

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

MINUTES

FINAL

January 24, 2011

5:00 p.m. Public Hearing Room, DEP, Trenton

Board Members:

Present: Chairman Dave Sweeney, Jorge Berkowitz, Philip Brilliant, Richard Dewling, Lawra Dodge, Joann Held, Christopher Motta, Karl Muessig, Michael Pisauro, Constantine Tsentas, Ira Whitman

Absent: DAG Kimberly Hahn

Others Present: Board Liaison Karen Hershey, DAG George Schlosser substituting for DAG Hahn, Assistant Director George Klein.

Proceedings:

- Meeting called to Order by the Chairman at 5:10 P.M.
- Statement by the Chair that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of January 10, 2011 minutes.
 - Motion by Constantine Tsentas to accept minutes, seconded by Richard Dewling; passed unanimously.
- Chairman's Report (no formal action taken)
 - Identification badges for Board members will be available at the next meeting.
- Committee Reports
 - Rulemaking (no formal action taken): Joann Held— Discussion of rulemaking efforts to date. Committee met via phone last week and in-person on January 24. Committee has begun drafting provisions relating to definitions, code of conduct, discipline and audits. Further discussion related to the following:

- Process for handling complaints: Board member Berkowitz presented a flowchart describing proposed process for handling complaints. Flowchart is modeled after Massachusetts system but with modifications. Committee will fine-tune complaint process and bring back to the Board for discussion and approval and move forward from there.
 - Hearings: Board discussion regarding hearing process and Board's ability to hold disciplinary hearings. DAG will review.
 - Confidentiality: Discussion of confidentiality during complaint process and disciplinary investigation.
 - Website/Outreach (no formal action taken): Chris Motta—Draft version of the Board's web site should be available for review and discussion by Board at the February 7 meeting. Hope to get web site running as soon as possible. Further discussion related to the following:
 - Action items for the Board: Members to supply bios, need message from the Chairman, DEP staff doing a good job developing web site.
 - Logo: Karl Muessig distributed logo options for consideration by Board. Board discussion of logo and how it will be used.
 - Audit (no formal action taken): Philip Brilliant reported that the Audit Committee met twice since the last meeting. Board member Brilliant distributed a handout describing the proposed process for conducting audits. Further discussion as follows relating to proposed audit process:
 - The Committee will randomly pick the mandated 10 percent in January of each year and divide the LSRPs into 12 groups with the Committee reviewing one group a month.
 - LSRPs will be sent a questionnaire, the contents of which are under discussion by the Committee.
 - Two reviewers, one an LSRP, the other a non-LSRP will review the questionnaire and make determination whether further investigation is necessary.
 - Once audited is completed, LSRP would not be eligible for another audit for two years.
 - Board discussion of using DEP data to verify information in the questionnaire.
- Ongoing Business
 - Vice-Chairperson: Chairman stated that pursuant to the bylaws, the Board shall elect a vice-chairperson. As stated in the bylaws, vice-chairperson cannot be a DEP employee. Board discussed that bylaws must be amended to reflect duration and start of Vice-Chairperson's term..

- Ira Whitman stated his interest in serving as Vice-Chair and discussed importance of Vice-Chair being a LSRP.
 - Jorge Berkowitz nominated Joann Held, indicating the importance of having a non-LSRP serve as Vice-Chair; seconded by Mike Pisauro
 - Richard Dewling nominated Ira Whitman; seconded by Lawra Dodge.
 - There were no further nominations. The Chairman stated that DAG advised that the voting must be done by roll call.
 - The roll call vote was as follows: In support of Ira Whitman-- Chairman Sweeney, Richard Dewling, Lawra Dodge, Christopher Motta, Constantine Tsentas, (five votes). In support of Joann Held--Jorge Berkowitz, Philip Brilliant, Joann Held, Karl Muessig, Michael Pisauro, Ira Whitman (six votes).
 - The Chairman stated that pursuant to Site Remediation Reform Act, there must be a total of seven votes for the Board to take action in any matter. Ira Whitman offered to release his votes in favor of Joann Held. A new vote was taken. Ten members voted in favor of Joann Held. One member, Christopher Motta, voted for Ira Whitman.
 - Constantine Tsentas made a motion that the Vice-Chair position shall be a one-year term beginning on January 1 of each year; Richard Dewling seconded; passed unanimously.
- Pending Legal Issues: The Chairman tabled this agenda item pending the return of DAG Hahn.
- Assistant Director Klein informed the Board that the Request for Proposal for the Exam would be issued on February 2, 2011.
- Continuing Education: Lawra Dodge made a motion to establish a Continuing Education Committee; Joann Held seconded; passed unanimously (Micheal Pisauro did not vote due to early departure). Members: Lawra Dodge (Chair), Constantine Tsentas, Joann Held, Ira Whitman, Richard Dewling, Karl Muessig.
- Rules: Board discussion regarding stakeholder process and rulemaking.
- New Business
 - None

- Public Comment
 - David Rubin, DEP commented as follows:
 - Inquired about who will get audited and noting that some may never be audited.
 - Auditing questionnaire should inquire about LSRP meeting mandatory deadlines and filing the correct forms.
 - Board should not be doing job of licensed site remediation professional through advisory rulings.
 - DEP should post on Web when it rescinds an RAO.
 - How do professional engineers handle complaints and disciplinary proceedings?
 - John Oberer, GZA GeoEnvironmental Inc. asked how far back the audit will go. Philip Brilliant said Committee is considering that audit will inquire going to back to issuance of license.
- Motion to adjourn at 7:05 p.m. by Richard Dewling; seconded by Lawra Dodge and passed unanimously.