

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

**February 1, 2021 Meeting Minutes**

4:00 PM

Meeting held via Microsoft Teams

Until further notice, the open public meetings of the Board will be held via Microsoft Teams.

To participate by phone, use the following:

Toll free number: 1-(856) 338-7074 and Conference ID: 906475949

Or connect via the link on the Board Website [www.nj.gov/l srpboard](http://www.nj.gov/l srpboard)

**Board Members:**

***Present***

Jorge Berkowitz  
Phil Brilliant  
Lawra Dodge  
Joann Held  
Jeffrey Hoffman  
Mark Pedersen  
Kathi Stetser  
Peter Strom  
Ira Whitman

***Absent***

***Others Present***

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

***Members of the Public that were present:***

Bill Hose, Stephen Kessel, Alan Uminski, Jack Lennox, Michele Zolezi, David Russell, and three unidentified persons

***Proceedings***

- Meeting called to Order at 4:04 PM by Chairperson Mark Pedersen
- Mark Pedersen read the Statement of Adequate Public Notice of the meeting required by the Open Public Meetings Act.
- Roll Call:

Jorge Berkowitz - present  
 Phil Brilliant - present  
 Lawra Dodge - present  
 Joann Held - present  
 Jeffrey Hoffman - present  
 Mark Pedersen - present  
 Kathi Stetser - present  
 Peter Strom - present  
 Ira Whitman - present

A quorum of the Board was in attendance.

- **Approval of the Board Meeting Minutes**

- Motion by Mark Pedersen to approve the January 4, 2021 Board Meeting Minutes.

Motion seconded by Jeffrey Hoffman.

DAG Nielsen Lewis noted that he had a revision to the minutes and requested that this text be added to the report from the Rules Committee: “DAG Nielsen Lewis reported that DOL would be submitting comments on some of the Subchapter 6 amendments presented at this meeting.”

Motion by Mark Pedersen to accept the minutes as amended by DAG Lewis.

Motion seconded by Jeffrey Hoffman.

Roll Call Vote:

Jorge Berkowitz - Yes  
 Phil Brilliant - Yes  
 Lawra Dodge - Abstain due to absence  
 Joann Held - Yes  
 Jeffrey Hoffman - Yes  
 Kathi Stetser - Yes  
 Peter Strom - Yes

Ira Whitman - Yes  
Mark Pedersen - Yes

The motion to approve the minutes was carried.

- Motion by Mark Pedersen to approve the January 4, 2021 Board Meeting Minutes of the Closed Session.

Motion seconded by Phil Brilliant.

Roll Call Vote:

Jorge Berkowitz - Yes  
Phil Brilliant - Yes  
Lawra Dodge - Abstain due to absence  
Joann Held - Yes  
Jeffrey Hoffman - Yes  
Kathi Stetser - Yes  
Peter Strom - Yes  
Ira Whitman - Yes  
Mark Pedersen - Yes

The motion to approve the minutes was carried.

- **Chairperson's Report**

No report.

- **Executive Director's Report**

No report.

***Committee Reports***

- Continuing Education – Lawra Dodge

- Motion by Lawra Dodge to approve the following CEC applications to be offered both in-person and in AVLF:

TITLE	PROVIDER	DATE	CECs	PROPOSED COURSE NUMBER
2021 Focused Remediation Seminars	Focused Remediation Seminars	2021: January 14, 28, February 11, 25, March 11, 25, April 8, 22, May 6, 20, June 10, July 15	2.5 Technical	2021-021
Regulatory Roundtable – Overview of Methods for Demonstrating Attainment of NJDEP’s Remediation Standards	LSRPA	April 20, 2021	1 Technical and 0.5 Regulatory	2021-022
Best Practices for Perimeter Air Monitoring Programs	Alpha Analytical and Emilcott Associates	March 2, 2021	2 Technical	2021-023
Due Diligence in New Jersey 2021	LSRPA	April 2021	3.5 Technical and 3.5 Regulatory	2021-024
Regulatory Roundtable – Historic Fill in New Jersey and Implications for LSRPs	LSRPA	March 16, 2021	1.5 Regulatory	2021-025
Regulatory Roundtable – PFAS Volatility	LSRPA	May 18, 2021	1 Technical and 0.5 Regulatory	2021-026
Utilizing PFAS Forensics, Laboratory Methods and Regulatory Guidelines for PFAS and 1,4 Dioxane	LSRPA	TBD	1 Technical and 1 Regulatory	2021-027

Motion seconded by Joann Held.

Roll Call Vote:

- Jorge Berkowitz - Yes
- Phil Brilliant - Yes
- Lawra Dodge - Yes
- Joann Held - Yes
- Jeffrey Hoffman - Yes
- Kathi Stetser - Yes
- Peter Strom - Yes
- Ira Whitman - Yes
- Mark Pedersen - Yes

The motion was carried with respect to all applications.

- Motion by Lawra Dodge to approve the following previously approved continuing education program to be offered in Alternative Verified Learning Format.

LSRPA:

2019-103 – LSRP Practitioners Strategies for Ensuring Regulatory Compliance – 1  
Regulatory

Motion seconded by Mark Pedersen

Roll Call Vote:

Jorge Berkowitz	- Yes
Phil Brilliant	- Yes
Lawra Dodge	- Yes
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Kathi Stetser	- Yes
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Yes

The motion was carried.

Ira Whitman is concerned that not all providers of Continuing Education are issuing certificates to LSRPs within 30 days of the course being held.

