

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

MINUTES

FINAL

February 22, 2011

4:00 p.m. Public Hearing Room, DEP, Trenton

Board Members:

Present: Chairman Dave Sweeney, Jorge Berkowitz, Philip Brilliant, Richard Dewling, Lawra Dodge, Christopher Motta, Karl Muessig, Michael Pisauro (arrived at 4:20), Constantine Tsentas, Ira Whitman

Absent: Joann Held

Others Present: Board Liaison Karen Hershey, DAG Kimberly Hahn, Assistant Director George Klein.

Proceedings:

- Meeting called to Order by the Chairman at 4:07 P.M.
- Statement by the Chair that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of February 7, 2011 minutes.
 - Motion by Richard Dewling to accept minutes, seconded by Lawra Dodge; passed unanimously.
- Chairman's Report
 - Regarding the two vacancies on the Board, the Commissioner recently met with the Governor's office to discuss the appointment of Ben Alter. The Governor's office is working on a resolution with Senator Rice. As for the Academic position, we are waiting for the Commissioner to give the approval to recommend Robert Mutch to the Governor's office.
 - The Attorney General's Office is working on formalizing the legal opinion regarding the Board's ability to take action prior to the promulgation of rules.

- Committee Reports
 - Rulemaking (no formal action taken): Jorge Berkowitz reported for Joann Held on the progress of the Rulemaking Committee.
 - Jorge Berkowitz reported that the Rules Committee made further revisions to the disciplinary flow chart; the Professional Conduct Committee is now included as part of the process.
 - Chairman Sweeney clarified that rules including process would be vetted in stakeholder process. Committee should be prepared to hear pros and cons of the proposed process.
 - DAG Hahn clarified hearing process and the role of the Administrative Law Judge as the hearing officer.
 - Complainant Confidentiality: Ongoing discussion of confidentiality regarding the complainant and the usefulness in knowing what other boards do.
 - Audit Committee (no formal action taken): Phil Brilliant reported on the progress of the Audit Committee.
 - Phil Brilliant asked the Board to please send him comments on the audit questionnaire.
 - The next meeting of the Audit Committee is on February 28.
 - Continuing Education (no formal action taken): Lawra Dodge reported on the progress of the Continuing Education Committee.
 - Lawra Dodge stated that the effort of the Continuing Education Committee should be in sync with the Rules Committee.
 - Ira Whitman stated that the Continuing Education Committee should drive the content of the rules, rather than the Rules Committee developing the content.
 - Chairman Sweeney stated that portions of the rules should be delegated to the various committees to develop the content.
 - Website/Outreach: Chris Motta reported on progress of the web site.
 - Chris Motta asked the Board to please submit comments on the Vision statement, Function and Program Overview portion of the web site by February 25.
 - Chairman stated that the Board need not vote on every matter of content regarding the web site; the Outreach Committee can make changes on its own.
 - DAG Hahn advised that the Board need only vote on substantive content issues; minor changes are fine.
 - Motion by Richard Dewling to accept Vision statement; seconded by Phil Brilliant; passed unanimously.

- Ongoing Business
 - The Chairman nominated the following Board members to serve on the committees noted below pursuant to the Bylaws:
 - Licensure-Ira Whitman (Chair), Phil Brilliant, Karl Muessig, Constantine Tsentas, Richard Dewling
 - Professional Conduct-Jorge Berkowitz (Chair), Joann Held, Mike Pisauero, Lawra Dodge, David Sweeney
 - Finance-Richard Dewling (Chair), Chris Motta, Constantine Motta, Karl Muessig
 - Motion by Karl Muessig to establish the committees noted above; second by Mike Pisauero; passed unanimously.
 - Pending Legal Issues: DAG Hahn stated that her office is working on the formal opinion request noted in the Chairman's report above. The DAG also clarified that committee work product is privileged until such time as it is made available to the Board for discussion at a Board meeting.
- New Business
 - None
- Public Comment
 - Andrew Robins, Attorney, Sills Cummis & Gross, made the following inquiry:
 - Is there a timeframe for the rules, stakeholder review and schedule for the Board exam?
 - Chairman commented that there is no timeframe for the rules, the stakeholder review will be posted on Board's website and the exam may be in place by May 2012.
 - David Rubin, DEP, commented as follows:
 - If LSRP make a mistake is this considered a violation of professional conduct? What if mistakes are continuous?
 - Jorge Berkowitz stated that a mistake may not be a violation of professional conduct but a consistent pattern of errors could be; consistent errors should be tracked.
 - Chairman stated that the Board needs to think about how to best address public comments.

- Motion by Mike Pisauro to adjourn at 6:15; seconded by Jorge Berkowitz and passed unanimously.