

NH Society of Professional Engineers Board of Directors Meeting Minutes

DATE: March 17, 2010 6:00 p.m. to 8:00 p.m. Location: 77 Sundial Ave., Suite 401W Manchester, NH *Voting Board Member	Larry Dwyer, PE (Pres)*	Walter Durack (Membership)
	Matthew Low, PE (Past Pres)*	(Legislation)
	Steven Lehmann, PE (Pres Elect)*	Roch Larochelle, PE (E-Week Chair)
	Peter King (Vice Pres)*	
	John DiGenova, PE (Sec)*	
	Dan Hudson, PE (Treas)*	
	Paul Schmidt, PE (Hse. of Delegates)*	
	Gregg Comstock, PE (Dir)*	

OLD BUSINESS

- Feb 18, 2010 BOD minutes approval – No comments were received. Larry indicated that the meeting minutes should be finalized and sent for publishing.

NEW BUSINESS

1. UNH Update (Larry)

- Larry reports that Bob Henry said the following on 22 February 2010 - “ I am happy to have ACEC working with UNH to help make this approach to teaching a senior capstone design course a possibility” – So at the current time the no NHSPE input is required except to supplement ACEC discussions.

2. Treasurer’s Report (Dan H.)

Acceptance of Treasurers Report – Dan presented the Treasurer’s report, including the following: Eweek report profit/loss (Eweek made a profit); Mathcounts Budget Update (Mathcounts appeared to have broken even); set-up of new accounts for PayPal; filled out new paperwork for the bonding of selected officers; and tax update.

3. Society Governance

- Next Observer Issue – Larry reports that the next Observer issue will be sent out in April.
- Webmaster status – Larry reports that Josh had sent out an update concerning the Webmaster Status. The costs were as follows: On-line Registration for events - \$1,200 to \$1,400; PDF meeting notes \$200 to \$250; Website Registration \$299; Hosting \$480; and Site Redesign \$1,800 to \$2,400. Thus, the total cost is about \$5,500. The cost details were discussed among the group and whether to perform the site redesign now or in the future. Steve motions to authorize \$5,500 for NHSPE and an additional \$3,000 for web expenditures contingent upon approval by NHJES for web services for NHJES, Paul seconds the motion and the motion is approved by the group.
- NHSPE and NHSPE-EF Bylaws - Matt reports that updates are still pending. The changes to the bylaws will carried into the next BOD calendar year.

4. Professional Development and Continuing Education

March 30, 2010 – Mo Gagnon of LBPA on sustainable master planning/design for civic projects – Larry reports that attendance is very light for this event and he has moved it from the conference room into the general seating area at Fratellos restaurant. Additional notices will be sent out.

April __, 2010 – New PE Dinner – Larry reports that the PE board was not in favor of combining this meeting with the UNH meeting. The date of the PE Dinner were discussed, what date makes the most sense. . Larry suggested a meeting at the end of April or beginning of May. Matt L. suggests combining this dinner with the Lempster Wind Farm presentation.

May 12, 2010 – Ed Cherian of Iberdrola on the Lempster Wind Farm – Larry reports that the Lempster Wind Farm presentation will be held on 12 May 2010.

June 24 - Annual Meeting w/VSPE. Confirmed with NSPE (Sam Grossman) and VSPE (Greg Goyotte) – Larry reports that the date of the joint meeting with VSPE has been set as indicated.

5. Public Image and Student Outreach

- NHSPE John Alger Memorial Scholarship (Steven L.) – Steve indicated that 7 applications have been received thus far. The deadline for the applications is the first week in April and he hopes to receive a few more applications by that time.

