

668th Session
Board of Examiners for Professional Engineers and Land Surveyors
November 16, 2004

The scheduled meeting of November 16, 2004 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 10:00 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, Rocco V Laraia (8) PM, Leonard Grabowski (9) PM and Curtiss B Smith (11) LS.

William O Giel (10) LS, and Robert W Grossenbacher (12) LS were excused due to lack of land surveying business.

Mr. Smith was excused at 11:17 am.

There are two vacancies on the Board.

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

Guests: Paul Brady from CSPE, Atty. Jeff Goldsmith and Roberta Avery, attorney for the Department of Public Works.

Motion made by (2) seconded by (8) to approve the October 12, 2004 minutes with one minor revision. Motion carried.

CHRO- Applications

None

Consumer Protection Legal Department

Atty. Schwane stated that Gregory Carver, investigator to Board, forwarded four cases involving land surveyors in regards to boundary disputes. Atty. Schwane stated that 2 out of the 4 complaints, there is one surveyor involved. One case is where the complainant has hired the land surveyor and believes that the land surveyor did not put the boundary line where it should be, and the other case is where there is one land surveyor, the neighbor who hired the land surveyor, and now believes the boundary line is incorrect. In the other two cases, two home owners with a boundary dispute each have their own land surveyors where the land surveyors don't agree.

Atty. Schwane is seeking advice from the Board to see if there is anything that the Department can do in these cases and whether he should continue to forward these complaints to the CALS volunteers. Atty. Schwane wanted to verify the Board's past position regarding complaints involving two land surveyors who are in disagreement of a boundary line.

Curt Smith, LS stated that the Board has had a number of these complaints before them. Mr. Smith stated that land surveyors can disagree on the location of the boundary, it is their professional opinion as to where the boundary is located only a court of law can determine where the boundary actually is. Therefore, you can get various opinions but it doesn't mean that either land surveyor on either side of the boundary did anything that was unethical in regards to the Board's Code of Ethics or fraudulent and acted negligently or in violation of the Board's Rules & Regulations. Mr. Smith stated that when he has stepped down to review these types of complaints, he first checks to see if the surveyor or surveyors have violated the Code of Ethics, usually they don't; second have they acted fraudulently and negligently, if they were grossly negligent such as overlooking research or didn't even do research or where they were truly negligent, then the Board has reason to proceed to a hearing. Usually this is not the case in these types of complaints where it is the case of two different opinions as to the boundary line.

Chairman D'Andrea stated the Department should continue to have the professional association review these complaints since they can identify the issues as to whether or not they are negligent and it would be good to have the Board get the facts in so that the Board can make an evaluation based on those facts.

Mr. Smith stated that it would be helpful if Atty. Schwane could provide the CALS volunteers with an outline of the points that should be considered when reviewing these complaints. These points can be extracted from the Board's Rules & Regulations and applicable state statutes. Mr. Smith volunteered to work on this outline and provide the information to Chairman D'Andrea and Atty. Schwane for their review.

Atty. Schwane also advised the Board that in reviewing these cases, the Department's computer licensing system did not show registrations for these land surveying companies and questioned as to whether or not there is a lack of understanding that limited liability companies (LLC) must be registered with the Board. Chairman D'Andrea suggested that a notice regarding corporation registration should be included with the renewal notices that will be mailed during the third week of December 2004.

Atty. Schwane provided an update to the proposed legislation. Vanessa Ramirez, who was the department's legislative liaison has been appointed to a position at the governor's office and is no longer with the Department of Consumer Protection. Deputy Commissioner, Jerry Farrell may step in to assist with the proposed legislations of the department in the interim.

Atty. Vicky Bullock

Atty. Bullock is waiting for a response from the Attorney General's office in regards to the public hearing that was held, otherwise, Atty. Bullock has no pending cases.

A-Correspondence Received

A-1 Memo dated October 6, 2004 to NCEES Board Presidents and Administrators from John D Nelson. Re: 2005 Board Presidents Assembly scheduled from February 10-12, 2005. (Dist. 4)

For information only, no action required.

A-2 Revised Calculator Policy for NCEES Examinations dated October 13, 2004.

For information only, no action required.

A-3 Letter from West Virginia State Board of Registration from Professional Engineers dated 10/22/04. Re: Nominations for 2005 NCEES Northeast Zone Awards. (Dist. 4)

For information only, no action required.

A-4 Exchange News Letter from NCEES (May 2004) edition. (Dist. 4)

For information only, no action required.

