

FINAL BY-LAWS: Approved January 10, 2011
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**NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD
BY-LAWS**

This body corporate and politic having been established by the Site Remediation Reform Act, N.J.S.A. 58-10C-1, et seq. (the “SRRA”), is named the New Jersey Site Remediation Professional Licensing Board (the “Board”). The By-Laws of the Board are as follows:

I. THE BOARD

Section 1. Purpose. The New Jersey Site Remediation Professional Licensing Board shall perform the following duties:

- Establish eligibility requirements for licensure;
- Review and approve or deny applications from persons wishing to be licensed as site remediation professionals;
- Administer licensing examinations;
- Develop requirements for candidates before, during, and after the licensing examination;
- Issue licenses to qualified applicants that have passed the licensing examination;
- Renew licenses of licensed site remediation professionals that meet all renewal requirements;
- Establish and collect fees necessary to support all tasks associated with the Board’s duties, including application fee, renewal fee, and annual license fee;
- Establish the continuing education requirements for licensed site remediation professionals;
- Establish the standards and procedures for Board accreditation of educational programs or activities;
- Develop procedures for auditing the submissions and conduct of licensed site remediation professionals;
- Audit annually the submissions and conduct of at least 10 percent of the total number of licensed site remediation professionals who are selected at random;
- Adopt and administer standards for professional conduct of licensed site remediation professionals in accordance with the SRRA and Regulations of the Site Remediation Professional Licensing Board (“SRPL Board Rules”);
- Develop and implement procedures for disciplinary proceedings, including the filing of complaints, the Board’s investigation of complaints, the Board’s actions in response to complaints, and the Board’s actions in response to violations of the SRRA and any rule, regulation or order adopted or issued pursuant thereto;
- Publish and maintain the names and contact information of all site remediation professionals licensed in accordance with the SRRA and the SRPL Board Rules and make the list available on the Board website;

- Publish and maintain a list of all site remediation professionals whose license has been suspended or revoked by the Board and make the list available on the Board website;
- Provide public information about the licensed site remediation professional program;
- Maintain a record of complaints filed against licensed site remediation professionals and provide the public with non-confidential information upon request;
- Provide clarification statements with respect to issues under the Board's jurisdiction;
- Maintain and amend the SRPL Board Rules; and
- Carry out such further duties as set forth in the SRRRA and SRPL Board Rules.

Section 2. Board Seal. The Board shall have a seal that shall bear the words “New Jersey Site Remediation Professional Licensing Board”, which shall be of such design as determined by the Board.

Section 3. Offices. The principal office of the Board shall be the headquarters of the New Jersey Department of Environmental Protection, (hereinafter “the Department”), located at 401 East State Street in Trenton. The Board may have offices at such other places within the State of New Jersey as its business may require or make desirable as determined by the Chairperson of the Board.

II. BOARD MEMBERS

Section 1. Board Members. The Board shall have 13 members, appointed in accordance with the SRRRA. The Members shall serve for the terms set forth in the SRRRA. Board Members are subject to the removal provisions set forth in the SRRRA and any other relevant statutory or regulatory provisions.

Section 2. Chairperson. The Board shall have a Chairperson. In accordance with the SRRRA, the Commissioner of the Department, or a designee, shall serve ex officio as the Chairperson.

Section 3. Duties of the Chairperson. The Chairperson shall preside at all meetings when present, and exercise supervision over meeting affairs. The Chairperson shall also:

- Rule on questions of order;
- Establish all regular standing and ad hoc Committees and appoint their respective chairs;
- Sign all resolutions adopted by the Board, with the exception of resolutions to enter closed session pursuant to N.J.S.A. 10:4-13, which may be signed by the Executive Director; and
- Sign legal documents including disciplinary orders and Board licenses.

In the event the Chairperson is unable to attend a particular meeting, he or she may authorize a representative of the Department to attend the meeting and to vote and otherwise act on his or her behalf at the meeting, provided such authorization is in writing and delivered to the Board in advance of the meeting.

Section 4. Vice Chairperson. There shall be a Vice Chairperson who is elected by a majority vote of the Board. Nomination and election of the Vice Chairperson shall occur at the meeting immediately following a vacancy. The Vice Chairperson shall be a Member of the Board, and shall not be an employee of the Department. The Vice Chairperson shall serve for a term of one year beginning on January 1 and ending on December 31. In the event the Chairperson is absent or otherwise unable to chair a meeting, and no representative of the Department has been authorized by the Chairperson to attend on his or her behalf, or such authorized representative is not present, the Vice Chairperson shall assume and perform all duties and powers of the Chairperson. He or she shall also perform such duties as may be assigned from time to time by the Chairperson or by a majority vote of the Board.

