

May 15, 2013
LANDSCAPE IRRIGATION CONTRACTORS
EXAMINING BOARD

The Landscape Irrigation Contractors Examining Board held their meeting at the DEP Building, Trenton, NJ. George McCarthy called the meeting to order at 10:05 a.m. The following members were in attendance:

MEMBER

AFFILIATION

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|------------------------|------------------------------------|
| Linda Cantwell | NJDEP |
| Robert Dobson | Middletown Sprinkler |
| Ken Scherer | Hillsborough Irrigation |
| William Frederick Rapp | Atlantic Irrigation Specialties |
| Gaetano Virone | Environmental Designers Irrigation |

ABSENT

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| George McCarthy | Spring Irrigation Co Inc |
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Michael Schuit, DAG, Gene Rosenblum, DAG, Patricia Conti, and Annie Loh, were also in attendance.

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.

The open and closed session minutes were approved as presented.

The Board reviewed the Treasurer's report. An inquiry was made as to what charges were made against the official reception line item. Staff will contact the appropriate office and members will be notified via email.

The Board reviewed and approved the results from the April 2013 examination; 4 passed and 21 failed.

Correspondence was received from an individual employed by a public school district. He indicated that he has prepared, designed and installed all school and athletic irrigation and is responsible for the maintenance. Since school districts are exempted from the requirement of having to employ a certified irrigation contractor, the individual was inquiring as to whether or not he would be eligible to take the examination. A discussion was held. The existing regulations are clear in that irrigation experience must be obtained under a certified contractor. The individual will be notified that he must be able to show he meets this requirement.

DAG Schuit informed the Board that their rules and regulations were submitted to the Governor's office. As a result, some minor recommended changes were made. In addition, since the statute does not include synthetic artificial surfaces, references pertaining to this will need to be removed from the rules. A discussion was held and it was agreed that synthetic surfaces should be addressed in the future. The Governor's office also raised concerns with regard to advertising. They wanted assurances that a company publishing an advertisement could not be held responsible. The intention was to catch illegal landscape irrigation contracting not those publishing the advertisements. A discussion was held and changes were made to clarify that the publisher of an advertisement would not be held liable.

The Board motioned and approved to move forward with the recommended changes made by the Governor's office. Corresponding changes were made to the summary document.

DAG Rosenblum informed the Board that due to increased demands in her work load, she would not be able to continue as the Board's DAG for enforcement.

The Board voted to enter into a closed session in order to discuss enforcement matters.. 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. The Board entered into a closed session at 12:55 p.m.

The Board returned to open session at 1:10 p.m.

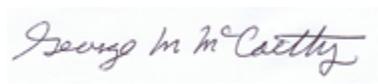
Trish Conti expressed concerns about staffing with regard to the increase in enforcement activities along with the changes made to the process. In addition the proposed rules and regulations will create a continuing education process, and a requirement to issue business permits. A discussion was held and members inquired as to whether or not they would be able to hire a part time person in order to assist.

Based on a review of the case file, the Board motioned and approved the closing of case 445, 508, and 490. These were submitted as advertising complaints.

The Board was informed that a total of 53 advertising inquiry letters had been sent out. Currently 21 of them have been closed as a result of updating their websites and agreeing to discontinue advertising. In addition, 23 additional complaints were reviewed and closed due to the fact that they had registered a certificate holder. Members were informed that tracking complaints for statistical purposes is a very manual process.

The meeting was adjourned at 1:30 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "George McCarthy". The signature is written in dark ink on a light-colored background.

George McCarthy, Chairman
Landscape Irrigation Contractors Board