

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

February 19, 2013 Meeting Minutes

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

Board Members:

Present: Jorge Berkowitz, Phil Brilliant, Richard Dewling, Joann Held, Christopher Motta, Karl Muessig (left at 4:35), Constantine Tsentas, Ira Whitman

Absent: Lawra Dodge, Mike Pisauro, Dave Sweeney

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

Proceedings:

- Meeting called to Order at 4:05 by Vice-Chairman Held.
- Statement by Vice Chairman Held that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Approval of the February 4, 2013 minutes.
 - Motion by Dick Dewling to approve February 4, 2013 minutes, seconded by Ira Whitman; approved unanimously.
- Chairman's Report
 - The Vice-Chairman indicated that Chairman Sweeney was on vacation.
 - The Vice-Chairman also noted that she was going to modify the agenda slightly so that Buck Chaffee could make his presentation earlier in the meeting.
- Committee Reports
 - Licensure: A report was given by Committee Chair Ira Whitman on behalf of the Licensure Committee.
 - Ira Whitman made a motion to accept the determination of the exam contractor declaring 65 people as having passed the January 17, 2013 examination and therefore, deeming those

individuals as Permanent LSRPs, license effective February 25, 2013.

- The motion was seconded by Dick Dewling; motion adopted after debate. All present (8 members) voted Yes.
 - Buck Chaffee, President of Caviart presented an overview and analysis of all the exams. His presentation included information about passing rates, the ability level of the test takers, and the overall credibility of the exams.
 - Buck Chaffee then answered questions from Board members and the public.
 - Motion to amend item 4C (Temporary License Extensions) of the October 3, 2011 approved Licensing Board policy to state that for those Temporary License holders who did not pass the examination during the nine-month period from May 2012 to January 2013, they may not *take* the examination for a period of one year. This amendment supersedes the current language which says that such individuals may not *apply* to retake the examination for one year.
 - Seconded by Jorge Berkowitz; motion adopted after debate. All present (7 members as Karl Muessig left at 4:35) voted Yes.
 - Roll call vote as follows:
 - Berkowitz- Y
 - Brilliant- Y
 - Dewling- Y
 - Dodge- Absent
 - Held- Y
 - Motta- Y
 - Muessig- Absent
 - Pisauro- Absent
 - Tsentas- Y
 - Whitman- Y
 - Sweeney- Absent
- Audit: A report was given by Committee Chair Phil Brilliant on behalf of the Audit Committee.
- Phil Brilliant reported that since there are 514 permanent LSRPs, the Board will audit 52 LSRPs for the year 2013 to satisfy the 10% requirement set forth in SRRA.
 - Phil Brilliant then raised the issue of whether the Board should continue to audit those LSRPs who have been selected but whose licenses have either been terminated or will expire. He noted that this scenario applies to two individuals.
 - Phil Brilliant then made a motion to continue those audits.

- Seconded by Ira Whitman; motion did not carry. (6Y, 1N, 4 Absent, no Abstentions)
- Roll call vote as follows:
 - Berkowitz- Y
 - Brilliant- Y
 - Dewling-N
 - Dodge- Absent
 - Held-Y
 - Motta- Y
 - Muessig-Absent
 - Pisauro-Absent
 - Tsentas- Y
 - Whitman-Y
 - Sweeney-Absent

- Phil Brilliant then announced that the following audits have been deemed complete:

574426 Thomas Glancey, Selected November 5, 2012, Completed February 19, 2013
 512049 Michael Malone, Selected November 5, 2012, Completed February 19, 2013
 574551 Stephen Posten, Selected November 5, 2012, Completed February 19, 2013
 575017 Jerry Haug, Selected September 10, 2012, Completed February 19, 2013
 573785 Gilbert Marshall, Selected November 5, 2012, Completed February 19, 2013
 529684 Jennifer O’Keefe, Selected July 9, 2012, Completed February 19, 2013
 509042 John Callaghan, Selected July 9, 2012, Completed February 19, 2013

- Continuing Education: A report was given by Constantine Tsentas for Lawra Dodge on behalf of the Continuing Education Committee.
 - Motion by Constantine Tsentas to approve the following continuing education course:
 - NJDEP Vapor Intrusion Guidance submitted by Rutgers Office of Continuing Education for 2 Regulatory and 4.5 Technical CECs.
 - Motion withdrawn due to lack of quorum (only 6 members present as Karl Muessig left at 4:35 and Jorge Berkowitz planned to abstain due to his involvement with the course); motion tabled for next meeting.

- Finance: A report was given by Committee Chair Richard Dewling on behalf of the Finance Committee.
 - Richard Dewling presented the Board budget (handout) for FY 2014.
 - Richard Dewling then made a motion to adopt the Budget.

- Seconded by Ira Whitman; motion adopted after debate; all present voted Yes.
 - Roll call vote as follows:
 - Berkowitz- Y
 - Brilliant- Y
 - Dewling-Y
 - Dodge- Absent
 - Held-Y
 - Motta- Y
 - Muessig-Absent
 - Pisauro-Absent
 - Tsentas- Y
 - Whitman-Y
 - Sweeney-Absent
- Website/Outreach: A report was given by Outreach Committee Chair Chris Motta on behalf of the Outreach Committee.
- Chris Motta reported that he now has access to the DEP program that will allow him to view the mock-up of the proposed new Board web site; he plans to meet with Anthony Teel in the near future to review the new site.
- Professional Conduct: A report was given by Committee Chair Jorge Berkowitz on behalf of the Professional Conduct Committee.
- Jorge Berkowitz updated the Board on pending LSRP complaints and then he made a motion to go into closed session to discuss a disciplinary matter.
 - When the Board returned from the closed session, Jorge Berkowitz made a motion to dismiss Complaint 003A-2012 without admonition or warning.
 - Seconded by Richard Dewling, motion adopted. All present voted Yes.
 - Roll call vote as follows:
 - Berkowitz- Y
 - Brilliant- Y
 - Dewling-Y
 - Dodge- Absent
 - Held-Y
 - Motta- Y
 - Muessig-Absent
 - Pisauro-Absent
 - Tsentas- Y
 - Whitman-Y
 - Sweeney-Absent

- Joann Held indicated that the Board, with the help of staff, would work to post the Case Summary on the Board Web site as soon as possible.
 - Rulemaking: A report was given by Joann Held on behalf of the Rulemaking Committee.
 - Joann Held indicated she has nothing to report for this meeting.
 - Confidentiality and Release of Public Information (Ad Hoc): Committee Chair Mike Pisauro was absent and therefore, no report was given.
- Ongoing Business
 - None
- New Business
 - None
- Public Comment
 - None
- The meeting adjourned at 6:05 p.m.