- Teacher's Award (Matt L.) – Matt L reports that 13 applications have been received. These applications have been distributed to the other societies for voting. The scoring of the applications is due on 26 March 2010. Matt also indicated that they had raised about \$1,700 this year for the awards, so it should be self-sustaining in the future.
- MATHCOUNTS (Ben /Gregg) – Gregg reports that the MATHCOUNTS was a success this year. Thanks to the leadership of Ben Pratt the competition went smoothly with none of the problems of the previous year.
- Order of the Engineer – Larry suggests combining the Order of the Engineer Ceremony with the Annual Meeting this year.
- Job Shadowing – Larry reports that about 12 volunteers have come forward to assist with Job Shadowing. He forwarded the volunteers names to Judy Houston.
- The Future of the Eweek Banquet - Roch reports that the Eweek banquet was successful this year and the attendance was over 225. This event takes a great deal of effort to put on each year. Craig is going to step down as a lead for Eweek next year but is still interested in helping out. The question was posed should the other societies help in the Eweek planning and implementation. The groups general feeling was that the Eweek banquet should remain as a major function of NHSPE. Roch indicated that support should consist of 1 or 2 people from NHSPE or other organizations in order to assist Roch and Craig.

Steve suggests that the President Elect, who does not have any formal duties, assist with Eweek banquet each year. The President Elect shall designate or find one additional volunteer for assistance with Eweek.

Larry posed the question – How can we make this event better for the students? Other ideas that were discussed include: Meet and greet event for the student; a career fair type event prior to the more formal event; and a PDH event.

6. *Government Affairs*

- ACEC Summary of Interest

Larry reports that HB 1255 – Apportionment of Damages - House Judiciary Committee unanimously approved a recommendation to kill the bill. The bill's main sponsor made a motion to kill the bill. This bill should be dead.

7. *State Society Collaboration*

- October 2010 JES Conf Planning – Roch indicated that they have a good slate of speakers for the JES Conference. Flyers for the conference will be available at the NHDOT Technical Transfer Conference. They hope to go paperless with on-line registration this year, it remains to be seen if this can be accomplished.
- JES Calendar – Costs need to be provided by NHSPE for JES approval. Roch will present the costs of the computer services at the next meeting of JES, he suggested that Josh attend the meeting to present the costs and the services offered. The total cost for the JES is about \$3,000.

8. *Membership*

- Membership Report – Walter presented the membership report, as attached. One new member since last month.

9. *National/Regional & Other Issues*

- State Delegate Report (Paul S.) - Paul indicated that NHSPE needs to designate a HoD representative. The time frame for the new HoD designee is 1 July 2010. At the current time Larry will designate Paul as the HoD representative.
- Northeast Regional Manager Report – Larry indicated that the NE Regional Meeting will be held in Burlington, Vermont this year.
- “March Madness” Web Seminars – Paul presented an overview the Web Seminars that were available in March.
- Unlicensed Practice and NH PE Board Authority or lack thereof – Larry presented at article from the Baltimore Sun concerning unlicensed engineering (Attachment No. 1). Larry posed the question – should be try to do anything about this? Paul indicated that it would require a law change for the NH PE board to do anything about unlicensed engineering since the PE Board only has authority concerning licensed engineers. Larry will draft a letter for Paul's review.
- NSPE State Only Initiative by Some States – Paul indicated that he needs to vote on this issue. This would require by-law changes to allow states to initiate “State Only” memberships.
- Mentor of the Year Award – Paul indicated that NSPE is taking nominations for Mentor of the Year Award, Paul suggested Bill Straub. Dan motions for NHSPE BOD to draft a letter supporting Bill Straub for the Mentor of the Year, Steve seconds, and the motion is carried by the group.

Meeting was ended at 8:06. Respectfully submitted,
John G. DiGenova, P.E.

ATTACHMENT NO. 1

www.baltimoresun.com/business/bal-bz.engineer28feb28,0,4570338.story

NHSPE BOD
Mtg 3/17/10**baltimoresun.com****Faking it****Phony engineers and architects are relatively rare, but they pose a dangerous problem**By Lorraine Mirabella | lorraine.mirabella@baltsun.com

February 28, 2010

Framed professional licenses from three states and a Johns Hopkins University diploma hung on the wall of Lawrence D. Novakowski's office at the firm where he made a six-figure income as an electrical engineer.