D-New Business

D-1 Meeting dates for 2005

January 18, 2005

February 15, 2005

March 8, 2005

April 12, 2005

May 10, 2005

June 14, 2005

July 19, 2005

August 16, 2005

September 13, 2005

October 11, 2005

November 15, 2005

No meeting in December 2005

Motion made by (11) seconded by (9) to approve the meeting dates for the year 2005. Motion carried.

D-2 Corporation Chart- Revision to chart (Dist. 4)

Connecticut Licensee's Ownership Interest
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Practice form	Section	General Business	PC	LLC	LLP
Architecture	20-298b	2/3 voting shares	100%	100%	100%*
Engineering	20-306a	-0-	100%	100% **	100%*
Land Surveying	20-306a	-0-	100%	100% **	100%*

Joint Practices

Arch/Engineering	20-306b	2/3 of company voting shares/at least 20% of each profession	100%	Same as gen. Business corp.	100%*
Arch/Land Surveying	20-306b	2/3 of company voting shares/ at least 20% of each profession	100%	Same as general business corp.	100%*
Engineering/Land Surveying	20-306b	2/3 of company voting shares/at least 20% of each profession	100%	Same as general business corp.	100%*
Arch/Engineering/ Surveying	20-306b	2/3 of company voting shares at least 20% of each profession	100%	Same as general business corp.	100%*

* No Regulations Applicable

** Has to be owned by licensed engineers or land surveyors-not necessarily Connecticut licensees. Sec: 34-119

Atty. Jeff Goldsmith, counsel for Skidmore, Owings & Merrill requested to appear before the Board for an interpretation of the matrix regarding Connecticut licensee ownership for different types of legal entities. Atty. Goldsmith represents a limited liability company and is trying to comply under Connecticut's statutes.

Atty. Goldsmith inquired as to whether a LLP needs to be 100% owned by Connecticut licensed professionals.

The Board with the advice of Atty. Peter Huntsman, held a lengthy discussion regarding the various legal entities that fall under the Department's statutes and concluded the following for engineering and land surveying.

- 1) **Partnerships or LLP- Joint Practice- Architects and professional engineers all have to be 100% licensed CT ownership, where at least ½ are architects: Section 20-298a. No registration requirements by DCP**
- 2) **LLP- Engineering or Surveying-100% Connecticut ownership. Based on the interpretation of Section 20-298a. No registration requirements by DCP, however the LLP must meet the requirements of CT's Secretary of State.**
- 3) **LLC- Engineering or Land Surveying – 100% ownership must be by licensed engineers or land surveyors not necessarily all Connecticut licensed but must have a Connecticut licensee responsible for signing and sealing: Section 34-119 (b) (1). Registration is required by DCP**
- 4) **LLC-Joint Practice Architecture, Engineering and/or Land Surveying- Together not own less than 2/3 of the voting interests of the LLC and the members of each profession forming the LLC own at least twenty percent (20%) of the voting interest.: Sec. 20-306b. Registration is required by DCP**

Roberta Avery, attorney for the Department of Public Works stated that questions surfaced from her agency's selection unit to clarify the requirements for licensure in the case of an out of state LLC but practicing in Connecticut. Two questions: 1) in the event if it is a sole practice of architecture or engineering and 2) when it's engaged in the joint practice of engineering and architecture, must the firm obtain licensure from DCP before it can offer it services for architecture or engineering or both?

The Board's response is the Department licenses LLCs as a single practice for engineering or land surveying and also as a joint practice for architecture, engineering and/or land surveying. The Department does not license LLC's as a single practice under architecture.

Atty. Avery asked, in terms of the individuals' requirements for licensure for an architectural firm, practicing as an LLC as an entity type, it was DPW's understanding that 100% of the architects must be licensed in Connecticut, but have since found out that it may not be the case, that if individuals who are owners of an LLC have licensure in some states and at least one is licensed in Connecticut that satisfies the requirements. Is this a correct summary? Chairman D'Andrea stated that this is an architectural question and therefore cannot answer on behalf of the Architectural Board.

Attorney Avery limited the questions to engineering and inquired about engineering LLCs, how many of the ownership individuals must be licensed in CT? Just one or 100%? Chairman D'Andrea stated that Atty. Huntsman's advice to the Board regarding just engineers, was that LLCs must be owned by licensed engineers, not necessarily all Connecticut licenses and this was based on the interpretation of Sec. 34-119 (b) (1).

