application rather than many hypothetical situations. The Board may only act on applications submitted on appropriate forms, which provides ownership and the corporate structure information. The Board's function is not to provide legal advice on how to set up a corporation.**

A-3 Memorandum from NCEES dated January 31, 2008. Re: Proposed Amendment to NCEES Constitution and Bylaws (Dist. 4)

**For information only, no action required.**

A-4 Memorandum from NCEES dated January 31, 2008. Re: Proposed Merger of the NCEES Constitution and Bylaws (Dist. 4)

**For information only, no action required.**

A-5 Memorandum from NCEES dated January 31, 2008. Re: Center for Professional Engineering Education Services (Dist.4)

**For information only, no action required.**

### **C-New Business**

C-1 Corporation Table-Revision of table based on advice from the Board's counsel that the joint practice of arch/engineering and land surveying is not an entity that is licensed by the Board. (Dist .4)

**Assistant Attorney General Peter Huntsman reviewed two applications from the January 22, 2008 agenda for the Board, where the Limited Liability Company (LLC) is owned by an entity and not a person. This additional information will be incorporated to the table to be revised by Mr. Huntsman at the next meeting scheduled for April 8, 2008.**

### **D-Old Business**

D-1 Board's policy in regards to GNSS Base Stations (Dist. 3)

**January 23, 2008**

**POLICY STATEMENT CONCERNING GNSS BASE STATIONS**

The State definition of Land Surveying states that the following activity is considered Land Surveying (20--299(2)(B)): “determining positions of points with respect to appropriate horizontal or vertical datums in order to establish control networks for topographic, planimetric or cadastral mapping”

It is the opinion of this Board that establishing and maintaining a public global navigation satellite system (GNSS) base station, or a real-time network (RTN) consisting of two or more base stations, for the purposes of controlling land surveys made using (3NSS positioning technologies shall be under the supervision and responsibility of a licensed Land Surveyor. A base station is a GNSS receiver’ and a computer that actively or’ passively disseminates the GNSS observables and/or differential corrections to the public, for static, kinematic, or real--time kinematic (RTK) positioning Active dissemination typically consists of broadcasting RTCM messages either’ by radio or’ over the Internet,, Passive dissemination typically consists of making observations available for download from a website over the Internet, Base stations operated by, or in conjunction with, Federal Agencies (such as Cooperative CORS or National CORS stations) or Utility Companies under the jurisdiction of the DPUC are exempted. Also exempted are base stations operated for academic purposes or’ scientific research. The responsible Land Surveyor shall monitor’ the stability and accuracy of the position(s) and data provided by the base station(s) on a regular basis.

The Board recognizes that equipment vendors may wish to establish base stations to facilitate demonstration, training and sale of equipment. We believe that this activity is permissible, provided that it is strictly limited to said demonstration, training and sales purposes.

**Motion made by (5) seconded by (9) to adopt the policy statement concerning GNSS Base Stations. Motion carried.**

**E-Applications**

**The following applications were approved by 1, 2, 3, 4, 5, 6, 7, 9 & 12 except as noted.**

**Permit CL 1 Exam**

Norton, Brian J

### **Permit CL 1 Exam-Credit Part 1**

Cholakov, Petko S-EIT from NY  
Filipiak, Kylie R-EIT from IL  
Vimer, Cristian S-EIT from CT  
Will, Paul A-EIT from PA

Kari, Fady-EIT from KY -Tabled from 1/22/08 to complete felony question on application

Green, Joseph M-EIT from MA  
Wang, Jian-EIT from NY

### **Permit CL 2 Exam**

Antonucci, John –**Deny- Lack of basic engineering degree**  
Platt, William R-**Deny –Lack of basic engineering degree**

### **Permit CL 2 Exam-Credit Part 1**

Haque, MD Asadul-EIT from NH

### **Permit CL 2 –Credit Part 1 & Part 2**

Quispe, Macelino-License was not issued in NY based on citizenship requirement-**Table for formal opinion regarding legal status**