But as his bosses, colleagues and clients would find out, the licenses were fake and the diploma likely ordered off the Internet. Novakowski, a 51-year-old Westminster resident, was no engineer, prosecutors now say.

While still rare, instances of employees or contractors passing themselves off as licensed appear to be happening more frequently, perhaps as the recession has driven the unemployed to extremes. State officials say the cases are worrisome because of the potential impact an unlicensed and untrained person could have on the design, construction and upkeep of projects including public buildings, hospitals and schools.

Last week, regulators announced another case in which a Hagerstown man falsely represented himself as an architect and practiced without a license - the third time in less than six months that an investigation by the Maryland Department of Labor, Licensing and Regulation has led to criminal charges for alleged impersonations of design professionals in the state.

The recent spate has alarmed state officials. Jeffrey E. Tuer, an investigator in the department's licensing division, said that credential misrepresentations can be as serious as violent crimes.

"This can be just as deadly," Tuer said. "If [buildings or their systems] fail or collapse, they can be more deadly than a mugger on a street with a gun."

Officials with the state labor department, which oversees licensing of workers ranging from plumbers to cosmetologists, declined to identify employers or building owners duped by unlicensed workers, saying doing so would compromise criminal cases. In the three recent cases, including Novakowski's, officials said the defendants didn't jeopardize safety. The other two cases involve people posing as architects, and their designs weren't used, officials said.

Nonetheless, Stanley Botts, the state's commissioner of occupational and professional licensing, said these cases could undercut public confidence in design professionals.



"Incidents of impersonation of licensed professionals have been rare in the past, but we are hearing about more of them," Botts said. "Any time you have people holding themselves out as professionals in a field they are not qualified to be in, you could have extensive damage."

The state doesn't keep detailed statistics on cases stemming from fake licenses or people posing as professionals, but industry and state sources say anecdotally they have seen more of these situations lately. Still, few complaints to occupational and professional licensing boards have landed in court - just 16 civil or criminal cases were filed in the past four fiscal years.

"It used to be very rare, but we're seeing it more frequently," said Bob Mead, executive director of the Maryland Society of Professional Engineers. "It's always very troubling when it happens, and it's very serious."

He speculated that high unemployment has made some job seekers desperate: "People are having a harder time getting jobs."

In the Novakowski case, none of the three engineering firms where he worked was identified in his November indictment, which charges Novakowski with one count of practicing without a license and two counts of counterfeiting a public seal. Even after he was charged, he continued seeking engineering work, according to the Howard County state's attorney's office, which increased his bond as a result. A trial is set for April 19.

When contacted by phone, Novakowski said the Howard County case has been "an embarrassment to my family," but he declined to comment further. Court records show that over the years, he has been convicted of numerous theft charges in Maryland and Tennessee, and faced a \$77,850 federal tax lien judgment in June. In the latest case announced by state regulators, Anthony Robert Alongi, 48, of Hagerstown was charged with felony theft, falsely representing himself as an architect and practicing architecture without a license. Alongi is accused of collecting close to \$2,000 from a property owner who hired him to design a commercial building renovation in Hagerstown, without knowing he was not licensed.

The third criminal case involves Darren Dewitt Comedy, 50, of Bowie, who was indicted by a Prince George's County grand jury in October on charges of forgery, identity theft, felony theft and practicing architecture without a license.

Comedy is accused of placing the seal of his former college instructor, a licensed architect, on plans submitted to the Prince George's County permits office in February 2009 for a restaurant in Largo. The permits office contacted the licensed architect with questions about the application, and the architect, who had no involvement in the project, contacted the state Board of Architects, which investigated.

Other cases also have involved using another professional's seal. John Markwalter III was fined \$20,000 by the state Board for Professional Engineers in February 2007 after taking a seal and license number belonging to his father and posing as a professional engineer on jobs, including designing a kitchen addition for a home in Anne Arundel County.

