

**December 11, 2013**  
**LANDSCAPE IRRIGATION CONTRACTORS**  
**EXAMINING BOARD**

The Landscape Irrigation Contractors Examining Board held their meeting at the NJ Turf Grass Expo, Trump Taj Mahal, Atlantic City, NJ. George McCarthy called the meeting to order at 3:05 p.m. The following members were in attendance:

**MEMBER**

**AFFILIATION**

Robert Dobson	Middletown Sprinkler
George McCarthy	Spring Irrigation Co Inc.
William Frederick Rapp	Atlantic Irrigation Specialties
Ken Scherer	Hillsborough Irrigation
Gaetano Virone	Environmental Designers Irrigation

Michael Schuit, DAG was also in attendance.

George McCarthy read the Open Public Meetings Act statement for the Landscape Irrigation Contractors Examining Board and announced that adequate notice of this meeting had been provided to the Secretary of State and designated newspapers, as well as posted in DEP.

Both the open and closed session minutes from the November 20, 2013 meeting were previously reviewed and approved by the board.

Art Elmers from Netafim asked when the public comment period is over, Michal Schuit responded with the details.

John Raffiani asked what penalties are being issued to multiple offenders. George McCarthy responded that if a person is found in violation once, its handled as a 1<sup>st</sup> time violation, if the same person is found in violation for multiple offenses, than the penalty is stepped up.

John Raffiani commented that websites are not being taken down. Michal Schuit replied that 75% of the violators that have been notified have taken them down, and that is considered exceptional. George McCarthy added that all known website violators are sent notices requesting them to take down their websites.

John Raffiani asked what the most severe penalty possible is? Robert Dobson replied the worst penalty in recent history is approx. \$1000, however, Robert Dobson says he has seen fines assessed for much higher than this in the history of the board's existence.

Eric from Central Jersey Irrigation asked if he could volunteer to be an inspector. George McCarthy replied that he could not officially volunteer as an inspector, but taking action and sending in notices is in effect a form of being a volunteer inspector.

Gaetano Virone commented that the board does not receive too many videos or photo's as proof of violations.

George McCarthy added the NJIA form is only the minimum required info needed for the board to take action.

Wade Slover, from NJIA Board commented that the NJIA is taking note, and that additional info can be added to the current form.

Eric from Central Jersey Irrigation asked if anything can be done to track and report violators by vehicle license plates? George McCarthy replied No.

Phil Hays, Evergreen Lawn Sprinkler, asked if the board had a way to cross reference licensed individuals by Company or Employer?

George McCarthy responded that the future business permit will do that because each business permit holder has to list their license holder by name.

Robert Dobson added that additional strengths of the pending Act have not yet been able to be utilized because the new rules and regs. are not officially adopted as of yet.

Phil Hays then asked if the business permit is going to be renewed every year. George McCarthy replied, No, it will be renewed every 2 years.

George McCarthy mentioned that the 2010 law required CEC's, However, logistics for them are part of the new rules and regs. As a result, anyone renewing in Jan 2014 will not have to submit CEC's. Robert Dobson then added if CEC's have been previously submitted that they are still on file, and will count towards future renewals.

George McCarthy mentioned that the new rules are close to acceptance, and what's left are just formalities and they will be accepted soon. Robert Dobson added that these are the most scrutinized rules and regs to date in the history of the Board. Michael Schuit mentioned that the October 21, 2013 proposed rules comment period is still in effect and that everyone should please review and comment.

Phil Hays asked for the website, Michael Schuit offered the web address for the LICEB site.

Robert Dobson added that part of the process is that the board will have to review and approve any comments that come in during the comment period.

Art Elmers asked if the look back period on CEC's for individuals having more than required will be carried over? George McCarthy responded that some of these can be carried over.

John Eiger from Northern Rain Irrigation asked who keeps track of the CEC's?

George McCarthy replied that it is the applicants responsibility to keep track, not the board's, however, they must be submitted to the board as proof, so keep your certificates organized in a file.

Eric from Central Jersey Irrigation asked How many violations were issued in 2013? George McCarthy responded that the bulk of the 2013 complaints were advertising, and that the board only reviewed a couple of actual practice cases.

