

**September 23, 2014**  
**LANDSCAPE IRRIGATION CONTRACTORS**  
**EXAMINING BOARD**

The Landscape Irrigation Contractors Examining Board held their meeting at the DEP Complex, Trenton, NJ. George McCarthy called the meeting to order at 10:45 a.m. The following members were in attendance:

**MEMBER**

**AFFILIATION**

Linda Cantwell	NJDEP
Robert Dobson	Middletown Sprinkler
George McCarthy	Spring Irrigation Co Inc.
Ken Scherer	Hillsborough Irrigation
Gaetano Virone	Environmental Designers Irrigation

**Absent**

William Frederick Rapp	Atlantic Irrigation Specialties
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Linda Cantwell 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.

A discussion was held concerning the continuing education credit (CEC) process. There are many contractors due to expire on January 31, 2015 that have not submitted CECs. In addition, there are contractors due to expire that do not have sufficient credits to renew their certification. Staff will prepare correspondence to contractors expiring in January 2105 that have not submitted CECs. Once a list has been compiled, individuals expiring in 2015 that do not have sufficient credits to renewal of their certificate should also be notified.

The Board was informed that 145 business permit applications have been received and issued. A discussion was held and it was agreed to send out a second notice reminding contractors of this requirement.

Bob Dobson suggested that an audit be done of the courses previously for consistency purposes. At that time it will be determined whether or not attendees will receive credits in water conservation.

A discussion was held with regard to canvassing areas looking for uncertified contractors. Since uncertified individuals may be in the process of closing irrigation systems, this would be a good time to investigate.

Bob Dobson reported that the CEC tracking software should be available in about 45 days

The IANJ has offered to post a list of the audit we have done. The Board motioned and approved to publish a list of all credits with the IANJ.

Staff have identified contractors with expired certifications that are still eligible to renew their certificate but have not provided CEC information.

The Board should encourage course providers to submit proof of CECs as the classes are completed. This will allow for the review of one class with many attendees.

As discussion was held concerning whether or not water conservation (WC) credits should be given to courses previously approved. It was agreed that the backflow courses would be given no WC credit. A discussion was held concerning basic courses verses advanced courses and whether or not basic course should be assigned any WC credits. Courses will be evaluated for WC credits as 0-50 percent; 100 percent. The Contractor Review Course should fall in the 50 percent category.

Bob Dobson left at 11:00

Annie Loh arrived at 11:11

Bid packages were sent to Intrepid Investigations, Excel Investigations, Dylan Group LLC, and Investigative Solutions LLC. Excel Investigations and Dylan Group LLC were returned as undeliverable. Staff contacted both companies via email. Excel Investigations provided updated contact information and indicated that they were interested in responding to the bid. As a result the bid package was resent via email. Dylan Group LLC did not respond to the email. On September 15, 2014 DiJoseph Investigations contacted staff via email indicating that they were interested in submitting a bid. The bid package was emailed to them.

The Board reviewed the responses to their bid solicitation for an enforcement contractor (Investigative Solutions LLC and DiJoseph Investigations.) Based on a review of the information submitted, the members motioned and accepted the lowest bidder. As a result, Investigative Solutions LLC was awarded to contract.

A discussion was held with regard to assigning the enforcement contractor areas to canvass in search of uncertified individuals closing irrigation system. A sub-committee would meet with the enforcement contractor to communicate the process and discuss the locations to be investigated. The members were reminded that the enforcement contract would not be in effect until it has been signed. The anticipated date would be September 30<sup>th</sup>.

The open and closed session minutes July 23, 2014 meeting were reviewed and accepted as presented.

The treasurer's report was reviewed and accepted as presented

The Board was informed that 623 reminder notices were sent concerning the business permit process. In addition 145 business permits have been issued and one application is pending.

The Board voted to enter into a closed session in order to discuss enforcement matters at 10:50 a.m. Whereas the Open Public Meeting Act provides that a public body such as the Landscape Irrigation Contractors Examining Board may meet in closed session to discuss "any investigations of possible violations of law" and any pending or anticipated litigation; Whereas the Board desires to retire to closed session to discuss possible violations of law and litigation matters; Now therefore, be it resolved that the Board shall at this time meet in closed session to discuss the above mentioned matters. The substance of the closed session will be disclosed publicly only when it will not impede the State's ability to investigate the possible violation of law in question or participate in the litigation or breach an attorney-client privilege.

George McCarthy informed the Board that the Irrigation Association of NJ (IANJ) sent out their Summer Technical Bulletin. The Bulletin included a backflow course which indicated that this course was eligible for water conservation credits. It was noted that this course did not go through the Board's approval process. As a result of telephone conversations with Mr. McCarthy, Guy Virone contacted Roy Nau (IANJ) and the water conservation credits have been retracted.

A discussion was held with regard to a Board member becoming a liaison with the IANJ's Board. Guy Virone will follow up with the IANJ.

Based on an investigation, the Board agreed to close cases 614, 747, 657, 717 and 692A. Settlement offer letters will be issued to cases 700, 508, and 445 for advertising without a business permit. A settlement offer letter will be issued to case 740 for working without a business permit.

The Board was informed that a report of the business permits has been developed, but is currently not available to the public. Staff has expressed concerns that due to the fact that only 145 business permits have been issued, and influx of complaints could be received due to the fact the a business permit has not yet been applied for.

The Board reviewed and approved applications for the October 2014 examination as follows:

14 repeats, 4 reapplications and 10 initials

There being no further business to discuss, the meeting was adjourned at 2:50 pm.

Respectfully Submitted,

George M. McCarthy, Chairman  
Landscape Irrigation Contractors Board

Closed Session Minutes  
September 23, 2014

Mark Fornale (case 747) – After a review of the case file, the Board agreed to close this matter. It appears they may not be doing irrigation work.

Gregory's Landscaping (case 753) – This matter will be referred to the enforcement contractor to verify they have removed the labeling from their truck.

JC Landscape (case 700) – After a review of the case file, the Board agreed to issue a fine \$1000.00 with \$500 settlement offer for advertising without a business permit.

Atlantic Landscapes LLC (case 657) – Based on an investigation and review of the case file, this case will be closed.

Brick by Brick (case 692) – Based on an investigation and review of the case file, this case will be closed.

American Beauty (case 508) – After a review of the case file, the Board agreed to issue a fine \$1000.00 with \$500 settlement offer for advertising without a business permit.

M&D Landscaping (case 717) – Verify that the website has been shut down. If not issue standard fine \$1000.00 with \$500 settlement offer

Ocean Irrigation – (case 740) – After a review of the case file, the Board agreed to issue a fine \$1000.00 with \$500 settlement offer for working without a business permit.

Harold Ornstein – (case 639) – Refer to the enforcement contractor for further investigation.

Montvale – (case 445 ) – After a review of the case file, the Board agreed to issue a fine \$1000.00 with \$500 settlement offer for advertising without a business permit.

Aqua Turf – (case 614) –Based on a review of the case file, the Board agreed to close this case file. They now have had a certified contractor.

Respectfully Submitted,

George M. McCarthy, Chairman  
Landscape Irrigation Contractors Board