

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

**December 5, 2016 Meeting Minutes**

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

**Board Members:**

*Present*

Jorge Berkowitz

Philip Brilliant

Joseph Fallon

Joann Held

Jeffrey Hoffman

Christopher Motta (participated via teleconference due to inability to attend in person because of unforeseen circumstances and departed meeting at 4:17 PM)

Mark Pedersen (joined meeting at 4:17 PM)

Connie Tsentas

Ira Whitman

*Absent*

Lawra Dodge

Kathi Stetser

Peter Strom

*Others Present:*

Board Executive Director Janine MacGregor

Board Staff Dana Haymes

DAG Nielsen Lewis

*Proceedings:*

- Meeting called to Order at 4:08 PM by Acting Chairman Joann Held
- Roll Call
- Approval of the Minutes of November 7, 2016

Motion to approve the minutes by Jorge Berkowitz.

Motion seconded by Jeffrey Hoffman.

Joann Held requested that the minutes be revised to reflect that Stephen Posten made comments in the public participation section of the meeting; specifically, he requested that the Board issue a listserv to notify the public if the LSRP examination is to be rescheduled, and he commented on the frequency of future exams and the LSRPA's desire to have input on the discharge notification clarification statement.

Roll Call Vote to approve minutes as amended:

Jorge Berkowitz:	Yes
Philip Brilliant:	Yes
Lawra Dodge:	Absent
Joseph Fallon:	Yes
Joann Held:	Yes
Jeffrey Hoffman:	Yes
Christopher Motta:	Yes
Kathi Stetser:	Absent
Peter Strom:	Absent
Connie Tsentas:	Yes
Ira Whitman:	Yes
Mark Pedersen:	Absent

The motion was carried.

- **Report of the Continuing Education Committee: Connie Tsentas on behalf of Lawra Dodge**

Motion by Connie Tsentas to disapprove the following 7 applications for CECs because the courses were introductory level and not appropriate for the continuing education of LSRPs, and the examinations were not available on-line, so there was no way to verify that the person taking the course for credit actually completed the examination. These courses were previously disapproved by the Board on July 11, 2016, but were resubmitted by the presenter with additional supporting information for reconsideration by the Board.

1. Environmental Sampling E-Course presented by Nielsen Field School
2. Ground Water Monitoring E-Course presented by Nielsen Field School
3. Ground Water Monitoring Well Design, Construction and Development E-Course presented by Nielsen Field School
4. Ground Water Sampling E-Course presented by Nielsen Field School
5. Low-Flow Purging and Sampling and No-Purge Sampling E-Course presented by Nielsen Field School
6. Soil Sampling E-Course presented by Nielsen Field School
7. Soil Sampling for Volatile Organic Compounds E-Course presented by Nielsen Field School

Motion seconded by Joann Held.

Jorge Berkowitz:	Yes
Philip Brilliant:	Yes
Lawra Dodge:	Absent
Joseph Fallon:	Yes
Joann Held:	Yes
Jeffrey Hoffman:	Yes
Christopher Motta:	Yes
Kathi Stetser:	Absent
Peter Strom:	Absent
Connie Tsentas:	Yes
Ira Whitman:	Yes
Mark Pedersen:	Absent

The motion was carried.

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

No Report

Christopher Motta departed the meeting at 4:17.  
Mark Pedersen arrived at the meeting at 4:17.

- **Chairman's Report: Mark Pedersen**

Chairman Pedersen thanked Joann Held for chairing the Board in his absence and reported that he is looking forward to seeing the results of all the efforts by the Ad Hoc Committees.

- **Executive Director's Report: Janine MacGregor**

No report.

- **Report of the Ad-Hoc Committee on Board Operations: Joann Held**

Joann Held noted that the Committee has developed a white paper on Professional Judgment and has been discussing the process they will follow to circulate it for comment.

- **Report of the Ad-Hoc Committee on Discharge Notification: Joann Held**

No Report.

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

Motion by Jorge Berkowitz to adopt the resolution to go into closed session for reconsideration of Complaint 008-2015 and to discuss Complaint 006-2016.

Motion seconded by Joe Fallon.

All present voted yes.

The motion was carried.

Closed session commenced at 4:30 PM.

The Board resumed full session at 5:45 PM.