- **Audit Committee – Jorge Berkowitz**

Jorge Berkowitz reported that 6 LSRPs were selected for February 2021 audits

The Audit Committee completed audits of the following LSRPs, with no additional action required:

**Selected October 5, 2020:**

Sergio Rojas – 715008  
Stephen Kessel – 573594  
Robert Walsh – 594504

**Selected November 2, 2020:**

Timothy Hull – 747345  
Thomas Bambrick – 573505

Thomas Buchanan – 668308  
Thomas Gallinger – 594594  
Christopher Rowatti – 592569

**Selected December 3, 2020:**

Marion Craig – 591601  
Keith McPartland – 625937

Number of Audits referred to PCC:

No October, November or December 2020 Audits have yet been referred to the PCC.

Jorge Berkowitz reported that the Board will include in the “Audit Results” table on the Board website audits referred to the PCC as complaints. If the Board voted to find a violation in the complaint, the table will provide the complaint number in the outcome column, and if the Board voted to find no violation in the complaint, the table will indicate “concluded” in the outcome column. The date in the “date audit outcome reported to Board column” will be the date that the Board voted on the outcome of the complaint.

- **Finance Committee**

No Report.

- **Licensure Committee – Kathi Stetser**

Kathi Stetser reported that the Committee is considering holding the next exam in Spring 2022. The format in which the exam will be held is yet to be determined.

- **Outreach Committee – Peter Strom**

No report.

- **Rules Committee – Joann Held**

Joann Held reported that the Rules Committee is working on including in the rules the process and parameters for assessing violations, and hopes to have draft language ready to present to the Board in April.

The Rules Committee will also be recommending guidance documents for areas of the rule that seem to be not entirely clear to LSRPs or the public. Any Board Members who have suggestions for topics please provide them to Joann.

- **Professional Conduct Committee – Phil Brilliant**

- o Motion by Phil Brilliant to approve a resolution to enter closed session to discuss Complaints 011-2020, 012-2020 and 001-2014.

Motion seconded by Joann Held.

All present voted yes.

The motion was carried.

Open session resumed at 5:57 PM.

- o Motion by Phil Brilliant, in the matter of Complaint 011-2020, to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.8(c) and to assess a penalty of \$1,500.00 and to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.3(d) and to assess a penalty of \$1,250.00, for a total assessed penalty of \$2,750.00 and to authorize transmission of an offer of settlement in the amount of 80% of the assessed penalty under signature of the Board Chairperson, and if no settlement is reached to proceed with formal disciplinary action.

Motion seconded by Jorge Berkowitz.

Roll Call Vote:

Jorge Berkowitz	- Yes
Phil Brilliant	- Yes
Lawra Dodge	- Yes
Joann Held	- Yes
Jeffrey Hoffman	- Yes
Kathi Stetser	- Abstained because computer camera was not operational
Peter Strom	- Yes
Ira Whitman	- Yes
Mark Pedersen	- Yes

The motion was carried.

Phil Brilliant noted that the Subject of the Complaint is Pearse Mackle, 573655.

- o Motion by Phil Brilliant, in the matter of Complaint 012-2020, to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.8(c) and to assess a penalty of \$3,750.00 and to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.3(d) and to assess a penalty of \$1,250.00, for a total assessed penalty of \$5,000.00 and to authorize transmission of an offer of settlement in the amount of 80% of the assessed penalty under signature of the Board Chairperson, and if no settlement is reached to proceed with formal disciplinary action.

Motion seconded by Jorge Berkowitz.

## Roll Call Vote:

Jorge Berkowitz - Yes  
Phil Brilliant - Yes  
Lawra Dodge - Yes  
Joann Held - Yes  
Jeffrey Hoffman - Yes  
Kathi Stetser - Abstained because computer camera was not operational  
Peter Strom - Yes  
Ira Whitman - Yes  
Mark Pedersen - Yes

The motion was carried.

Phil Brilliant noted that the Subject of the Complaint is Alan J. Krohn, 591428.

Phil Brilliant explained that both of the complaints are for LSRPs who, in multiple occurrences, did not notify the Department in writing that the Person Responsible for Conducting the Remediation would miss a mandatory timeframe, as required by N.J.A.C. 7:26I-6.8(c). In each case this notification was missed over 5 times, which is the reason that the Board imposed an additional violation of N.J.A.C. 7:26I-6.3(d), recognizing that the LSRP was not exercising reasonable care and diligence. The Board wants LSRPs to be aware that this notification is a requirement of the Board rules, and all LSRPs must be aware of their obligation to notify the Person Responsible for Conducting the Remediation and the Department using the form available on the Department website.

- o Motion by Phil Brilliant, in the matter of Complaint 001-2014, to authorize the Professional Conduct Committee to reject the settlement proposal dated January 12, 2021 and communicate that under signature of the Executive Director.

Motion seconded by Mark Pedersen.

## Roll Call Vote:

Jorge Berkowitz - Yes  
Phil Brilliant - Yes  
Lawra Dodge - Yes  
Joann Held - Yes  
Jeffrey Hoffman - Yes  
Kathi Stetser - Abstained due to lack of camera  
Peter Strom - Yes  
Ira Whitman - Yes  
Mark Pedersen - Yes

The motion was carried.



Phil Brilliant noted that the Subject of the Complaint is John Bee, 573502.

- **Ongoing Business**

None

- **New Business**

None

- **Next Board Meeting**

Motion by Mark Pedersen to cancel the Board meeting previously scheduled for February 16, 2021.

Motion seconded by Jorge Berkowitz.

All present voted yes.

The motion was carried.

The next scheduled Board Meeting will be March 1, 2021 at 4:00 pm via Microsoft Teams unless otherwise noted on the Board website.

- **Public Comments**

Bill Hose, LSRPA. Asked for clarification as to who seconded the motions brought by Phil Brilliant. The first two were seconded by Jorge Berkowitz, the third was seconded by Mark Pedersen.

The Meeting adjourned at 6:15 PM.