Section 5. Executive Director. The Department shall designate a staff person to serve full-time as the Executive Director of the Board. In the event of the Executive Director's absence, the Chairperson may designate other Board Staff to serve temporarily as Executive Director, if necessary. In addition to any other duties, the Executive Director shall serve as the Board secretary and, in that capacity:

- He or she shall attend all meetings and act as secretary thereof, record all notes, and keep a record of the proceedings of all meetings. Such records shall be open at all reasonable times to inspection by any Member of the Board with the exception of any matters as to which the Member is recused;
- He or she shall cause a true copy of the minutes of every meeting to be prepared and delivered to the Members of the Board and ensure all minutes are made available to the public on the Board website; and
- He or she shall maintain records of the Board's transactions, communications, and proceedings, and such records shall be open at all reasonable times to inspection by any Member of the Board with the exception of any matters as to which the Member is recused.
- Records of the Board shall be open at all reasonable times to inspection by any member of the public in accordance with the Open Public Records Act.

Section 6. Conflicts of Interest.

All Board Members are subject to the requirements of the New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.), the Uniform Ethics Code of the State Ethics Commission, and the State Ethics Commission Regulations (N.J.A.C. 19:61-1.1 et seq.).

III. MEETINGS

Section 1. Meetings. According to the Senator Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.), a meeting is defined as “any gathering whether corporeal or by means of communication equipment, which is attended by, or open to, all of the members of a public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body.” Meeting does not mean or include any such gathering (1) attended by less than an effective majority of the members of a public body, or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering. All meetings shall be conducted in accordance with the Open Public Meetings Act. As provided in N.J.S.A. 10:4-11, no person or public body shall fail to invite a portion of its members to a meeting for the purpose of circumventing the provisions of the Open Public Meetings Act.

Section 2. Frequency. The Board shall hold at least 12 meetings each year. The time and location of the meetings shall be determined by a majority vote of the Board. At each meeting, the Board will confirm the date of the next meeting, which may require voting on whether or not to hold a second meeting that particular month.

A meeting may be called at any time by the Chairperson, subject to the adequate notice requirements of the Open Public Meetings Act.

Section 3. Proxy. Other than the Chairperson, a Member of the Board may not assign a proxy to either attend a meeting or vote for the Member.

Section 4. Quorum and Voting. Seven Members, present in person or via teleconference, shall constitute a quorum. In the absence of a quorum, no formal action shall be taken except to adjourn the meeting to a subsequent date. The Board shall take official actions, and adopt motions and resolutions, by affirmative vote of at least seven Members of the Board. Aside from adjourning a meeting in the absence of a quorum, in no event shall any action be taken, or motion or resolution adopted, without the affirmative vote of at least seven Members of the Board.

Section 5. Public Notice of Meetings. All meetings shall be noticed in conformity with the Open Public Meetings Act. Prior to the beginning of each year, the Board shall vote on the proposed schedule of meetings for the upcoming year, which shall be posted on the Board website. At least three (3) business days prior to a meeting, the meeting date and agenda shall be posted on the Board website. To the extent possible, substantive changes to the agenda shall be made no later than three (3) business days prior to the meeting. The agenda shall also be distributed in advance to all Board Members.

Section 6. Teleconferences. Board Members may participate in meetings by teleconference. Participation by teleconference shall be restricted to cases of necessity that are beyond a Member’s control, such as sickness, incapacity, inclement weather, travel, etc. The determination of necessity shall be made by the Chairperson, and a recitation of the circumstances on which it was based shall be included by the Executive Director in the minutes of the meeting. A Board Member’s participation by

teleconference shall be audible to the public at the physical location of the meeting. Any Board Member who participates by teleconference shall be considered present for purposes of conducting Board business, however, Board Members shall not participate by teleconference in any closed session of a meeting. Board Members may vote to exclude a Board Member from participating by teleconference in the open session, or a portion of the open session, of a meeting if they deem that participation by teleconference is not adequate for the matter under consideration.

Section 7. Meeting Procedures. All meetings shall be guided by an agenda prepared and delivered in advance to all Board Members. Prior to the meeting, the Committee Chairs shall provide agenda items and talking points, if any, to the Executive Director according to a schedule determined by him or her, and the Executive Director shall prepare the agenda incorporating these items and talking points. Members of the public in attendance who wish to speak shall first be recognized by the Chairperson. The Chairperson may deny an individual's request to speak to issues not on the agenda.

The Chairperson shall rule on all questions of order. Questions of order shall be decided based on the New Jersey Open Public Meetings Act, the SRRA, the SRPL Board Rules, and these By-Laws. Should the above cited provisions not be dispositive of a question of order, the Chairperson may be guided by the current edition of Robert's Rules of Order in making his or her ruling.

