

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

June 11, 2012 Meeting Minutes

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

Board Members:

Present: Jorge Berkowitz, Phil Brilliant, Richard Dewling, Lawra Dodge, Joann Held, Christopher Motta, Mike Pisauro, David Sweeney, Constantine Tsentas, Ira Whitman.

Absent: Karl Muessig.

Others Present: Board Secretary Karen Hershey, DAG Kimberly Hahn, Executive Assistant David Haymes.

Proceedings:

- Meeting called to Order at 4:05 by Chairman Sweeney.
- Statement by Chairman Sweeney that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of the May 29, 2012 minutes.
 - Motion by Constantine Tsentas to approve minutes, seconded by Phil Brilliant; Jorge Berkowitz and Lawra Dodge abstained due to absence at May 29, 2012 meeting; all others present voted Yes.
 - Chairman's Report
 - Chairman Sweeney informed the Board that the Assembly Environment Committee scheduled a hearing for June 14, 2012 to hear testimony regarding the LSRP program, and that he is reporting to the Assembly Committee on the progress of DEP's implementation of the LSRP program. The Chairman further indicated that the Committee extended an invitation to the Board to present information about the Board and answer questions from Committee members. Following discussion by the Board, it was determined that Vice-Chairman Held should represent the Board at the hearing.
 - Chairman Sweeney also reported that there are no meeting dates scheduled beyond September 2012 and therefore, more meeting dates need to be reserved; the Board discussed the frequency of the meetings and decided to re-visit the topic at the July 9th meeting.

- Chairman Sweeney also reported that the nomination of Robert Mutch is progressing.

Committee Reports

- Audit: A report was given by Committee Chair Phil Brilliant on behalf of the Audit Committee.
 - Phil Brilliant updated the Board on various issues related to auditing, noting that five more audit questionnaire recipients were selected for June and that the Committee finalized an audit scorecard to be used by audit team members when conducting audits.
 - Richard Dewling then made a motion to approve the audit scorecard; seconded by Ira Whitman; motion adopted after debate; all present voted Yes.
 - Phil Brilliant also announced that the following audit has been deemed complete.
 - 507551 Bruno M. Mercuri, Selected March 5, 2012; completed June 11, 2012.
- Continuing Education: A report was given by Committee Chair Lawra Dodge on behalf of the Continuing Education Committee.
 - Lawra Dodge updated the Board on various issues related to Continuing Education, noting that the Checklist for Course Approval and the List of Continuing Education Courses and Conferences are ready for web posting and then Lawra Dodge made a motion to approve the following three courses:
 - Rutgers Office of Continuing Professional Education, Innovative Technologies for Site Remediation, 6 Technical Continuing Education Credits.
 - Rutgers Office of Continuing Professional Education, Groundwater in Fractured Bedrock, 6.5 Technical Continuing Education Credits.
 - Northeast Waste Management Officials Association, In-Situ Thermal Remediation, 4 Technical Continuing Education Credits.
 - Seconded by Chairman Sweeney; motion adopted after debate; all present voted Yes.
 - Motion was also made by Committee Chair Lawra Dodge to approve 26 credit course offered by Rutgers; motion was later withdrawn following Board discussion regarding the number of continuing education credits ascribed to this course; Committee

will re-evaluate the course request and number of credits assigned to it.

- Finance: A report was given by Committee Chair Richard Dewling on behalf of the Finance Committee.
 - Richard Dewling indicated that he had no report.
- Licensure: A report was given by Committee Chair Ira Whitman on behalf of the Licensure Committee.
 - Ira Whitman updated the Board on various licensing issues and then made a motion to approve for examination the individuals named in the June 7, 2012 list of Exam Candidates Recommended for Approval (list attached hereto and incorporated as part of these minutes).
 - Seconded by Jorge Berkowitz; motion adopted after debate (10Y with the abstentions as noted below).
 - Roll call vote as follows:
 - Berkowitz-Y
 - Brilliant- Y
 - Dewling- Abstain as to Keith Ryan, All others Y
 - Dodge-Y
 - Held-Y
 - Motta- Abstain as to Majda Rabah, All others Y
 - Muessig-Absent
 - Pisauro- Y
 - Tsentas- Abstain as to Majda Rabah, All others Y
 - Whitman- Y
 - Sweeney-Y
- Website/Outreach: A report was given by Committee Chair Christopher Motta on behalf of the Website/Outreach Committee.
 - Chris Motta updated the Board on various issues related to outreach and the web site, noting that he met with Anthony Teel, Karen Hershey and Kimberly Hahn to discuss a redesign of the web page and the implementation of a new statute that requires certain postings on Board web sites in New Jersey.
- Professional Conduct: A report was given by Committee Chair Jorge Berkowitz on behalf of the Professional Conduct Committee.
 - Jorge Berkowitz updated the Board on various issues relating to professional conduct and then he made a motion for the Board to