### **Approve CL 4 License**

Fanella, David A  
Jensen, Wallace N  
Wilmoth, Harvey E  
Beatty, Philip E  
Chandler, Joseph W –**Subject to verification of current license**  
Coffman, John E  
Cowell, David L  
Cowell, Jean L  
Gabby, Brent A  
Gieringer, Larkin M  
Leary, Rachel B  
McMullen, Paul R  
Middleton, Donald J  
Paille, William G  
Ribaud, Alfonso- **Subject to verification of current license**  
Squibb, Barry D  
Basch, Thomas A

Cipolla, Russell D  
Fulmer, Kenneth R  
Haddad, William P  
Ripish, Paul S  
White, Andrew D **Subject to verification of current license**  
Bromley, Patrick G  
Bush, David M -Tabled from 1/22/08 to complete felony question on application  
Harrison, David T  
Himmelberger, Lynn H  
Johnston, Corian W  
Kukkala, Madhusudhan,  
Lawson, Wayne R  
Lindberg, Jon F  
Maniktala, Ravinder K  
Marssette, Jeremy T  
Williams, Paul M **Subject to verification of current license**

**Permit CL 6 Exam**

Nolte, Robert D-**Deny-Requires 9 years of surveying experience, has less than 8 years**  
**-Transfer to CL 14a exam-**

**Permit CL 6 Exam-Credit Part 1**

Ochman, Mark A-Tabled from 1/22/08 meeting for copy of PE application-**Deny-**  
**Experience prior to June 2005 was applied toward his PE license application.**

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

**Permit CL 8 Exam**

Knowles, Brian S-

**Permit CL 9 Exam**

Chen, Jin (SUNY Maritime)

**Permit CL 9s Exam**

Buff, Steven (U of New Haven)  
Harrington, David J (UConn)

**Approve CL 9 License**

Gentile, Michael J (UConn)  
Rose, Sarah L (U of Hartford)

**Approve Certificate of Authorization for the Corporate Practice of Engineering**

**C.V. Associates NY, PE, LS, PC**

118 River Road Suite 7

Harriman NY 10926

Professional Engineer currently licensed in CT

PE# 25060 Chamarajanagar v Shashikumar (owns 100%)

**Deny- Name on application implies the offering of engineering & surveying services, which the corporation is only applying to do engineering services.**

**Motion made by (5) seconded by (1) to deny application as it implies the offering of services that they are not licensed in CT to provide. Motion carried.**

**Ground Floor Engineering Group Inc.**

10125 W Colonial Dr, Suite 212

Ocoee FL 34761

Professional Engineer currently licensed in CT

PE# 25677 Garry W Vermass

**Pierce Engineers, Inc.**

241 N Broadway Suite 500

Milwaukee WI 53202

Professional Engineer currently licensed in CT

PE# 26074 Derek Horejsh-**Table for completion of application-**

**CB & I Constructors, Inc**

2103 Research Forest Drive

The Woodlands TX 77380

Professional Engineers currently licensed in CT

PE#24557- Andrew K Edenburn

PE#21069- John E Hormann

PE#24569- Donald R Horacek

PE#-19901-A Luis Lupnitz

**Engineered Arresting Systems Corporation**

2239 High Hill Road

Logan Township NJ 08085

Professional Engineer currently licensed in CT

PE# 25605-John B Bosco

**Envar Services, Inc.**

505 Milltown Road  
North Brunswick NH 08902  
Professional Engineers currently licensed in CT  
PE# 24298- John F Shultis  
PE#-14465-Sidney M Johnson

**LAN Associates Engineering, Planning, Architecture, Surveying Inc.**

445 Godwin Ave  
Midland Park NJ 07432  
Professional Engineer currently licensed in CT  
PE#17608-Ronald M Panicucci

**Deny-Name of corporation implies that the company offers all services and the company is only seeking registration for engineering.**

**Motion made by (3) seconded by (5) to deny application as it implies the offering of services that they are not licensed in CT. Motion carried.**