Section 8. Meeting Minutes.

A. Minutes of meetings.

Minutes of meetings shall be recorded in writing by the Board Executive Director. The Board may also use a recording device but said recording shall not serve as the Board minutes. The draft minutes shall be promptly made available for inspection to any Member of the Board or the public. The final minutes shall be made available within five (5) business days of approval by the Board. The minutes shall include the Board Members present, any Board Member(s) absent, other individuals present in an official capacity, the subjects considered and discussed, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of a roll call. The minutes shall also reflect the name and affiliation of the individuals who commented during the public participation portion of the meeting.

B. Minutes of the closed sessions of meetings.

During the course of a meeting, the Board may pass a resolution to go into closed session to discuss a matter. Minutes of the meeting shall reflect the motion to pass the resolution. Minutes of the closed sessions of meetings shall be recorded in writing by the Board Executive Director. The draft minutes shall be promptly made available for inspection to any Member of the Board, with the exception of Members of the Board that are recused from all or a portion of the closed session.

The final minutes shall be made available to the public when the Board determines that the discussion conducted in closed session can be disclosed to the public pursuant to N.J.S.A. 10:4-13. The minutes shall include the Board Members present, any Board Member(s) absent, other individuals present in an official capacity, and the subjects considered and discussed.

Section 9. Order of Business at meetings. The normal order of business at meetings shall be as set forth below. The Board may modify the order of business at any given meeting.

1. Call to Order, Open Public Meetings Act Statement and Roll Call;
2. Approval or amendment of minutes of the previous meeting;
3. Report of the Board Chairperson and Executive Director;
4. Committee reports for all standing and ad hoc Committees;
5. Closed session, if applicable;
6. Ongoing business;
7. New business;
8. Confirmation of date of next meeting;
9. Public Comment; and
10. Adjournment

Closed session may only be held to discuss matters enumerated in N.J.S.A. 10:4-12b and by resolution in accordance with N.J.S.A. 10:4-13.

The order of business may be rearranged at any meeting by the Chairperson for the purpose of expediting and facilitating the functions of the Board.

IV. COMMITTEES

Section 1. Standing Committees. The standing Committees of the Board are as follows:

Licensure Committee:

The Licensure Committee shall carry out the following functions and duties of the Board:

1. Recommend for Board approval revisions to the eligibility requirements for licensure set forth in N.J.A.C. 7:26I-2.4 and license renewal set forth in N.J.A.C. 7:26I-2.11 when deemed necessary;
2. Prepare and publish on the Board website forms to be used to apply for a new license, apply to renew a license, and inactivate a license;

3. Review and approve or deny applications for new licenses and license renewals and notify the Board of the names of applicants whose applications were approved;
4. Oversee the preparation and administration of the LSRP examination and notify the Board of the names of those persons that passed the examination;
5. Oversee the issuance of new and renewed licenses;
6. Oversee the list of active LSRPs on the Board website; and
7. Any other functions and duties set forth in the SRPL Board Rules Subchapter 2 or delegated to the Licensure Committee by the Board.

Continuing Education Committee:

The Continuing Education Committee shall carry out the following functions and duties of the Board:

1. Recommend for Board approval revisions to the continuing education requirements of LSRPs set forth in N.J.A.C. 7:26I-4.3 when deemed necessary;
2. Recommend for Board approval revisions to the requirements for approval of continuing education credit for continuing education programs and activities set forth in N.J.A.C. 7:26I-4.4 and 4.5 when deemed necessary;
3. Prepare and publish on the Board website forms to be used to apply for approval of continuing education credit for continuing education programs and activities;
4. Review and recommend to the Board approval or denial of applications for approval of continuing education credit for continuing education programs and activities;
5. Oversee the list of approved continuing education programs on the Board website; and
6. Any other functions and duties set forth in the SRPL Board Rules Subchapter 4 or delegated to the Continuing Education Committee by the Board.

Professional Conduct Committee:

The Professional Conduct Committee shall carry out the following functions and duties of the Board:

1. Recommend for Board approval revisions to the rules of professional conduct set forth in N.J.A.C. 7:26I-6 when deemed necessary;
2. Recommend for Board approval revisions to the complaint filing and investigation process set forth in N.J.A.C. 7:26I-7.3 and 7.4 when deemed necessary;
3. Prepare and publish on the Board website the form to be used to file a complaint;
4. Review each complaint and determine whether to appoint a Complaint Review Team to conduct an investigation or recommend to the Board dismissal of the complaint;
5. Review each report from a Complaint Review Team and recommend to the Board the appropriate disposition of the complaint, including disciplinary action when appropriate;
6. Prepare disciplinary documents for signature by the Board Chairperson;
7. Respond to requests for administrative hearings as set forth in N.J.A.C. 7:26I-8.3 and 8.4;
8. Participate in settlement negotiations when appropriate and prepare settlement documents for signature by the Board Chairperson;
9. Participate in administrative hearings when required and prepare the final order for signature by the Board Chairperson;
10. Prepare summaries of complaint dispositions for publication on the Board website; and
11. Any other functions and duties set forth in the SRPL Board Rules Subchapters 6, 7 and 8 or delegated to the Professional Conduct Committee by the Board.