Markwalter, an Eastern Shore resident, maintained that he could perform engineering services legally without a license. But an administrative law judge, Kathleen Chapman, disagreed, allowing the state board to impose the penalty.

In December 2006, the state Board of Architects fined contractor Christopher Patete \$20,000 for using his deceased father's architect seal on a structural engineering job in which a garage was improperly attached to a home in Carroll County. And in March 2008, the board issued a \$5,000 fine to Marc A. Harris, who was hired

to complete a professional engineering design on a renovation project and used the architect license of a former employer.

"This does happen, and it happens in all professions," said Arthur Schwartz, deputy executive director of the National Society of Professional Engineers. "It's of great concern. We're deeply concerned about any individual who does not have an engineer's license and who holds themselves out as a professional engineer and a practicing engineer. Engineers are so deeply involved in protecting the public health and safety."

The Novakowski case became a top priority for Tuer, a former Philadelphia police officer, after the state engineer board referred the case in early November.

An engineering firm, which Tuer would only describe as having several U.S. locations, had discovered after hiring Novakowski and checking the state's license database that his license number wasn't on file. Novakowski was fired, Tuer said.

During his time at that firm, Novakowski was hired to work as a forensic engineer troubleshooting problems with electrical structures in government and private-sector buildings, Tuer's investigation found.

"When they would fail or catch on fire, he would look at why they failed or caught on fire," Tuer said. Novakowski was scheduled to give expert testimony in court regarding an electrical fire, Tuer said, but that was cut short by the investigation.

After being fired by that firm, Novakowski was hired by a second firm, another reputable and large firm in Maryland, Tuer said. Again, after a short time, it was discovered that Novakowski was not licensed.

"But then he was picked up by a third company," Tuer said.

That company checked his license and discovered it was not valid, Tuer said. When confronted, Novakowski had an explanation, Tuer said. He presented his employer with a letter, purportedly on state labor department letterhead on behalf of the state engineer board, saying the license was to be reinstated in August. Tuer said the letterhead was fake, the sender's name invented. When asked to present his university transcript, he provided a fake Hopkins transcript, most likely ordered off the Internet, Tuer said.

"If you didn't go to Hopkins, it looks like a real transcript," Tuer said. He believes Novakowski had researched the Hopkins engineering program so thoroughly that he was able to accurately list all the courses required to get a degree. He is accused of using a license number once held by someone else, who Tuer believes is either long retired or dead.

Tuer is unable to say, beyond the fake credentials, how Novakowski managed to pass himself off as an engineer in the workplace and with co-workers. He said he believes Novakowski has had no formal college education. Tuer was not able to verify Novakowski's statements to him about serving in the Marine Corps or working as an electrician.

Mead, of the professional engineer society, said Novakowski might have worked in positions that did not require day-to-day supervision. "There are a lot of people who can just fool everybody for a long time," Mead said. "And he apparently fooled three engineering firms."

Mead said he suspects more cases of undetected fraud may be out there.

"If someone thinks they're hiring a reputable firm, and they end up with someone posing as an engineer, that's doubly disturbing," he said.

What you should know about hiring professionals

- The Division of Occupational and Professional Licensing, part of Maryland's labor department, suggests that consumers and employers check whether a person or business is licensed before hiring them for a job.
- The division regulates and licenses architects, interior designers, public accountants, cosmetologists, home improvement contractors, heating and air conditioning contractors, landscape architects, surveyors, master electricians, plumbers, professional engineers, real estate appraisers and home inspectors.
- You can search licenses online by name, location or license registration number.
- For a complete list and more information, go to www.dllr.maryland.gov/pq/.

Copyright © 2010, The Baltimore Sun

NCEES Licensing Boards Survey

What specific action(s) can your board take or initiate against non-registrants involved in the practice of engineering or surveying?