approve the Professional Conduct Committee Recommendation Regarding Public Disclosure of LSRP in Disciplinary Proceedings as set forth in the written motion (handout attached to these minutes).

- Seconded by Lawra Dodge; motion adopted after debate (9Y, 0Abstentions, 1N) with motion amended to delete “green card” and replace with “proof of receipt.”
- Roll call vote as follows:
 - Berkowitz-Y
 - Brilliant- Y
 - Dewling- Y
 - Dodge-Y
 - Held-Y
 - Motta- N
 - Muessig-Absent
 - Pisauro- Y
 - Tsentas- Y
 - Whitman-Y
 - Sweeney-Y
- Rulemaking: A report was given by Committee Chair Joann Held on behalf of the Rulemaking Committee.
 - Joann Held updated the Board on the progress of the rules, noting that the Committee is seeking feedback from the Licensure Committee on regulatory provisions relating to Licensing.
 - Committee Chair Joann Held further reported that the fees subchapter is under review and that the Committee will seek feedback from both the Finance and Licensing Committees on rules issues relating to fees.
- Ongoing Business
 - Phil Brilliant noted that the case summaries on the Board web site should be updated to include the names of the LSRPs as established by the Board action noted above; the Board concurred.
- New Business
 - The Chairman recommended that the Board create an Ad Hoc Committee to explore and address issues relating to confidentiality, the release of information to the public, and the retention of information by Board members.
 - The Chairman then made a motion to form an Ad Hoc Committee on Confidentiality to include the Board Chairman, the Chair of the Professional Conduct Committee, the Chair of the Audit Committee,

the Chair of the Licensure Committee and the Board Secretary and Deputy Attorney General as needed; Mike Pisauro also volunteered to participate on this Committee.

- Seconded by Ira Whitman; motion adopted after debate, all present votes Yes to create Ad Hoc Committee on Confidentiality for purpose described above to be comprised of Chairman Sweeney, Jorge Berkowitz, Phi Brilliant, Ira Whitman and Mike Pisauro with Karen Hershey and DAG Hahn participating as necessary.
 - Board discussed matters relating to the exam that was given on May 14, 2012.
- Public Comment
 - John Oberer, LSRPA
Appreciates Board consideration of confidentiality issues; also inquired about written determination on whether LSRP's work product is subject to OPRA; Board discussion followed and commenter was informed that there would be follow-up to his inquiry.
 - The meeting adjourned at 5:40 p.m.

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Professional Conduct Committee Recommendation Regarding Public
Disclosure of LSRP in Disciplinary Proceedings

*Consistent with the flowchart that was adopted by the Board on March 5, 2012, the LSRP's name is revealed to the public in every instance—1) when the Board dismisses a matter; 2) when the Board issues a Disciplinary Order; 3) when the Board takes action to suspend a license pending further Board action.

*Question: What Form of Posting (making an LSRP's name public) are we going to employ?

*The recommendation of the Professional Conduct Committee is as follows:

Proposed Motion: The name of the LSRP will be inserted into the Case Summary which we prepare for every Board action, whether it is a disciplinary action or a dismissal.

In those instances where we issue a disciplinary action, we will include an information box at the end of the Case Summary which:

- Plainly states that every LSRP has a right to request a hearing within 35 days of receipt of a disciplinary order and;
- Gives the date the Order was issued AND the date Order was received (date to be inserted when the Board Secretary gets proof of delivery back from the certified delivery); and
- Says "Status of Hearing Request as of (date Board Secretary updates web page):" at which point the Board Secretary will insert "Hearing Request Received" or "No Hearing Request-Order is Final" or "Hearing Request Pending"

In addition, all final determinations on disciplinary matters will be posted on the Board's web site, whether it is a settlement agreement, final order or a final legal decision on the merits of the Board's disciplinary action.

