

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

September 6, 2011 Meeting

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

Board Members:

Present: Chairman David Sweeney, Philip Brilliant, Jorge Berkowitz, Richard Dewling, Lawra Dodge, Joann Held, Christopher Motta (participated by phone until 5:00), Michael Pisauro, Constantine Tsentas, Ira Whitman.

Absent: Karl Muessig

Others Present: Caviart President Buck Chaffee, Board Liaison Karen Hershey, DAG Kimberly Hahn, Director Tony Farro, Executive Assistant David Haymes

Proceedings:

- Meeting called to Order at 4:05 by Chairman Sweeney.
- Statement by Chairman Sweeney that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of August 8, 2011 minutes.
 - DAG Hahn noted a correction in the spelling of the first name of the DAG who substituted at the August 8 meeting; Joann Held asked that the regulatory citation concerning Christopher Ball's comments be clarified.
 - Motion by Constantine Tsentas to accept minutes as amended, seconded by Richard Dewling; passed unanimously.
- Chairman's Report
 - The Chairman introduced the exam contractor, Buck Chaffee of the Caviart Group who gave a presentation about development of the LSRP exam.

- Committee Reports
 - Professional Conduct: Jorge Berkowitz reported on the progress of this Committee.
 - Jorge Berkowitz made a motion to request that the Board enter into closed session to discuss a disciplinary matter; seconded by Constantine Tsentas; passed unanimously.
 - Board reconvened following closed session meeting; Jorge Berkowitz led discussion about confidentiality and anonymous complaints.
 - Chairman Sweeney directed Jorge Berkowitz and Mike Pisauro to send Karen Hershey any documents they wish to share with the Board concerning the pros and cons of anonymous complaints; Karen Hershey will then distribute these documents to the Board.
 - Audit Committee: Phil Brilliant reported on the progress of the Audit Committee:
 - Phil Brilliant reported that the Committee had considered all of the comments received during the Open Forum on May 17 and written comments received prior to that forum; the Committee has since prepared a revised Audit Process and Questionnaire to reflect those comments.
 - Phil Brilliant indicated that the LSRPA submitted additional comments on these items (via letter to the Board) on September 6, noting that the deadline for submitting comments had passed.
 - Phil Brilliant and Chairman Sweeney led a discussion about whether to take Board action on these items or extend the comment period.
 - Motion by Phil Brilliant to extend comment period on the audit items to September 20; seconded by Mike Pisauro, motion failed to pass with 6 voting in favor and 3 voting against the motion. Note: Pursuant to SRRA, 7 affirmative votes are needed for the Board to pass a motion.
 - Motion by Mike Pisauro to extend the comment period on the audit items to September 20 with the Board being prepared to take action at the October 3 meeting; seconded by Jorge Berkowitz, passed unanimously.
 - An announcement about extending the comment period will be posted on the Board's web site and a listserv message will be distributed via the DEP.

- Licensure: Ira Whitman reported on the progress of the Licensure Committee.
 - The Open Forum to take comments on the working draft of licensing issues took place on August 22nd; multiple oral and written comments were received; all the comments were considered; a revised draft was prepared to reflect these comments.
 - Motion by Ira Whitman for the Board to approve licensing issues, seconded by Richard Dewling; motion failed to pass with 6 voting in favor and one against. Pursuant to SRRA, 7 affirmative votes are needed for the Board to pass a motion.

- Continuing Education (no formal action taken): Lawra Dodge reported on the progress of the Continuing Education Committee.
 - Lawra Dodge reported that the Continuing Education Open Forum took place on August 31 and comments were being accepted until today, September 6.
 - The Committee is reviewing the comments and will prepare a revised draft of recommendations for discussion by the Board.

- Website/Outreach (no formal action taken): Lawra Dodge reported on the progress of the Outreach Committee for Chris Motta.
 - The Committee is reviewing the Finance Committee's request to evaluate staffing needs.
 - The Public Involvement Statement is on the Board's web site.
 - Committee continues to work on developing an online based tracking system for an LSRP to track and verify continuing education courses.

- Finance Committee (no formal action taken): Dick Dewling reported on the progress of the Finance Committee.
 - Richard Dewling led discussion about budget and handout that was emailed to Board members; handout described proposed budget items and list of activities.
 - Board members were advised to send comments to Richard Dewling on these items by September 13, 2011.

- Rulemaking (no formal action taken): Joann Held reported on the progress of the Rulemaking Committee.
 - Joann Held reported that a rule outline has been created and that the Committee plans to hold weekly meetings to keep the rule drafting on track.

- Ongoing Business
 - None
- New Business
 - None
- Public Comment
 - Bob Spiegel, Edison Wetlands Association
 - Noted dissatisfaction with being unable to ask questions of the exam contractor.
 - Questioned why the Board entered into closed session and how long the identity of the LSRP in question would remain confidential.
 - Supports anonymous complaints.
 - David Pringle, New Jersey Environmental Federation
 - Noted that there appears to be a double-standard that protects LSRPs, but not the public.
 - Mark Silver, LSRP
 - Regarding the issue of anonymity, SRPLB should be consistent with other Boards.
 - Exam should not be offered until rules and guidance documents are promulgated and finalized.
 - Roger Ferguson, LSRPA
 - Reiterated comments about audit process contained in September 6 letter to the Board from the LSRPA.
 - Ted Toskos, LSRPA
 - Stated that number of individuals assisting exam contractor with the Job Analysis should be broader.
 - Regarding audit, LSRPs should be aware of the ramifications of answering yes or no to the audit questions.

- Bob Spiegel, Edison Wetlands Association asked to speak again.
 - Stated that Board should adopt whistleblower protection for those that submit anonymous complaints.
 - Subject matter experts should be required to sign non-disclosure agreements promising not to divulge contents of exam or coach examinees on the exam; Director Farro confirmed that such an agreement is required of a subject matter expert.
- Jonathan Berg, representing himself
 - Described his understanding of DEP hotline process regarding anonymous complaints and call-ins.
 - Stated that the Board should make all documents under discussion available to the public
 - LSRPs should have to report unadjudicated actions as part of audit process.
- Richard Katz, LSRP
 - Board is supported by fees, not public dollars.
 - LSRPs should be protected from frivolous complaints.
 - Board needs to do better with parliamentary matters.
- Motion by Mike Piasauro to adjourn at 7:27 p.m.; seconded by Jorge Berkowitz and passed unanimously.