

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

January 9, 2017 Meeting Minutes

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

Board Members:

Present

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

Absent

Connie Tsentas

Others Present:

Board Executive Director Janine MacGregor
Board Staff Dana Haymes
DAG Nielsen Lewis

Proceedings:

- Meeting called to Order at 4:01 PM by Chairman Mark Pedersen
- Roll Call
- Approval of the Minutes of December 5, 2016

Motion to approve the minutes by Phil Brilliant.

Motion seconded by Jeff Hoffman.

Joann Held requested that the minutes be revised to reflect that the Board resumed open session at 5:45 PM.

DAG Nielsen Lewis stated that motion to return to open session should be in closed session minutes, not open session minutes. When the Board returns to open session the presiding officer will indicate that the Board has returned to open session.

Roll Call Vote to approve minutes as amended:

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

The motion was carried.

Approval of the Minutes of the Closed Session on December 5, 2016

Motion to approve the minutes by Phil Brilliant.

Motion seconded by Joe Fallon.

Roll Call Vote to approve minutes:

- Jorge Berkowitz: Yes

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

The motion was carried.

- **Chairman's Report**

Under New Business, Chairman will bring up reelection of Board Vice-Chairman.

The Department of Environmental Protection has been analyzing Remedial Action Permit applications. Early on the Department found that a large percentage of applications were technically and administratively deficient. Since the Department conducted training the percentage of deficient applications has decreased.

The percentage of RAOs reviewed by the Department has been decreasing. The Department is reallocating staff to increase the percentage of RAOs that are reviewed. To date, less than 3% of all issued RAOs have been withdrawn, and nine RAOs have been invalidated.

- **Executive Director's Report**

Janine MacGregor reported that since the LSRP examination and Case Study Training (2013-010) were scheduled for the same day, she requested that the Department reschedule the Case Study Training. The Department complied, and Case Study Training is now scheduled for March 13, 2017. The Department has been considering reducing the number of times this course is held per year, but Janine asked the Department to

gather additional information and reconsider this. With respect to Board correspondence, Janine will attach important documents to emails using Word or pdf format.

- **Committee Reports**

- **Ad-Hoc Committee on Board Operations – Joann Held**

No Report.

- **Ad-Hoc Committee on Discharge Notification – Joann Held**

No Report.

- **Professional Conduct – Jorge Berkowitz**

Jorge Berkowitz reported that there are currently approximately 17 pending complaints. Of those, about 10 are in the midst of Complaint Review Team investigations. The Committee will be asking Complaint Review Teams for their 45-day reports. The Committee has been reviewing the complaint flow chart and is considering revisions to make it more accurate and reflective of the present process.

Motion by Jorge Berkowitz to approve resolution to go into closed session to discuss settlement of Complaint 001-2014.

Motion seconded by Lawra Dodge.

All present voted yes.

The motion was carried.

Closed session commenced at 4:40 PM.

Open session resumed at 5:30 PM.

With respect to Complaint 001-2014, motion by Jorge Berkowitz for the Board to authorize the Chairman to execute a negotiated, mutually acceptable settlement agreement containing at a minimum the following terms:

1. LSRP's license shall be suspended for a period of six months.
2. Within one year of the start date of suspension, the LSRP shall obtain a minimum of 12 continuing education credits, of which at least 6 shall be regulatory continuing education credits. These continuing education credits are in addition to the 36 continuing education credits that are required for license renewal.

3. Upon reinstatement of his license, the LSRP shall participate in periodic evaluations of four submitted documents that shall be conducted by the Board during the first two years after reinstatement of the license. If the Board does not review four documents within the first two years, the evaluation period shall be extended two years.
4. If the evaluation of four documents indicates to the Board that the LSRP is consistently failing to meet the standards of performance of an LSRP the Board will consider permanent revocation of the LSRP's license.
5. The LSRP shall reimburse the Board for conducting the evaluations of four documents, at a rate of \$105.48/hour, not to exceed \$500 per document.
6. The LSRP shall immediately pay an administrative penalty of \$5000.

Peter Strom seconded the motion.

Roll Call Vote:

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

The motion was carried.

- **Report of the Audit Committee – Phil Brilliant**

Phil Brilliant reported that as of January 1, 2017 there are 642 LSRPs so the Board will audit 64 LSRPs in 2017. 6 LSRPs will be randomly selected in January through April, and then 5 from May through December.

6 LSRPs were randomly selected for audit on Tuesday, January 3, 2017 and an Audit Review Team was assembled.

The Committee is continuing to work on preparing Audit Review Team Guidance.

- Completed Audits to Report:

- Carol Graff #573809 - December 2015
- Thomas Waldron #591638 - March 2016
- Andrew Trzcinski #594554 - April 2016
- Barry K. Wham #594560 - April 2016
- Kenneth J. Bird #585378 - April 2016
- Kevin J. Toth #575603 - April 2016
- Kevin P. Wheeler #585023 - April 2016
- Jason Lynam #714951 - June 2016
- Paul Crosby #628091 - June 2016
- Robert Kovacs #627589 - June 2016
- Sam W. Klickovich #574544 - June 2016

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

Ira Whitman reported that a draft revised By-Laws has been prepared based on input by the Committee. The draft is being reviewed by Ira and Board Staff.

During the week of January 9, 2017, Ira hopes to distribute the draft By-Laws to the Members of the Board and DAG Nielsen for review.

If there are no major comments, Ira hopes to distribute the final By-Laws to the Board Members prior to the February Board meeting for adoption at that meeting.

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

Motion by Lawra Dodge to approve the following applications for approval of Continuing Education Credit:

Application of LSRPA for approval of Commingled Plume Technical Training for the LSRP – Committee recommends approval of 6 Technical CECs

Application of LSRPA for approval of November 2016 Regulatory Roundtable – Committee recommends approval of 1.5 Regulatory CECs

Application of LSRPA for approval of October 2016 Regulatory Roundtable – Committee recommends approval of 1.5 Regulatory CECs.

Motion seconded by Joann Held.

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

The motion was carried.

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

No report

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

Ira Whitman reported that the application period for the licensing examination is currently open and will close on January 31, 2017. The examination will be held on April 20, 2017.

The examination Request for Proposals is undergoing its next to final re-review by Department representatives. After the final Department re-review the Request for

Proposals will be sent to the Department of Treasury, which will issue the Request for Proposals.

The consideration of the IT contract Request for Proposals is currently on hold by the Board.

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

Chris Motta reported that he met with Anthony Teel and discussed updates to the website. The updates should be made within the month.

- **Ongoing Business:**

No ongoing business.

- **New Business:**

Chairman Pedersen nominated Joann Held to the position of Vice-Chairman for a term of one year. Joe Fallon seconded the nomination.

Roll Call Vote:

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

The motion was carried.

- **Next Meeting Date:**

Motion by Chairman Pedersen to not hold a meeting on January 23, 2017.

Motion seconded by Joann Held.

All present voted yes.

The motion was carried.

- **Public Comments:**

No public comments.

The meeting adjourned at 6:01 PM.