

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

MINUTES

FINAL

March 7, 2011

4:00 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

Others Present: Board Liaison Karen Hershey, DAG Kimberly Hahn, Director Tony Farro, Assistant Director George Klein.

Proceedings:

- Meeting called to Order by the Chairman at 4:07 P.M.
- Statement by the Chair that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of February 22, 2011 minutes.
 - Motion by Richard Dewling to accept minutes, seconded by Constantine Tsentas; passed unanimously.
- Chairman's Report
 - Questions were received on the exam RFP; answers are on Treasury's web site; also RFP was revised to require contractor to contact the Board regarding Job Analysis.
 - Karen Hershey received a complaint regarding an underground storage tank contractor but the individual was not a LSRP. Karen will keep track of all complaints, LSRPs as well as non-LSRPs.
- Committee Reports
 - Audit Committee (no formal action taken): Phil Brilliant reported on the progress of the Audit Committee.

- The auditing process and questionnaire were reviewed by the Attorney General's office.
 - The Committee will distribute these items to the Board at next meeting; solicit public input on process and questionnaire through March 28 and finalize everything by April 4.
- Website/Outreach (no formal action taken): Chris Motta reported on the progress of the web site.
 - The web site is now live and can be viewed at www.nj.gov/lsrpboard.
 - Board members should review web site and send comments to Chris Motta.
 - In a week or so, Committee will move forward with a public announcement about new web site.
- Continuing Education (no formal action taken): Lawra Dodge reported on the progress of the Continuing Education Committee.
 - Looking at draft rule language prepared by Rules Committee; also reviewing other states and offerings at colleges in New Jersey.
 - Committee is discussing how many CEUs should be required and how many should be technical, administrative, etc.
- Rulemaking (no formal action taken): Joann Held reported on the Rulemaking Committee.
 - In light of the discussions from the last meeting, the Rulemaking Committee is on a hiatus while the other newly established committees work on developing standards. The Rules Committee will help assemble the content later on.
- Professional Conduct (no formal action taken): Jorge Berkowitz reported on the progress of this Committee.
 - Committee is working to finalize process but it is important that the Board not wait for rules. The Board must be ready to take action immediately in the absence of rules.
 - The Board must determine violations of conduct, penalties, and sanctions.
- Licensure (no formal action taken): Ira Whitman reported on the progress of the Licensure Committee.
 - Committee received draft rules from Phil Brilliant and Karen Hershey.

- Committee will make a list of issues that need to be addressed and present them to the Rules Committee
 - Board needs to think about application process and whether the exam contractor can process applications. Director Tony Farro responded that there may be such a provision in the RFP but if not it can be added.
 - Finance Committee (no formal action taken): Richard Dewling reported on the progress of the Financial Committee
 - Before the next Board meeting, Richard Dewling will meet with DEP to discuss billing and charges.
 - Ongoing Board discussion about billing and charges.
 - Finance Committee also looking at reimbursement of Board member expenses.
- Ongoing Business
 - Pending Legal Issues: DAG Hahn discussed OPRA related issues.
 - Chairman Sweeney directed Karen Hershey to investigate how other Boards handle confidentiality of complainants and other professionals.
- New Business
 - Chairman Sweeney commented on status of Board vacancies-Academic: SRP sent recommendation to the Commissioner. Ben Alter is moving forward.
 - Chairman Sweeney raised the issue of whether a LSRP can rely on NFAs.
 - Ongoing discussion by the Board on this issue.
 - Motion by Ira Whitman that DEP put forth a policy on LSRP reliance on NFAs which the Board can accept or reject. Motion not carried.
 - Chairman Sweeney stated that discussion will be tabled until next meeting. Karen Hershey will forward to Board email which opened topic.

- Public Comment
 - Andrew Robins, Attorney, Sills Cummis & Gross, made the following remarks:
 - Confidentiality-Board should take advantage of full range of enforcement options including private reprimand.
 - Board should put out advisory opinions.
 - Board should reach out and get other opinions regarding LSRP reliance on NFAs.
 - Jonathan Berg inquired as follows:
 - What is the progress of the formal AG opinion on the Board proceeding without rules?
 - Chairman Sweeney and DAG Hahn responded that it is moving along.
- Motion by Jorge Berkowitz to adjourn at 6:15; seconded by Lawra Dodge and passed unanimously.