

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

September 16, 2013 Meeting Minutes

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

Board Members:

Present:

Jorge Berkowitz (via teleconference)
Phil Brilliant
Richard Dewling
Lawra Dodge (arrived at 4:10)
Joann Held
Christopher Motta
Karl Muessig
Mark Pedersen
Michael Pisauro
Constantine Tsentas
Ira Whitman

Absent:

None

Others Present:

Board Secretary Karen Hershey
DAG Kimberly Hahn
Board Staff Dana Haymes
Executive Assistant David Haymes

Proceedings:

- **Meeting called to Order at 4:08 by Chairman Pedersen**
- **Statement by Chairman Pedersen that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act**
- **Roll Call**
- **Approval of the August 5, 2013 Meeting Minutes**

- Motion by Joann Held to approve the August 5, 2013 minutes. Motion seconded by Richard Dewling. Mark Pedersen abstained. The remainder of the members present voted Yes. Motion carried.

- **Report of Chairman Pedersen**

Chairman Pedersen made introductory remarks to the group. He stated that he is honored to be back with the Site Remediation Program, and he appreciates all the hard work and dedication of the Board members.

- **Report of the Audit Committee - Phil Brilliant**

Phil Brilliant reported that the following audits are complete:

Selected April 2013: Steve Ueland 573985
Mark Selover 576436
Dana Boyadjian 580159
Carol Campman 591844

Selected May 2013: Charles Appleby 575295

- **Report of the Continuing Education Committee – Lawra Dodge**

Lawra Dodge reported that two course approval requests are being considered by her Committee. She also reported that the Committee is organizing an ethics course and is conducting outreach to increase the number of Continuing Education courses offered to LSRPs.

- **Report of the Finance Committee - Richard Dewling**

Richard Dewling reported that the Board's finances are in good shape. He requested that each committee send him their anticipated expenses for FY15 so that he can start developing the budget for presentation to the Board in November.

- **Report of the Licensure Committee - Ira Whitman**

Ira Whitman reported that the revised license application materials have been posted on the Board's web site. Ira Whitman initiated a discussion with the Board regarding the process for reviewing applications. The process will be as follows:

1. DEP (Wayne Howitz and staff) will review the applications to determine exam eligibility.

2. If there is uncertainty among the staff as to whether an applicant meets the eligibility criteria, Wayne Howitz will designate three DEP senior managers to review the application.
3. If the senior managers are uncertain as to whether an applicant meets the eligibility criteria, Wayne Howitz will forward the application to the Chair of the Licensure Committee (Ira Whitman) through the Board Secretary. Ira Whitman will then assign a subcommittee consisting of himself as the Chair of the Licensure Committee, one LSRP on the Licensure Committee, and one non-LSRP on the Licensure Committee. That group will make the final recommendation as to whether the applicant is eligible to sit for the exam.

Ira Whitman then began another discussion with the Board regarding the process for responding to LSRPs who indicate that they no longer wish to hold an LSRP license. LSRPs who convey that they wish to leave the profession will be informed by the Board Secretary in writing that they have the option to go inactive up until the time their license is due for renewal. The conditions associated with going inactive will be explained to the LSRP. The LSRP will also be informed that if they decide to leave the profession entirely and not go inactive, but then change their mind, they will have to re-apply and sit for the exam.

- **Report of the Outreach Committee - Christopher Motta**

Chris Motta reported that the updated Board website was launched on September 3, 2013. The new website includes an announcement about the forthcoming exam, and provides links to the application materials.

- **Report of the Professional Conduct Committee - Jorge Berkowitz**

Jorge Berkowitz gave the Board an update on the status of the complaints on the Committee's docket.

DAG Kimberly Hahn updated the Board on the status of the Order to Show Cause against Edward Korab. She indicated that she filed court papers requesting an injunction and the Court granted a Temporary Restraining Order on September 5, 2013. In early October, the Court will hear the Attorney General's request for a Permanent Restraining Order.

- **Report of the Rulemaking Committee - Joann Held**

Joann Held reported that the Committee continues to work through the list of outstanding issues. A few outstanding issues are ready to finalize at the next Rules Committee meeting on October 2.

Report of the Ad Hoc Committee on Document Retention - Joann Held

Joann Held discussed the Statement of Interpretation that was included in the members' packets. The members discussed the possibility of revising the Board's by-laws to include a provision allowing the Board to issue such Statements.

Also, Chairman Pedersen asked DAG Hahn for an informal briefing on the issue of the Board's authority to take action against entities that interfere with an LSRP's obligation to maintain records.

- **Report of the Ad Hoc Committee on Confidentiality and Release of Public Information.**

Mike Pisauro indicated that the work of his Committee is ongoing.

- **Ongoing Business:** none

- **New Business:**

Chairman Pedersen stated that on September 13, 2013, the Commissioner signed Administrative Order 2013-12, which among other things, authorizes Mark Pedersen as Acting Assistant Commissioner to serve as Chairman of the SRPL Board.

- **Public Comment:**

Rodger Ferguson, LSRPA

The Statement of Interpretation of Document Retention is not adequate. It should include a statement that there cannot be barriers or interference with the LSRP maintaining and preserving records.

Also, the rules should not authorize disciplinary action against an LSRP because the responsible party has not met remedial time frames. The LSRP has the responsibility to advise the responsible party and pass the advisory on to the Department. SRRA does not require an LSRP to dismiss himself if the responsible party is not meeting timeframes. It is not a good policy for the LSRP to step down in such a situation, as this will necessitate the hiring of a new LSRP and will set the remediation process back further.

John Oberer, LSRPA.

Urged the Board to tread carefully in allowing LSRPs to inactivate their licenses.

- The meeting adjourned at 6:04 pm.