

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

**November 6, 2017 Meeting Minutes**

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

**Board Members:**

*Present*

Phil Brilliant  
Joann Held  
Christopher Motta  
Mark Pedersen (participated via teleconference)  
Kathi Stetser  
Peter Strom  
Connie Tsentas  
Ira Whitman

*Absent*

Jorge Berkowitz  
Lawra Dodge  
Jeffrey Hoffman

*Others Present:*

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

*Proceedings:*

- Meeting called to Order at 4:02 PM by Vice-Chairperson Joann Held.
- Vice-Chairperson Held read the Statement of Adequate Public Notice of the meeting required by the Open Public Meetings Act.
- Roll Call – a quorum of the Board was in attendance.
- Connie Tsentas made a motion to approve the minutes of the Board meeting of October 2, 2017.  
Motion seconded by Peter Strom.

**Roll Call Vote:**

Jorge Berkowitz – absent

Phil Brilliant – yes

Lawra Dodge – absent

Joann Held - yes

Jeffrey Hoffman - absent

Chris Motta – yes

Kathi Stetser – yes

Peter Strom – yes

Connie Tsentas – yes

Ira Whitman - abstain

Mark Pedersen – yes

The Motion was carried.

It was noted that, contrary to what was on the agenda, there was no closed session at the October 2, 2017 meeting, and therefore there were no minutes to approve.

- **Chairperson’s Report**

No report.

- **Executive Director’s Report**

No Report.

- **Committee Reports**

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

Motion by Connie Tsentas to approve the following 7 applications for Continuing Education Credits:

- (1) “Regulatory Roundtable – October 2017” provided by LSRPA for 2 Regulatory CECs. 2017-066
- (2) “Regulatory Roundtable – November 2017” provided by LSRPA for 2 Regulatory CECs. 2017-067
- (3) “Regulatory Roundtable – December 2017” provided by LSRPA for 2 Regulatory CECs. 2017-068
- (4) “2017 Conference on Fractured Rock and Groundwater” provided by National Ground Water Association for up to 10.5 Technical CECs, each individual LSRP to be awarded CECs based on attendance. 2017-069

- (5) “Combining Technologies to Improve Remediation Outcomes” provided by Northeast Waste Management Officials Association for 5 Technical CECs. 2017-070
- (6) “Ethics Credits for LSRPs” provided by Continuing Professional Education Services at Montclair State University for 3 Ethics CECs. Note: Original title of the class was “Mandatory Ethics Credits for LSRPs,” but the Committee recommends approval contingent on the removal of the word “mandatory” from the title of the class and any advertising for the class. 2017-071
- (7) “Specialty Construction Methods” provided by Geo-Solutions, Inc. for 4 Technical CECs. 2017-072

Motion seconded by Joann Held.

Phil Brilliant noted that he is recused from discussing and voting on “Ethics Credits for LSRPs” because the class is conducted by a company he has an interest in.

Kathi Stetser noted that she is recused from discussing and voting on “Regulatory Roundtable – December 2017” because she is on the panel.

Peter Strom noted that he is recused from discussing and voting on “Understanding Advanced Stormwater Management Techniques” because he is employed by the provider, Rutgers University.

Jorge Berkowitz – absent

Phil Brilliant – yes to all except recused with respect to “Ethics Credits for LSRPs”

Lawra Dodge – absent

Joann Held - yes to all

Jeffry Hoffman - absent

Chris Motta – yes to all

Kathi Stetser – yes to all except recused with respect to “Regulatory Roundtable – December 2017”

Peter Strom – yes to all except recused with respect to “Understanding Advanced Stormwater Management Techniques”

Connie Tsentas – yes to all

Ira Whitman – yes to all

Mark Pedersen – yes to all

The Motion was carried with respect to all applications.

- **Report of the Finance Committee – Chris Motta**

Mr. Motta reported that the Department financial staff calculated LSRP fees using procedures detailed in the Board Rules Subchapter 3.

All calculated fees (application, renewal, and annual) are greater than current fees. However, the Finance Committee proposes no fee changes for the following reasons:

- The FY2018 budget shows an adequate project carry forward, or surplus, therefore in the interest of fiscal stewardship there is no need for a fee increase.
- Based on the report from the Licensure Committee, because the licensing exam will likely be offered in September 2018, most of the exam costs will not be realized until FY 2019. As such, operating costs for FY2018 will be less than planned.
- The \$900 annual fee is considered by some to be high relative to other similar licensing programs and Board Members have expressed a desire to avoid increasing the fee.

