

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

December 2, 2013 Meeting Minutes

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

Board Members:

Present:

Jorge Berkowitz
Philip Brilliant
Richard Dewling
Lawra Dodge
Joann Held
Christopher Motta
Karl Muessig
Mark Pedersen
Michael Pisauro
Constantine Tsentas
Ira Whitman

Absent:

None

Others Present:

Board Secretary Karen Hershey
DAG Kimberly Hahn
Board Staff Dana Haymes
Executive Assistant David Haymes

Proceedings:

- **Meeting called to Order at 4:08 by Chairman Pedersen**
- **Statement by Chairman Pedersen that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act**
- **Roll Call**
- **Approval of the November 4, 2013 Meeting Minutes**

- Motion by Joann Held to approve November 4, 2013 minutes. Motion seconded by Karl Muessig. Richard Dewling and Lawra Dodge abstained. Remainder of those present voted Yes. Motion carried.

- **Report of Chairman Pedersen**

Chairman Pedersen gave a Site Remediation Program update and provided statistics on LSRP cases. The Chairman also thanked the members for the time they have devoted to serving on the Board, and their contribution to the success of the LSRP program.

- **Report of Secretary Hershey**

Secretary Hershey reported that she received an email from Jorge Berkowitz regarding his acceptance of an assignment from Montclair State University to develop continuing education courses in environmental science. Jorge Berkowitz will recuse himself from any discussions or deliberations relating to courses offered by Jorge Berkowitz LLC on behalf of Montclair State University.

Secretary Hershey also noted that she will be sending to all Board member Form OEQ intended for Special State Officers. The form asks about outside employment activities. She will keep the completed forms on file.

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

Phil Brilliant reported that the Committee has completed the following audits:

July 2013:

David Russell 574867

Michael Schweitzer 574049

Marie Raser 576547

Scott MacMillan 593402

William Dougherty 573981

September 2013:

Atiqur Rahman 594962

Carrie Berry 581028

Craig Stevens 575434

William Schnitzerling 587821

Robert Oestreich 573685

The names of five LSRPs to be audited in December were picked today.

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

Lawra Dodge reported that six applications are pending with her Committee. She also noted that her Committee will review concerns regarding whether partial credit should be granted for attendees that miss a portion of an approved continuing education class.

- **Report of the Finance Committee - Richard Dewling**

Richard Dewling reported that the LSRP annual fee invoices have gone out and are due in January. He added that the Board is in good fiscal condition. No change in fees is proposed.

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

Ira Whitman reported that thus far, approximately twelve incomplete applications have been received for the next exam. None are totally complete at this time. He also reported that the Committee is reviewing two pending application denials. He also stated that a Request for Quotation (RFQ) for a web based license renewal program is in the drafting stage. He is aiming for the program to be in place by April 2015.

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

Christopher Motta reported that the Committee continues with ongoing maintenance and updates of the new Board website as necessary.

- **Report of the Rulemaking Committee - Joann Held**

Joann Held reported that the Committee is close to finalizing outstanding issues and preparing the final draft of the rule for subsequent review and approval by the Board.

- **Report of the Ad Hoc Committee on Document Retention - Joann Held**

Joann Held presented the Board's Statement of Interpretation of N.J.S.A. 58:10C-20 (Document Retention). Motion by Joann Held that this statement be adopted by the Board and posted on the Board website. Motion seconded by Michael Pisauero. Philip Brilliant noted that the word "three" should be deleted from section 2.

DAG Hahn reminded the Board that the Statement of Interpretation will serve as guidance to the LSRP community but it is not enforceable.

All present voted to adopt and publish the Statement of Interpretation with the noted revision.

- **Report of the Ad Hoc Committee on Confidentiality and Release of Public Information – Mike Pisauro**

Mike Pisauro presented a table of information which listed Board related documents and categorized them as public or confidential. He asked the Board members to review the spreadsheet for discussion and possible approval at the next meeting. DAG Hahn indicated that she will review the table as well.

- **Report of the Ad Hoc Committee on SRRA Amendments – Mike Pisauro**

Mike Pisauro requested that members of the Committee bring suggestions for amendments to his attention.

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

Jorge Berkowitz gave an overview of complaint activity since 2011 noting the number of complaints received, dismissed and pending.

He then made a motion to reconvene in Closed Session to discuss Complaint 001-2013. Motion seconded by Joann Held. All present voted Yes.

Following return from Closed Session:

Motion by Jorge Berkowitz to dismiss Complaint 001-2013 with a warning letter to the LSRP. Motion seconded by Karl Muessig.

Roll Call vote as follows:

Jorge Berkowitz - Yes

Philip Brilliant - No

Richard Dewling - Yes

Lawra Dodge - Yes

Joann Held - Yes

Christopher Motta - Abstain

Karl Muessig - Yes

Michael Pisauro - Yes

Constantine Tsentas - No

Ira Whitman – Yes

Mark Pedersen - Yes

The motion carried.

Jorge Berkowitz stated that with respect to Complaint 005-2013 which was previously dismissed by the Board, the LSRP has conveyed to the Board his objection to the posting of his name on the website in connection with the complaint. Jorge Berkowitz indicated

that the Board previously decided that posting of the name of an LSRP in dismissed cases is valid. The posting should make clear that the complaint was dismissed, so that information is prominently displayed in a web search. He added that it is important to publicize complete information with regard to how complaints are handled so that the decisions of the Board are transparent.

LSRP John Grellis then made a presentation to the Board regarding publication of his name with respect to the dismissed complaint. He stated that he is concerned about the detriment to his reputation. He does not believe that individuals that conduct a web search will take the time to read a full article to find out the disposition of the complaint. Just having his name come up in connection with a complaint, no matter the outcome, will damage his reputation and cause individuals looking for an LSRP to simply move on to another LSRP. Even if the Board acknowledged that he did nothing wrong, he is being punished. He asserted that SRRA and the Board's By-Laws do not empower the Board to post this information on the Board website. Information should be provided upon request, not posted on website, in accordance with SRRA. The Board should maintain the information and make it available by OPRA request, but not put it on the website.

The Board agreed to consider John Grellis' comments and take up the issue at the next Board meeting.

- **Ongoing Business:**

None.

- **New Business:**

None.

- **Second Monday Meeting Discussion: December 16, 2013**

Motion by Richard Dewling to not hold a meeting on December 16, 2013. Motion seconded by Philip Brilliant. All present voted yes, except Lawra Dodge voted no, and Jorge Berkowitz abstained.

- Jorge Berkowitz bid the members goodbye and left at 6:51 to make another appointment.

- **Public Comment:**

Rodger Ferguson for the LSRPA. With respect to the number of LSRPs applying for the exam, the LSRPA is concerned with the low numbers. The LSRPA is looking into ways to encourage qualified individuals to apply to become LSRPs. With respect to the publication of the names of individuals when a complaint is dismissed, the LSRPA is concerned with the unintended consequences. The LSRPA does not think it is appropriate.

The meeting adjourned at 6:58 pm.