John Raffiani asked how long a period does it take for the board to review and act on between 1<sup>st</sup> and 2<sup>nd</sup> violations for repeat offenders? Gaetano Virone responded that recently the board has taken longer than normal because so much time was dedicated to reviewing and updating the rules and regs, and it will definitely be quicker going forward once the new rules are adopted. George McCarthy added that based on the board's meeting schedule the quickest it would be is 60 days, and could take up to 6 months.

John Raffiani asked if anyone new if violators were charging sales tax? He wonders if there was a way to track that as proof. George McCarthy replied that the board has no way of tracking that.

Joe from Quench Irrigation mentioned that he had a Landscaper using a link to his website address without his permission. George McCarthy followed that if someone gets turned in, the board investigates the situation, and sometimes it's just a reference to irrigation, not actually advertising irrigation services, and that would not be a violation.

Gary Amos, John Deere Landscapes, brought up that he knows lots of Landscapers who cannot get their licenses because they own their own businesses and have no way to get the required 3 year internship experience. George McCarthy replied that any Landscaper can hire a licensed person as an employee, and comply, and they could intern under that person for 3 years. Robert Dobson responded saying that doing otherwise means they are in violation and ignoring the law.

Sam Bello – Bello Irrigation stated that he thought at one point in the past it had to be the business owner who held the license. George McCarthy replied that one does not have to be the owner and that a licensed employee would count.

George Ley, or George E Ley Irrigation, Pennsylvania, commented that he works in many states, and that in Rhode Island

they have a license law, but someone from out of state can apply to be an apprentice for one year, and then when that period is up, they can take the test, so there is a way for a company to get licensed without having an employee on staff. Robert Dobson added that he thought Rhode Island's license was administered through the Plumbers. George Ley responded yes, it is a plumbing license, but it's not so restrictive.

George McCarthy mentioned that out of 26 recent NJ applicants who sat for the exam, that only 6 actually passed.

Eric at Central Jersey Irrigation mentioned a situation he was familiar with where a curb contractor ripped out existing irrigation in the process of installing new curbing. The curb contractor was retained by the owner to repair the irrigation. George McCarthy commented that the contractor would need a license to make these kinds of repairs.

Gary Amos mentioned that many Town inspectors are not aware of the license requirement, and how can the Board get more exposure on this with Towns? George McCarthy responded that it's better for the Board to deal with DCA and have them promote the requirements.

Sam Bello, Bello Irrigation suggested the Board make a motion to have letters sent to DCA and every municipality in the State.

Gary Amos asked if LICEB can work towards standardizing municipal permit process. George McCarthy responded that the board has no power to do that.

Gary Stafford asked how plumbers can be licensed to do irrigation if they don't know a thing about irrigation and are never tested. George McCarthy explained that any plumber can install irrigation with a valid plumber's license. Gary Stafford replied that permits are being taken out for backflow devices and rain sensors, but there is no permits required for irrigation itself. Robert Dobson mentioned that years ago there was some discussion with DEP about removing the plumber's exemption, and he thought that may still be a bargaining point that could be investigated.

Gary Stafford asked if there is a procedure to investigate violators. George McCarthy responded that the Board doesn't investigate anyone until there is a formal complaint filed, and that the Board's investigators are only dispatched if further information is needed to confirm a case.

Joe from Quench Irrigation asked how does the irrigation industry fight plumbers? There are 600 irrigation contractors in NJ and over 10,000 plumbers.

Eric from Central Jersey Irrigation mentioned that plumbers are not exempt from low voltage electric permits (like irrigation contractors) if a Town requires an electric permit for that. If that happens, a plumber cannot install irrigation. George McCarthy replied that is correct.

Robert Dobson asked the audience how many of them were listed on "Angie's List"? Members of the audience replied that Angie's list does not check for licenses, and the general consensus was that it discredits the service.

George McCarthy stated that the 2015 CEC Requirement will be in effect by January 2015.

Eric from Central Jersey said the Board really needs the ability to track violators by license plates. He felt that would be a much more effective way of catching violators. Robert Dobson stated that the Board is not a police force, and that we have no authority to enforce like other entities in DEP, like Pesticide's. Robert Dobson also added that LICEB is "of" the DEP, but not "in" the DEP.

A motion to adjourn the meeting was made by Ken Scherer and seconded by Fred Rapp @ 4:42pm.

Respectfully Submitted,



George McCarthy, Chairman  
Landscape Irrigation Contractors Board