**Semaan Engineering Solutions LLC**

116 Huntington Avenue 11<sup>th</sup> Fl  
Boston MA 02116 –(Tabled from 1/22/08 meeting for clarification)  
Professional Engineers currently licensed in CT  
PE# 23235-William Garrett  
PE# 25112- Raphael Mohamed (Dist. 2)

**Semaan Engineering Solutions, LLC is filing as Professional Engineering Corporation as an LLC. This application was tabled from the January 22, 2008 meeting for clarification of ownership.**

**Assistant Attorney General Peter Huntsman advised the Board that according to the letter from Marianne G Watters, Paralegal, dated August 12, 2007, Semaan Engineering Solutions LLC is a subsidiary of American Tower Corporation as to the ownership of Semaan Engineering Solutions LLC. Therefore, the ownership does not conform to the statute for an LLC, where the ownership interest is held by an entity and not a person. This is a corporation which owns the entirety of the proposed LLC and because the ownership is not a person but is another entity and there is no showing that the entity, American Tower Corporation, is licensed in any shape or form. Therefore, because Semaan Engineering Solutions LLC is not a person or not licensed, it does not meet the statutory requirements for an LLC under Chapter 613 Part 1-Section 34-100-Limited liability.**

**Chairman D'Andrea reiterated that American Tower Corporation cannot be a member of the LLC and therefore cannot be licensed as a LLC.**

**Motion made by (5) seconded by (6) to deny Semaan Engineering Solutions LLC for the corporate registration. Motion carried.**

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

**Mattson Associates LLC**

405 Main Street

Wallingford CT (**Tabled from 1/22/08 meeting for clarification of ownership**)

Professional Engineers & Land Surveyors currently licensed in CT

PE & LS# 8033 David W Juliano owns 20%

PE# 19725 Christopher Juliano owns 80% (**Dist 2**)

**Mattson Associates LLC is filing as a joint professional engineering and land-surveying corporation. This application was tabled from the January 22, 2008 meeting for clarification of ownership. The Board questioned the ownership interest of Juliano Group LLC on this application.**

**Assistant Attorney General Peter Huntsman advised the Board that under the LLC statute only members can own parts of an LLC, and members are defined as persons and not corporations in the professional context. Attorney Huntsman read the following excerpt from the LLC Statute- “Each member of the limited liability company, must be licensed or otherwise authorized by law in this state or any other jurisdiction to render such professional services”**

**Mr. Hallisey reiterated that the way the LLC statute is written, it is supposed to be persons who are licensed not an LLC.**

**An LLC cannot be a member of an LLC. The ownership would have to be by persons only. The ownership is a fictional entity and it must be a real person. Based on the interpretation of our statutes, this is inappropriate for the Board to approve.**

**Motion by (6) and seconded by (2) to deny Mattson Associates, LLC for the Joint corporate practice of Professional Engineering and Land Surveying due to the inconsistency in the statutes as currently written. Motion carried.**

**Approve Certificate of Authorization for the Joint Practice of Architecture & Professional Engineering**

**SIGMA7 Design Group Architects and Engineers Inc.**

1250 Broadway-Suite 1900

New York NY 10001 **Tabled from 1/22/08 for clarification**

## **Reinstatement**

**Kansagra, Chandrakant H-License # 11485-Lapsed 1/31/90-** Provided updated experience record, fees and notarized statement of not signing or sealing during lapsed period. (Dist. 2)

**The Board's discussion revealed that Mr. Kansagra has not been performing engineering in the last 18-20 years and felt that the only means of demonstrating the applicant's proficiency in engineering is to have the applicant sit for the Principles & Practice of Engineering Exam.**

**Motion made by (1) seconded by (9) to approve the reinstatement subject to taking and passing the Principles & Practice of Engineering Exam. Motion carried.**

**Seaforth, Rodney-License lapsed 1/31/98-paid appropriate fees completed new application did not sign and seal. (Dist 2)**