Motion by Jorge Berkowitz to amend the motion made on July 11, 2016 with respect to Complaint 008-2015 as follows:

On July 11, 2016, in regard to Complaint 008-2015, the Board voted to find the subject of the complaint in violation of the following provisions of the SRRA, and assess a \$1,000 penalty as follows:

N.J.S.A. 58:10C-17a -\$500

N.J.S.A. 58:10C-16i -\$500.

Subsequent to that vote the Board prepared a Notice of Civil Administrative Penalty Assessment which included these violations. DAG Lou Karagias reviewed the Notice of Civil Administrative Penalty Assessment and recommended changes to the provisions of the Site Remediation Reform Act cited. The Professional Conduct Committee was notified, evaluated these recommendations and agrees with them.

So I now move to amend the motion and find the subject of Complaint 008-2015 in violation of the following provisions of the Site Remediation Reform Act, and assess a \$1,000 penalty as follows:

N.J.S.A. 58:10C-16b -\$500

N.J.A.C. 7:26C-6.2(a)3 per authority in N.J.S.A. 58:10C-17a -\$500

Motion seconded by Joann Held.

Roll Call Vote:

Jorge Berkowitz:	Yes
Philip Brilliant:	Yes
Lawra Dodge:	Absent
Joseph Fallon:	Yes
Joann Held:	Yes
Jeffrey Hoffman:	Yes
Christopher Motta:	Absent
Kathi Stetser:	Absent
Peter Strom:	Absent
Connie Tsentas:	Yes
Ira Whitman:	Yes
Mark Pedersen:	Yes

The motion was carried.

Motion by Jorge Berkowitz to dismiss Complaint 006-2016 due to the Board finding that none of the allegations in the complaint had merit.

Motion seconded by Phil Brilliant.

## Roll Call Vote:

Jorge Berkowitz:	Yes
Philip Brilliant:	Yes
Lawra Dodge:	Absent
Joseph Fallon:	Yes
Joann Held:	Yes
Jeffrey Hoffman:	Yes
Christopher Motta:	Absent
Kathi Stetser:	Absent
Peter Strom:	Absent
Connie Tsentas:	Yes
Ira Whitman:	Yes
Mark Pedersen:	Yes

The motion was carried.

Jorge Berkowitz reported that the Professional Conduct Committee has been reviewing the complaint flow chart and is considering revisions to make it more accurate and reflective of the present process. The Professional Conduct Committee is also working on drafting a memorandum of understanding between the Department and the Board with respect to how the Board will review and investigate complaints brought by the Department, and the input that the Department will provide with respect to technical aspects of complaints.

- **Report of the Audit Committee: Philip Brilliant**

Phil Brilliant reported that the names of five LSRPs were drawn for the December 2016 audit and an Audit Review Team will be assembled.

There are no audits to report as complete.

The Audit Committee is reviewing the Audit Review Team guidance and considering revisions.

The Audit Committee would like to emphasize to LSRPs that they are obligated by N.J.A.C. 7:26I-2.10(d) to report any change in contact information to the Board within 15 days of the change. A listserv to convey this information may be in order.

- **Report of the By-Laws Committee: Ira Whitman**

Ira Whitman reported that Board Members have had the opportunity to review the By-Laws and recommend changes. Dana and Ira will meet to review and compile the proposed revisions and will send those to the By-Laws Committee for their review and approval. After the Committee reviews the proposed revisions, they will send them to the full Board and DAG Nielsen Lewis for review.

- **Report of the Finance Committee: Joseph Fallon**

Joseph Fallon reported that annual invoices were sent to LSRPs today. It was suggested that a listserv go out advising LSRPs to expect the bill and if they do not receive it to confirm their contact information with Board staff.

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

Ira Whitman reported that the Licensure Committee had a conference call on November 14, 2016 with Department information technology staff. The Committee is now looking at alternative options.

With regard to the examination contract, the exam will be held on April 20, 2017 under the contract extension. The Committee, in collaboration with the Department, is revising the request for proposals. The Department of Treasury intends to issue a new request for proposals for a 2-year contract, but longer term options need to be discussed.

- **Ongoing Business:**

No ongoing business.

- **New Business:**

No new business.

- **Next Meeting Date:**

Motion by Mark Pedersen to not hold a meeting on December 19, 2016.

Motion seconded by Jeff Hoffman.

All present voted yes.

The motion was carried.

- **Public Comments:**

No public comments.

The meeting adjourned at 6:25 PM.