

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

December 3, 2012 Meeting Minutes

4:30 p.m., Public Hearing Room, DEP, Trenton

Board Members:

Present: Jorge Berkowitz, Phil Brilliant (by phone), Lawra Dodge (by phone), Joann Held, Karl Muessig, Mike Pisauro, Dave Sweeney, Constantine Tsentas, Ira Whitman

Absent: Richard Dewling, Christopher Motta

Others Present: Board Secretary Karen Hershey, DAG Kimberly Hahn, Executive Assistant David Haymes

Proceedings:

- Meeting called to Order at 4:30 by Chairman Sweeney.
- Statement by Chairman Sweeney that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of the November 19, 2012 minutes.
 - Motion by Ira Whitman to approve November 19 minutes as amended, seconded by Constantine Tsentas; approved unanimously except for Karl Muessig who abstained due to absence at the November 19, 2012 meeting and Mike Pisauro who arrived just after vote taken to approve the minutes.
- Chairman's Report
 - The Chairman discussed taking up a collection and buying something nice for Henry for the Holidays.
 - The Chairman reported that he received a letter from an exam candidate regarding the truncated questions on the November 15, 2012 exam; the letter was responded to by Assistant Director Frank Pinto who is the DEP liaison to the exam contractor. All the test takers from the November exam were issued a statement by the Contractor explaining how the exam is scored and how erroneous questions are handled. The Chairman then indicated to Ira Whitman that he was free to discuss further in his Licensing Committee report.
- Committee Reports

- Audit: A report was given by Committee Chair Phil Brilliant on behalf of the Audit Committee.
 - Phil Brilliant reported that five more audit questionnaire recipients were selected for December.

- Continuing Education: A report was given by Committee Chair Lawra Dodge on behalf of the Continuing Education Committee.
 - Lawra Dodge made a motion to approve the following six pending course approval requests:
 - *Rutgers Office of Continuing Education, Ecological Risk Assessment, 5 Regulatory and 5 Technical CECs.
 - *Rutgers Office of Continuing Education, Advanced Petroleum, 7 Technical CECs.
 - *Rutgers Office of Continuing Education, Environmental Forensics, 6 Technical CECs.
 - *AEHS Foundation Inc. 28th Annual International Conference on Soils, Sediments, Water and Energy, 1 Technical or Regulatory CEC per hour of instruction for eligible sessions; half CEC per hour for eligible platform sessions.
 - *NJDEP, Child Care Licensing and School Requirements, 3 Regulatory CECs.
 - *Rutgers Office of Continuing Education, Underground Storage Tanks, 6.5 Regulatory CECs.
 - Seconded by Constantine Tsentas, motion adopted after debate, all present voted Yes except for Phil Brilliant who abstained on the DEP child care course because he is a presenter at that course.

- Finance: Committee Chair Dewling absent, no report.

- Licensure: A report was given by Committee Chair Ira Whitman on behalf of the Licensure Committee.
 - Motion by Ira Whitman to approve for examination the individuals named in the December 3, 2012 list of LSRP Exam Candidates Submitted for Board Approval.
 - Seconded by Constantine Tsentas; motion adopted after debate (9Y,0N, 2 Absent, abstentions as noted).
 - Roll call vote as follows:
 - Berkowitz-Abstain as to Jacob Surowiecki, all others Y
 - Brilliant- Y
 - Dewling-Absent
 - Dodge- Y

- Held-Y
 - Motta- Absent
 - Muessig-Y
 - Pisauro-Y
 - Tsentas- Y
 - Whitman-Y
 - Sweeney-Y
- Ira Whitman also discussed the Welcome Package that was mailed to new Permanent LSRPs in September, the truncated questions on the November 15 exam, the Licensing Committee’s evaluation of a method for reviewing permanent LSRP applications going forward, and issues relating to terminating the temporary licenses of those who fail the exam three times.
 - Ira Whitman then made the following motion: Based upon the Board’s previously approved policy regarding termination of a temporary LSRP’s license following three unsuccessful attempts to pass the exam, the Board hereby recommends to DEP that it implement this policy by sending notification to those that have failed the exam three times that their license is terminated effective the date of the letter. The letter shall be delivered when the exam contractor delivers the exam results to the candidates.
 - Seconded by Jorge Berkowitz, motion adopted after debate, all present voted Yes.
- Website/Outreach: Committee Chair Motta absent, no report.
 - Professional Conduct: A report was given by Jorge Berkowitz on behalf of the Professional Conduct Committee.
 - Jorge Berkowitz updated the Board on the activities of the Professional Conduct Committee, noting that the Case Summaries are posted on the Board’s web site.
 - Rulemaking: A report was given by Joann Held on behalf of the Rulemaking Committee.
 - Joann Held reported that Subchapters 2, 6 and 7 are on the Board’s web site, and she gave a status report on the progress of some of the other subchapters including Continuing Education and Fees.
 - Confidentiality and Release of Public Information (Ad Hoc): A report was given by Committee Chair Mike Pisauro on behalf of the Committee.
 - Committee Chair Mike Pisauro reported that the Committee met last week with the OPRA custodian, Matt

Coefer. The Committee will meet again next week and will soon be ready to present its work product to the Board for comments and feedback.

- Ongoing Business
 - Joann Held reported that DAG Hahn responded to her request to research the issue of LSRP record retention, specifically whether it is necessary for the Board to determine a timeframe for how long an LSRP is to keep records; Joann Held reported that she would address with the Board's Rulemaking Committee.

- Second Monthly Meeting: December 17, 2012
 - Chairman Sweeney recommended that the Board hold a meeting on December 17, noting that the Board will want to vote on candidates for the January 17, 2013 exam; also, the Board may have November test results by then and therefore will want to make the passing candidates permanent LSRPs.

- Public Comment
 - Julian Davies, LSRPA
 - Suggested that DEP notify the affected RPs when it terminates the LSRPs who failed the exam three times.

 - Steve Posten, LSRPA
 - Inquired about availability of a spreadsheet of people who failed the exam twice.
 - Urged the Board's Continuing Education Committee to figure out how to document attendance for those who attend courses online.
 - Asked about whether presenters can receive CEC credit; Committee Chair Lawra Dodge responded affirmatively, noting the Committee is working out the details.
 - Inquired about the circumstances relating to exam candidate who was erroneously informed that he had taken and passed an exam in September that he did not take, therefore delaying his application to sit for the November exam. Indicated he would send information to Board Secretary Hershey.

 - John Oberer, LSRPA

- Questioned the fairness of the November exam, indicating that the truncated questions on the exam put undue pressure on the affected exam candidates regardless of how the exam is scored.
 - Suggested including the methodology for exam scoring in the Candidate Bulletin.
 - Emphasized the importance of getting the November exam results out as soon as possible given the December 20 deadline for limited credential review applications.
 - Noted that the exam contractor has done a good job in developing the exam but suggested the Board consider the contractor's errors when evaluating whether to renew their contract next year.
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- The meeting adjourned at 6:05 p.m.