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

## **Reconsideration**

**Rizk, Yasser A-Denied by Board at their 8/16/07 based on a lack of a basic engineering degree (Dist. 4)- Based on additional information regarding education, the Board felt that the applicant met the education requirement, however based upon the receipt of the formal opinion from the Attorney General's office regarding legal status, the Board voted to table this application**

**Motion made to approve the application Class 4. All opposed, motion failed**

**Motion made by (2) seconded by (9) to table application for formal opinion from the Attorney General office regarding legal status of citizenship. Motion carried.**

## **F-Complaints**

**F-1 Re: Registration of Limited Liability Company-Robert Green Associates, LLC (Dist. 4)**

The respondent holds a pending application with the Department for the joint practice of engineering and land surveying, which does not comply based on the ownership interest. Attorney Schwane stated that in his conversations with the respondent's attorney, an updated application would be submitted with changes to the ownership interest. The Board determined that the proposal does not comply with the regulations in regards to

ownership and an updated application must be submitted to reflect the acceptable ownership interests under the Statutes.

**Motion made by (7) seconded by (5) to authorize the administrator to forward the following response: “The proposal outlined in your letter of January 4, 2008 does not comply with our statutes and regulations as to ownership to the LLC. If you wish the Board to reconsider, you must file a current application.” Motion carried.**

F-2 Settlement Agreement Docket No. 07-1537 (Dist.3)

The Department received a complaint alleging that a land surveyor made errors in establishing a boundary line in a land survey. The department’s investigation revealed several possible violations of the Regulations on Types of Surveys. Reese Roberts, license land surveyor, assisted the department with the investigation. In lieu of a hearing, the Licensee has agreed to the issuance of a Letter of Reprimand and a civil penalty.

**Motion made by (12) seconded by (5) to accept the proposed settlement agreement. Motion carried.**

### **Other Business**

The Connecticut Board has been receiving numerous applications from the state of New York, where these applicants have been approved to sit for the national exams, but are not granted licenses based on citizenship or legal status. These applicants then apply to the state of Connecticut to obtain their initial licenses. The Board has received an informal opinion from the Board’s legal counsel but is seeking a formal opinion as to whether or not the Board is doing something wrong in not asking for legal status in this country, or is the Board accepting some kind of liability. A formal opinion from the Attorney General’s office will provide guidance to the Board, for approving these applications and in revising the current license application by requesting additional information concerning legal status and/or applying in other jurisdictions.

The Board is requesting that the Commissioner of Consumer Protection request the Attorney General’s office for a formal opinion as to what this Board should require as to legal status of an applicant for consideration for licensure.

Assistant Attorney General Peter Huntsman stated that he presented an informal opinion at the November 27, 2007 meeting. Mr. Huntsman advised the Board that they have two avenues in requesting an opinion regarding legal status; the Board may request the informal opinion from November 27, 2007 in writing or request the Commissioner of Consumer Protection to request a formal opinion from the Attorney General’s office

Assistant Attorney General Peter Huntsman stated that according to the statutes, the commissioner has the authority to create the application form and ask whatever questions deemed appropriate.

Chairman D'Andrea stated that he had a conversation with Janet Blair, Executive Secretary for the New York Board, who verified that their applicants are allowed to sit for the examinations but are denied the actual issuance of the licenses if they do not have legal status.

**Motion made by (2) and seconded by (1) for the Board to request the Commissioner of Consumer Protection to request a formal opinion from the Attorney General's office as to how the Board should approach legal status of an applicant for consideration for licensure. Motion carried.**

**Motion made by (2) and seconded by (1) to table any applications regarding legal status. Motion carried.**

Motion made by (5) and seconded by (3) to adjourn the meeting. Motion carried.

Meeting adjourned at 11:05 am.

The next meeting for the Board is scheduled for April 8, 2008.

Respectfully reviewed by:

Anthony L D'Andrea, P.E. & L.S.  
Chairman

Respectfully submitted by:

Barbara Syp-Maziarz  
Licensing & Applications Specialist