Finance Committee:

The Finance Committee shall carry out the following functions and duties of the Board:

1. Recommend for Board approval recalculation of the application fee, renewal fee, and annual license fee as set forth in N.J.A.C. 7:26I-3.3-3.5 when deemed necessary;
2. Prepare the Annual Site Remediation Professional Licensing Board Fee Calculation Report;

3. Prepare for Board approval the annual Board budget; and
4. Any other functions and duties set forth in the SRPL Board Rules Subchapter 3 or delegated to the Finance Committee by the Board.

Rules Committee:

The Rules Committee shall carry out the following functions and duties of the Board:

1. Track and review legislation affecting the Board;
2. Develop and recommend for Board approval updates and revisions to the SRPL Board Rules in light of changes in legislation and other factors;
3. Any other functions and duties delegated to the Rules Committee by the Board.

Outreach Committee:

The Outreach Committee shall carry out the following functions and duties of the Board:

1. Oversee the design and content of the Board website;
2. Prepare communication materials including newsletters, listservs and other publications; and
3. Any other functions and duties delegated to the Outreach Committee by the Board.

Audit Committee:

The Audit Committee shall carry out the following functions and duties of the Board:

1. Recommend for Board approval revisions to the audit selection and review process set forth in N.J.A.C. 7:26I-5.3 – 5.4 when deemed necessary;
2. Appoint Audit Review Teams to conduct audits;
3. Review each report from an Audit Review Team and conclude the audit or refer the auditee to the Professional Conduct Committee for investigation;
4. Notify the Board of the names of auditees whose audits are concluded;
5. Oversee the list of concluded audits on the Board website; and

6. Any other functions and duties set forth in the SRPL Board Rules Subchapter 5 or delegated to the Audit Committee by the Board.

Additional Committees:

The Chairperson may establish additional standing Committees and appoint their respective chairs, as needed. New standing Committees will be incorporated into the By-Laws by majority vote of the Board.

Section 2. Ad Hoc Committees. The Chairperson may establish ad hoc committees and appoint their respective chairs, as needed, in order to address or facilitate resolution of a particular issue. An ad hoc committee will be terminated upon recommendation from the Committee Chair to the Board Chairperson, and upon completion of the task or purpose for which it was established.

V. BOARD STAFF

Section 1. Board Staff. In accordance with the SRRA, the Department may provide staff in addition to the Executive Director to assist the Board in the performance of its duties and functions. The Chairperson shall appoint all staff. The responsibilities of the staff may include, but are not limited to, the following:

- Assist in carrying out all activities relating to the operation of the Board; including but not limited to, matters relating to rule proposal and adoption, licensure, finance, continuing education, audits, investigation of complaints, disciplinary action, outreach, hearings, and hearing requests;
- Assist with scheduling of license and license renewal application periods and licensure examinations;
- Accept and review applications for licenses and license renewals;
- Monitor Board revenue and expenses and assist with preparation of quarterly financial reports for review by the Board;
- Assist with preparation of annual budget and Annual Site Remediation Professional Licensing Board Fee Calculation Report;
- Accept applications from continuing education providers and/or licensed site remediation professionals for approval of continuing education credits, and compile and update the list of all approved continuing education programs for publication;
- Assist with the selection of licensed site remediation professionals for audit and review the submissions of auditees;
- Assist with the investigation of complaints and analysis of factual and legal issues;
- Assist with the preparation of communication materials including newsletters, listservs and other publications;
- Assist with the design, content and maintenance of the Board website;

- Assist with drafting, proposing and adopting revisions to the SRPL Board Rules;
- Prepare reports and conduct research as requested;
- Review and advise the Board regarding rules, policies, procedures, and these By-Laws affecting the Board; and
- Serve as liaison between the Board and the Department.

Section 2. Legal Support. The Board shall request assignment of legal support from the Office of the Attorney General for providing legal advice and opinions regarding matters pertaining to Board operations and affairs and representation in legal proceedings.

VI. AMENDMENTS

Section 1. Amendments. These By-Laws may be amended at any meeting by an affirmative vote of a majority of the Board, provided that the proposed change was stated on the agenda prior to the meeting.