

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

**FINAL**

August 5, 2013 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  
Karl Muessig  
Michael Pisauro  
Constantine Tsentas  
David Sweeney  
Ira Whitman

***Absent:*** None

***Others Present:***

Board Secretary Karen Hershey  
DAG Kimberly Hahn  
Board Staff Dana Haymes  
Executive Assistant David Haymes

***Proceedings:***

- **Meeting called to Order at 4:08 by Chairman Sweeney**
- **Statement by Chairman Sweeney that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act**
- **Roll Call**
- **Approval of the May 6, 2013 Meeting Minutes**

- Motion by Chairman Sweeney to approve May 6, 2013 minutes. Motion seconded by Joanne Held. Jorge Berkowitz and Lawra Dodge abstained. Remainder of those present voted Yes. Motion carried.
- **Approval of the June 3, 2013 Meeting Minutes**

Motion by Chairman Sweeney to approve June 3, 2013 minutes. Motion seconded by Constantine Tsentas. Lawra Dodge, Christopher Motta and Mike Pisauro abstained. Remainder of those present voted Yes. Motion carried.
- **Approval of the July 1, 2013 Meeting Minutes**

Motion by Jorge Berkowitz to approve July 1, 2013 minutes. Motion seconded by Joann Held. Chairman Sweeney, Phil Brilliant and Karl Muessig abstained. Remainder of those present voted Yes. Motion carried.
- **Report of Chairman Sweeney**

Chairman Sweeney acknowledged that this is his last meeting before retirement. He thanked the Board for their hard work in moving the LSRP program forward.
- **Report of Vice-Chairman Held**

On behalf of the Board, Vice-Chairman Held thanked Chairman Sweeney and conveyed best wishes to the Chairman in his retirement.
- **Report of the Audit Committee - Phil Brilliant**

Five LSRPs have been selected for audit for the month of August. Phil Brilliant also reported that the following audits are complete:

528996 Carla N. Nascimento, Selected October 1, 2012, Completed August 5, 2013.  
508608 John M. Marion, Selected October 1, 2012, Completed August 5, 2013.  
511688 Juan P. Salguero, Selected October 1, 2012, Completed August 5, 2013.  
574868 Devang R. Patel, Selected February 4, 2013, Completed August 5, 2013.  
576005 James P. Valenti, Selected February 4, 2013, Completed August 5, 2013.  
569431 Robert E. McPeak, Jr., Selected February 4, 2013, Completed August 5, 2013.  
586036 Robert M. Jr. Trepp, Selected February 4, 2013, Completed August 5, 2013.  
575496 Daniel R. Toder, Selected March 4, 2013, Completed August 5, 2013.  
594562 David Muscalo, Selected March 4, 2013, Completed August 5, 2013.  
575617 Gerald J. Zambrella, Selected March 4, 2013, Completed August 5, 2013.  
585178 Robert T. Fenz, Selected March 4, 2013, Completed August 5, 2013.  
574047 Ross Trube, Selected March 4, 2013, Completed August 5, 2013.  
591669 Andrew Michalski, Selected May 6, 2013, Completed August 5, 2013.  
591565 Brian D. Gillen, Selected May 6, 2013, Completed August 5, 2013.  
582659 Richard H. Doran, Selected May 6, 2013, Completed August 5, 2013.

575210 Thomas F. Maguire, Selected May 6, 2013, Completed August 5, 2013.

- **Report of the Continuing Education Committee – Lawra Dodge**

Lawra Dodge presented one application for approval as a continuing education course:

Application from Advanced Tools and the LSRPA for 6.5 Technical CECs for the Class, “Advanced Tools for In-Situ Green Remediation” to be held in September 2013.

° Motion by Lawra Dodge to approve course for continuing education credit as proposed. Motion seconded by Karl Muessig. All present voted Yes. Motion carried.

- **Report of the Finance Committee - Richard Dewling**

The final numbers for 2013 are in. Charges to the Board for FY2013 total \$247,703.33. This includes charges from the Attorney General’s office. There are sufficient funds for the 2014 exam.

- **Report of the Licensure Committee - Ira Whitman**

The Committee is working on revising the licensure application form and instructions, and creating a new letter of reference form. The new forms are incorporating the requirements set forth in the proposed new rules. The goal is to have the new forms in place on the website in order to begin accepting new applications for licensure in September.

With respect to the next licensure examination, Caviart has secured a testing space in East Windsor for March 19, 2014. The goal is to have an annual exam about the same time each year. Caviart will begin developing the new exam. Ira Whitman also reported that he has had discussions with Caviart regarding exam content. He has suggested to Caviart that the exam be easier to read, shorter and incorporate some serial questions. The Board is now the contracting entity with Caviart, and Secretary Hershey is administering the financial aspects of the contract.

- **Report of the Outreach Committee - Christopher Motta**

Mr. Motta presented a tour of the new website which should be ready to launch in a few days.

- **Report of the Professional Conduct Committee - Jorge Berkowitz**

There are three open items:

Complaint 001-2013. The CRT is pursuing more information.

Complaint 003-2013. This complaint is still being screened by Board staff.

Motion by Jorge Berkowitz for closed session to consider Complaint 002-2013. Board entered closed session at 5:02 and returned to open session at 5:30.

Report from Jorge Berkowitz:

The Board considered whether a person violated N.J.S.A. 58:10C-11 which states:

No person shall be, act as, advertise as, or hold himself out to be, or represent himself as being, a licensed site remediation professional unless that person has been issued a valid license pursuant to C.58:10C-1 et al.

The PCC has recommended action to the Board, pursuant to N.J.S.A. 58:10C-17.

Motion by Jorge Berkowitz to authorize the Attorney General, on behalf of the Board, to institute a civil action in Superior Court against the person who is allegedly representing himself as an LSRP in DEP submissions, for appropriate relief including permanent injunction and monetary penalties.

Motion seconded by Mike Pisauro. Roll call vote as follows:

Berkowitz - Yes  
Brilliant - Yes  
Dewling - Yes  
Dodge - Yes  
Held - Yes  
Motta - Yes  
Muessig - Yes  
Pisauro - Yes  
Sweeney - Yes  
Tsentas - Yes  
Whitman - Yes

Motion Carried.

The individual who is the subject of Complaint 002-2013 is Edward Korab.

The Board will also refer this individual to the licensing boards that govern professional engineers in New Jersey and Pennsylvania for investigation.

- **Report of the Rulemaking Committee - Joann Held**

and **Report of the Ad Hoc Committee on Document Retention - Joann Held**

The draft rules are in good shape. Ms. Held reported that she has sent notes to committee chairs requesting feedback on rule issues. The goal is to propose the rule in September or October.

Joann Held also presented the proposed Board's Statement of Interpretation of N.J.S.A. 58:10C-20. The Statement of Interpretation addresses the method of carrying out retention but does not address the time period for document retention. Ms. Held requested that the Board members review the Statement of Interpretation at the September meeting at which time the Board will vote on whether to adopt the Statement of Interpretation and post it on the Board website.

- **Ongoing Business:** None

- **New Business:**

Presentation from Vice Chairman Held to Chairman Sweeney of an honorary LSRP certificate signed by the Board members.

- **Public Comment:**

Ken Goldstein of Yardley, PA. President of LSRPA. On behalf of the LSRPA Ken Goldstein congratulated Chairman Sweeney on his pending retirement.

- The meeting adjourned at 5:43 pm.