

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

February 6, 2017 Meeting Minutes

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

Board Members:

Present

Philip Brilliant
Joseph Fallon
Joann Held
Jeffrey Hoffman
Christopher Motta
Mark Pedersen
Kathi Stetser
Peter Strom
Connie Tsentas
Ira Whitman

Absent

Jorge Berkowitz
Lawra Dodge

Others Present:

Board Executive Director Janine MacGregor
Board Staff Dana Haymes

Proceedings:

- Meeting called to Order at 4:05 PM by Chairman Mark Pedersen
- Roll Call
- Approval of the Minutes of January 9, 2017

Motion to approve the minutes by Ira Whitman.

Motion seconded by Phil Brilliant.

All present voted to approve the minutes except Connie Tsentas abstained.

The motion was carried.

Approval of the Minutes of the Closed Session on January 9, 2017

Motion to approve the minutes by Ira Whitman.

Motion seconded by Phil Brilliant.

Joann Held requested that the Attorney General's office be consulted with respect to whether minutes of the closed session should include the results of a straw poll vote.

All present voted to approve the minutes except Connie Tsentas abstained.

The motion was carried.

- **Chairman's Report**

Chairman Pedersen reported that at the LSRPA annual meeting Senator Smith approved of the work of the Site Remediation Program, and indicated that the SRRA 2.0 target date is June 2017.

- **Executive Director's Report**

Janine MacGregor reported that she completed a draft of SRRA 2.0 changes in a format that would be appropriate for discussion with Senator Smith. The full Board should provide comments to Janine.

Janine MacGregor and Dana Haymes have been meeting with Department training staff to develop a training program to present to Department employees to educate them about Board functions. Of particular focus will be the areas in which the Board and Department have the most interaction; specifically, audits and complaints.

All Board Members have commented on S2891. Ms. MacGregor is concerned about the scope of the types of decisions that the Office of the Attorney General can supersede the Board on. She is also concerned that the authority of the Chairman will be abrogated. Ira Whitman requested further information as to why this Bill was put forward and by whom.

- **Committee Reports**

- **Professional Conduct Committee – Joann Held for Jorge Berkowitz**

Motion by Joann Held to approve the resolution to go into closed session to discuss Complaint 006a-2015.

Motion seconded by Mark Pedersen.

Roll Call Vote:

Jorge Berkowitz: Absent

Philip Brilliant: Yes

Lawra Dodge: Absent

Joseph Fallon: Yes

Joann Held: Yes

Jeffrey Hoffman: Yes

Christopher Motta: Yes

Kathi Stetser: Yes

Peter Strom: Yes

Connie Tsentas: Yes

Ira Whitman: Yes

Mark Pedersen: Yes

The motion was carried.

Closed session commenced at 4:30 PM.

Open session resumed at 5:43 PM.

Joann Held reported that the Professional Conduct Committee will follow up on the items discussed in closed session. No action to be taken by the Board at this time.

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

Joann Held reported that the Committee held a conference call on January 17, 2017. The Committee is working on a statement of interpretation of the term “Professional Judgment.” The Committee will circulate the statement of interpretation for Board Members’ comments.

The Committee is also working on a process to be followed when developing a statement of interpretation.

The Members of this Committee are Ira Whitman, Joann Held, Jorge Berkowitz, Joe Fallon, Phil Brilliant and Lawra Dodge.

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

No Report.

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

Phil Brilliant reported that six LSRPs were randomly selected for audit today and an Audit Review Team was assembled.

The Committee is continuing to work on preparing Audit Review Team Guidance. The Committee will look into the process to consider how to address the fact that auditees increasingly have a very large number of sites. The Audit review process may need to be more efficient, while remaining sufficient and effective. Phil Brilliant will take up this issue with the Audit Committee.

- Completed Audits to Report:

David Lott, #594620 – July 2016
Thomas Myers, #573982 – July 2016

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

Ira Whitman reported that a draft of the By-Laws was completed shortly after the January Board Meeting. The completed draft was reviewed by Committee members Phil Brilliant, Lawra Dodge and Peter Strom. Comments were received and the draft was edited accordingly. Staff Janine MacGregor and Dana Haymes, along with Ira Whitman, made additional revisions. The final proposed By-Laws were distributed to Board Members and DAG Nielsen Lewis for review.

The review and revision of the By-Laws was helpful because it clarified issues that had arisen concerning conflicts and recusal, it identified areas where procedures in the By-Laws were not being followed and made adjustments (for example, the annual election of a Vice Chairperson) and it was an opportunity to update the By-Laws to reflect the actual procedures that have evolved since January 2011.

Ira Whitman will propose two motions next month. The first will be a motion to adopt the By-Laws. The second will be a motion to schedule a review of the By-Laws in

November 2021 unless the Board determines it is necessary to conduct such a review earlier.

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

Lawra Dodge Absent – no report.

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

Joseph Fallon presented the Budget Tracking Report for the first and second quarters of Fiscal Year 2017.

Mr. Fallon noted that the revenues are low since this only captured the major revenue stream in December for annual renewals; there will be additional revenues in January that are not captured here, as well as additional revenues such as prorated fees for individuals that pass the April exam.

The Report does not include the “DAG Actuals” for the second quarter, they are expected in late February/early March.

There are some incorrect figures in this document – corrections will be made.

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

Ira Whitman reported that the licensing exam request for proposals is under review in Treasury.

Approximately 70 applications for the LSRP license have been received to date. Five candidates have been granted exceptions and will be permitted to take the Case Study Training Course on March 13. They will be conditionally approved based on documentation that they registered and paid for the class, and they must show certification that they attended the class. The examination will be held on April 20.

The license renewal period has begun. Three people will be late on meeting continuing education requirements, but will meet them before license expiration. They will be required to complete a supplemental form and pay a \$150 processing charge.

Motion by Ira Whitman to change the procedure for accepting candidates to take the exam to allow the licensing committee to approve the candidates and report those candidates as approved at the Board meeting prior to the exam.

Motion seconded by Peter Strom.

Roll Call Vote:

Jorge Berkowitz: Absent

Philip Brilliant: Yes

Lawra Dodge: Absent

Joseph Fallon: Yes

Joann Held: Yes

Jeffrey Hoffman: Yes

Christopher Motta: Yes

Kathi Stetser: Yes

Peter Strom: Yes

Connie Tsentas: Yes

Ira Whitman: Yes

Mark Pedersen: Yes

The motion was carried.

This new procedure will be memorialized in the By-Laws.

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

No Report.

- **Ongoing Business:**

No ongoing business.

- **New Business:**

No new business

- **Next Meeting Date:**

Motion by Chairman Pedersen to not hold a meeting on February 21, 2017.

Motion seconded by Jeffrey Hoffman.

All present voted yes.

The motion was carried.

- **Public Comments:**

Rodger Ferguson, LSRPA

A member of the LSRPA has been served with an OPRA request from a private law firm to produce all his files with respect to an individual site. Would it be appropriate for the Board to remind the public at large that this matter was considered during the rule adoption, in Comment 9?

As an individual, Mr. Ferguson agrees that there is a slippery slope in allowing non-compliance with the continuing education rules, and he does not consider it appropriate to renew an LSRP's license if all continuing education requirements have not been met prior to license renewal.

The meeting adjourned at 6:48 PM.