Department calculated:

Application Fee: \$496.85, keep at \$400

Annual License Fee: \$1,107.41, keep at \$900

Renewal Fee: Fees \$150.13, keep at \$100

The Fee Report will be published on the Board website and in the NJ Register.

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

No Report.

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

No Report.

- **Report of the Audit Committee – Jorge Berkowitz**

On behalf of Jorge Berkowitz, Janine MacGregor reported that the Audit Committee is evaluating and improving the process of reviewing audits. In January, Dr. Berkowitz will announce goals and timeframes.

Five auditees picked today for November 2017.

Sixteen audits reported as completed:

October 2016

John M. Marion	586158
Brian C. Martinek	594964
Christina M. Helms	668285
Mark J. Marotta	594904
Sean M. Damon	577038

November 2016

Andrew C. Thomas	573631
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December 2016

James S. Vander Vliet	573645
John H. Weakliem	582645
Kavitha Subramaniam	715043
Robert S. Hoffmann	715755

February 2017

Erin Palko	628902
Eric S. Hoffmann	668068

April 2017

Ryan K Seibert	715048
Sui Y Leong	586628

June 2017

Jeffrey S. Campbell	590349
Majda M. Rabah	579493

- **Report of the Licensure Committee – Kathi Stetser**
- Ms. Stetser reported that Exam Contractor Caviart has submitted a scope of work for developing and administering the next exam, and that the Licensure Committee has asked Caviart to look for a date in October 2018 to administer the exam.

Motion by Kathi Stetser to modify the schedule of exam administration from approximately every 12 months to approximately every 18 months.

Motion seconded by Ira Whitman.

Jorge Berkowitz – absent  
Phil Brilliant – yes  
Lawra Dodge – absent  
Joann Held - yes  
Jeffry Hoffman - absent  
Chris Motta – yes  
Kathi Stetser – yes  
Peter Strom – yes  
Connie Tsentas – yes  
Ira Whitman – yes  
Mark Pedersen – yes

The Motion was carried.

- Motion by Kathi Stetser to enter into Closed Session to discuss settlement for LSRPs issued Notices of Intent to Deny Applications for License Renewal (NOID) for not completing the required CECs before their licenses expired.

Motion seconded by Phil Brilliant.

All present voted yes.

The Motion was carried.

Closed Session commenced at 4:45 PM.

Open Session resumed at 5:15 PM.

Motion by Kathi Stetser to authorize Chairperson Mark Pedersen to sign a Settlement Agreement requiring the LSRPs to obtain the missing CECs and file new applications for license renewal pursuant to N.J.A.C. 7:26I-2.12(e), and to work out other details of the agreement in concert with the licensure committee as necessary.

Motion seconded by Ira Whitman.

Jorge Berkowitz – absent

Phil Brilliant – yes

Lawra Dodge – absent

Joann Held - yes

Jeffry Hoffman - absent

Chris Motta – yes

Kathi Stetser – yes

Peter Strom – yes

Connie Tsentas – yes

Ira Whitman – yes

Mark Pedersen – absent

The Motion was carried.

- **Outreach Committee – Peter Strom**

No report.

- **Professional Conduct Committee – Phil Brilliant**

No Report.

- **Ongoing Business:**

The Board received a response from the State Ethics Commission to the letter from the LSRPA regarding the company formed by Phil Brilliant and Jorge Berkowitz to provide continuing education programs for LSRPs. The Commission found that Phil Brilliant and Jorge Berkowitz can continue operating PB and J to provide continuing education programs, and should recuse themselves from any discussions or votes the Board considers regarding applications for approval of continuing education credits for continuing education programs provided by PB and J. This finding reinforces the direction already given to the Board from the Department's Ethics Liaison.

- **New Business:**

None.

- **Second Board meeting in November:**

Phil Brilliant commented that he would like the Board to meet on November 20, 2017 to discuss pending complaints. Missing Board members will need to be contacted to ensure there will be quorum present.

- **Public Comments:**

Rodger Ferguson, LSRPA. Mr. Ferguson stated that the LSRPA believes in the audit process, but they are still waiting on an explanation as to non-random audits. They want to know what qualifies someone for a non-random audit. Mr. Ferguson also commented that the decision to settle the license issues was bad precedent.

The meeting adjourned at 5:22 P.M.