Alaska PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
Alabama PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
Arizona PE Board	<i>No response</i>
Arkansas PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
California PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
Colorado PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
Connecticut PE Board	Injunctive proceedings
District of Columbia PE Board	<i>No response</i>
Delaware LS Board	Injunctive proceedings, Referral for prosecution, Administrative fine
Delaware PE Board	Referral for prosecution
Florida LS Board	Referral for prosecution, Injunctive proceedings, Administrative fine
Florida PE Board	primarily cease and desist
Georgia PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
Guam PE Board	Referral for prosecution, Administrative fine, negotiate a settlement of the charges
Hawaii PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
Iowa PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
Idaho PE Board	Injunctive proceedings, Referral for prosecution
Illinois LS Board	Referral for prosecution, Administrative fine
Illinois PE Board	None, The Board is advisory, not regulatory. The Department can fine and refer to prosecution.
Illinois SE Board	<i>No response</i>
Indiana LS Board	<i>No response</i>
Indiana PE Board	None
Kansas PE Board	Administrative fine, and collection of the Board's costs

Kentucky PE Board	Injunctive proceedings
Louisiana PE Board	Administrative fine
Massachusetts PE Board	Other
Maryland LS Board	Referral for prosecution, Administrative fine
Maryland PE Board	Referral for prosecution, Administrative fine
Maine LS Board	Referral for prosecution, REferred to the AG's Office
Maine PE Board	Referral for prosecution
Michigan LS Board	Unlicensed activity cases are referred to the local police department or county prosecutor.
Michigan PE Board	Unlicensed activity cases are referred to the local police department or county prosecutor.
Minnesota PE Board	Cease and Desist Orders, Civil Penalties
Missouri PE Board	Injunctive proceedings, Referral for prosecution, We have pending legislation that, if passed, would give the Board the authority to assess a civil penalty.
Northern Mariana Islands PE Board	<i>No response</i>
Mississippi PE Board	Injunctive proceedings, Referral for prosecution
Montana PE Board	Injunctive proceedings, Administrative fine
North Carolina PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
North Dakota PE Board	Referral for prosecution, The action would be referred to the state's attorney in the case of a complaint against non registrant
Nebraska LS Board	None
Nebraska PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
New Hampshire LS/PE Board	None
New Jersey PE Board	<i>No response</i>
New Mexico PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
Nevada PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
New York PE	Injunctive proceedings, Referral for prosecution, Administrative fine

Board Ohio PE Board	Injunctive proceedings
Oklahoma PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
Oregon PE Board	<i>No response</i>
Pennsylvania PE Board	<i>No response</i>
Puerto Rico PE Board	<i>No response</i>
Rhode Island LS Board	Injunctive proceedings, Referral for prosecution, Administrative fine
Rhode Island PE Board	None
South Carolina PE Board	Injunctive proceedings, Board can issue Cease and Desist Order and ask for a Temporary Restraining Order to be issued by an Administrative Law Court judge if the C&D is violated.
South Dakota PE Board	Injunctive proceedings, Administrative fine
Tennessee LS Board	<i>No response</i>
Tennessee PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine
Texas LS Board	Injunctive proceedings, Administrative fine
Texas PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine, The most common is Administrative Fine. The other two would only occur in extreme cases of non-compliance or non-response.
Utah PE Board	<i>No response</i>
Virginia PE Board	Cease and desist., Referral for prosecution, Administrative fine
Virgin Islands PE Board	<i>No response</i>
Vermont LS Board	<i>No response</i>
Vermont PE Board	Referral for prosecution, Administrative fine
Washington PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine, Initially we will issue a Cease and Desist. We may also assess a citation of up to \$1,000 per day.
Wisconsin PE Board	None, The Secretary of the Wisconsin Department of Regulation and Licensing can seek injunctive action against persons who are alleged to be involved in the practice of engineering or surveying.
West Virginia LS Board	Injunctive proceedings, Referral for prosecution, Administrative fine

West Virginia PE Board	Injunctive proceedings, Referral for prosecution, Administrative fine, Administrative civil penalty and costs
Wyoming PE Board	Injunctive proceedings