Chairman D'Andrea asked Atty. Avery to summarize the Board's discussion so that it can be part of the record since this request originated from the Department of Public Works. Chairman D'Andrea noted that this discussion was helpful, since the Board is now obligated to look at Section 20-298a which refers to partnerships and this was not included on the Board's matrix.

Chairman D'Andrea advised Atty. Avery that the chart that was presented on the Board's agenda is accurate and was proven by the Board's discussion.

E-Applications

The following applications were approved by 1, 2, 3, 4, 5, 8 & 9 except as noted.

Permit CL 1 Exam-Credit Part 1

Beida, Mark G-EIT from VT
Nemr, Camille-EIT from CT
Yau, Chi Ying-EIT from CT

Permit CL 1A Exam-Waive Part 1

Azar, Riad J

Approve CL 4 License

Abraham Jr., Charles M
Assis, Geroge F
Astorga, Karen L
Ballantyne, Brant F
Balter, Eugene N
Caputi, Jeffrey R
Celentano, Joseph R
Chubb, Gary A
Clark, Chadwycke L
Coupe, Henry J
Davoodi, Hossein
Eisenman Jr., T James
Fillion, Michael R
Fisher, Arthur R
Frey III, Leo J
Fusco, Philip M
Hathaway, Edward W
Lorino, Joseph
Lowdermilk Jr., David S
Mailhot David J
Mayer III, William T

Raberding, Timothy L
Raffin, Thomas G
Sekula, John –**Deny under Class 4 because no written NCEES exams were taken**
Transfer to CL 3 Waive Part 1-
Sharpe, Jeffrey C
Shirk, F William
Snyder, Steven M
So, Richmond-**Deny**
Stone, David A
Stover, Brian A
Strode Jr., Edwin R
Thomas, Lawrence M
Vamosi, Stephen J
Vertucci, Matthew J
Welch, William R

Permit CL 8 Exam

Barcenilla, Alfred D-**Motion made by (11) seconded by (8) to approve Class 8 Exam.**
Motion carried.

Permit CL 9 Exam

Gurler, Onur –**Motion made by (1) seconded by (8) to permit class 9 exam. Motion carried.**

Opoku, Nana A (Rutgers)
Roberts, David B (U of Oklahoma)
Schaedel, Raquel (U of New Haven)
Walther, Ines (US Masters)

Permit CL 10s Exam

Parillo, Jeffrey (Central CT)

Approve CL 10 License

Barneschi Jr., Robert E (Central CT)

Permit CL 12 Exam

Nesteriak, Brian P –**Deny-has 8 months requires 24 months**

Approve Certificate of Authorization for the Corporate Practice of Engineering

Kosine Engineering and Design, LLC

33 Hungerford Lane (PE currently licensed)
Harwinton CT 06791

L R C Engineering P.C.

4236 Albany Post Road Suite 1 (PE currently licensed)
Hyde Park NY 12538

Lockwood Greene Engineers, Inc.

1500 International Drive (PEs currently licensed)
Spartanburg SC 29303

Shaw Environmental & Infrastructure Inc

4171 Essen Lane (PEs currently licensed)
Baton Rouge LA 70809

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

L'Acquis Consulting Enterprises LLC

280 E 96th Street Suite 280 (Architects & PEs currently licensed)
Indianapolis IN 46240

Skidmore Owings & Merrill Connecticut LLC

14 Wall Street (PEs and Architects currently licensed)
New York NY 10005

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

BL Companies Connecticut Inc.

355 Research Parkway (Architects Engineers & Land Surveyors currently licensed)
Meriden CT 06450

Reinstatements

Dietzler, Daniel P- License lapsed 1/31/91-Completed new application, paid appropriate fees and provided statement of not signing or sealing documents. (Dist. 2)

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

Hanson, Thomas A- License lapsed 1/31/92. Completed new application, paid appropriate fees and did not sign and seal documents in CT. (Dist. 2)

Motion made by (5) seconded by (2) to approve reinstatement. Motion carried.

Herr, Guy C- License lapsed 1/31/04-Paid appropriate fee listed projects that were signed during lapsed period.

Motion made by (9) seconded by (5) to approve reinstatement. Motion carried.

Motion made by (2) and seconded by (8) to adjourn the meeting. Motion carried.

Meeting adjourned at 11:50 am

The next meeting is scheduled for January 18, 2005.

Respectfully reviewed by:

Respectfully submitted by:

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

Barbara Syp-Maziarz
Licensing & Applications Specialist

