

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

**March 6, 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  
Connie Tsentas  
Ira Whitman

***Absent***

None

***Others Present:***

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

***Proceedings:***

- Meeting called to Order at 4:04 PM by Vice-Chairperson Joann Held  
Chairperson Mark Pedersen arrived at 4:05 PM.
- Roll Call
- Approval of the Minutes of February 6, 2017  
  
Motion to approve the minutes by Joseph Fallon.

Motion seconded by Peter Strom.

All present voted to approve the minutes except Jorge Berkowitz and Lawra Dodge abstained.

The motion was carried.

Approval of the Minutes of the Closed Session on February 6, 2017

Motion to approve the minutes by Peter Strom.

Motion seconded by Phil Brilliant.

All present voted to approve the minutes except Jorge Berkowitz and Lawra Dodge abstained.

The motion was carried.

- **Chairperson's Report**

Chairperson Pedersen reported that he has evaluated changing committee assignments, and has decided on some changes. He thanks all existing chairpersons for their hard work and dedication. The changes will be effective on the date of the next Board meeting.

Phil Brilliant – new Chairperson of Professional Conduct Committee

Jorge Berkowitz – new Chairperson of Audit Committee

Lawra Dodge will no longer serve on Professional Conduct Committee

Ira Whitman – will no longer serve as Licensure Committee Chairperson but will continue to serve on Committee.

Kathi Stetser – new Chairperson of Licensure Committee

Joe Fallon – will be leaving Board as he will be moving to Florida

Chris Motta – new Chairperson of Finance Committee

Peter Strom – new Chairperson of Outreach Committee

Lawra Dodge will continue to serve as Chairperson of Continuing Education Committee

- **Executive Director's Report**

Janine MacGregor reported that she has changed the order of the agenda. The Board Operations Committee recommended that the committee reports be ordered so that a closed session does not delay the momentum of the meeting.

There are a lot of documents under review right now. Ms. MacGregor would like to let the Board Members know that some documents that were on the agenda will not be reviewed tonight because Board Members had suggested revisions after the requested

comment due date or after the Board meeting materials were distributed. She would like to know if anyone has a suggestion for another process that would help move the document reviews along in a timely manner.

- **Committee Reports**
- **Professional Conduct Committee – Jorge Berkowitz**

Jorge Berkowitz reported that he distributed the PCC flow chart to the Board Members for review, but the Board will not discuss it today because there are some more revisions. The PCC will accept comments from Board members at this time, but the version that they now have will be modified.

Motion by Jorge Berkowitz to approve the resolution to go into closed session to discuss Complaint 006a-2015 and Complaint 005-2015.

Motion seconded by Joann Held.

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: Yes
- Ira Whitman: Yes
- Mark Pedersen: Yes

The motion was carried.

Prior to going into Closed session, the Board paused to take a photo for the website.

Closed session commenced at 4:30 PM.

Open session resumed at 5:50 PM.

Motion by Jorge Berkowitz to authorize the Chairperson to sign a settlement agreement for settlement of Complaint 005-2015 for the sum of \$500.

Motion seconded by Connie Tsentas.

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: Yes

Ira Whitman: Yes

Mark Pedersen: Yes

The motion was carried.

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

Joann Held reported that the Committee developed a strategy to be followed called “Process for Development of a Board Statement of Interpretation”. Ms. Held would like the Board to review this in preparation for a vote next month.

The Committee has been working on a statement of interpretation of “professional judgment”. After the final draft more comments came in. The Committee needs to review the revisions so would like to put this on hold for Board discussion until next month.

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

Ira Whitman reported that the By-Laws were circulated to the Board, and received comments and revisions, principally from Jeff Hoffman, Peter Strom, Chris Motta and DAG Nielsen Lewis. That version was further edited with comments from Connie Tsentas and DAG Nielsen Lewis.

Motion by Ira Whitman to adopt the By-Laws as recommended by the By-Laws Committee.

Motion seconded by Peter Strom.

Comment by Joann Held. Why was the recusal section removed?

DAG Nielsen Lewis responded that the governing statutes and regulations state that the Uniform Ethics Code is the ethics code for every state agency. The Uniform Ethics Code does address everything that was in the earlier draft on this subject. The Board is only authorized to adopt a supplemental code based on additional needs and issues. But that supplemental code must be submitted for approval to the State Ethics Commission. So, rather than creating a supplemental code the current By-Laws defer to the Uniform Ethics Code.

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: Yes

Ira Whitman: Yes

Mark Pedersen: Yes

The motion was carried.

- **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 this up with Jorge Berkowitz and the Audit Committee.

- Concluded Audits to Report:

- Kristin Heimburger – #628897 - July 2016

- Martha Mackie - #573646 – July 2016

- Fuad Dahan - #629363 – July 2016

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

Lawra Dodge reported that there are a number of applications under review, but none are ready for vote tonight. The Committee is considering streamlining the process of application review. The Committee will elaborate at the next meeting. Lawra Dodge believes that the applications under review are within the 90-day window of time for review that the Committee tries to stay within.

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

No Report.

Phil Brilliant asked if any LSRPs did not pay their annual fee. Board staff will look into that.

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

Ira Whitman reported that in keeping with the process approved at the last meeting he will not present the names of applicants for the LSRP license approved to take the exam to the Board for approval by vote. However, those names are in the packet of materials presented to the Board Members.

There were 85 applications for a new license received, and approximately 41 have been processed to date. At this time the Department staff assigned to review licensure applications is reviewing 45 applications. One application was received in a previous year, but was put on hold due to the medical condition of the applicant and a close family member.

The Licensing Exam Request for Proposal was edited and sent to the Department of Treasury on February 22, 2017. The next step is for the Department of Treasury to conduct a management and legal review. It is expected to be posted in two weeks.

The Department of Treasury requested an additional 3-month extension to the existing contract so that there is no period of time in which the Board does not have a valid Exam vendor.

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

Christopher Motta reported that he has prepared a calendar for the Board website. He has given Anthony Teel a deadline of March 27, 2017 to finalize the calendar. Mr. Teel will be in communication with Board staff to prepare the calendar for posting. The calendar will show Board meetings and upcoming continuing education programs.

- **Ongoing Business:**

At the last Board meeting Joann Held asked if the results of straw polls need to be recorded in minutes. DAG Nielsen Lewis responded that the Open Public Meetings Act requires reasonably comprehensible minutes. That includes the votes recorded, but straw polls are not votes.

- **New Business:**

No new business.

- **Next Meeting Date:**

Motion by Chairperson Pedersen to not hold a meeting on March 20, 2017.

Motion seconded by Joe Fallon.

All present voted yes, except Phil Brilliant abstained.

The motion was carried.

- **Public Comments:**

Rodger Ferguson, LSRPA

LSRPA met on Friday March 3, 2017. The LSRPA had recent discussions with Senator Smith. Senator Smith would like to hold a meeting on SRRA 2.0 before May. The LSRPA is preparing its comments for submission. They think that the Senator would like a common format. The LSRPA will forward the format it is using to the Board.

Mr. Ferguson asked when can the LSRPA provide comments with respect to the PCC flow chart and the statement on Professional Judgment? Can the LSRPA provide comments in writing now? Chairperson Pedersen commented that the PCC flow chart is an internal process. Mr. Ferguson stated that the earlier version of the PCC flow chart was open to public comment. Jorge Berkowitz responded that the Board would accept comments, although there is no obligation on the part of the Board to respond. The same is true for the draft statement on Professional Judgment.

The meeting adjourned at 6:46 PM.