

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

**March 4, 2019 Meeting Minutes**

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

**Board Members:**

***Present***

Jorge Berkowitz  
Phil Brilliant  
Lawra Dodge (departed at 5:05)  
Joann Held (arrived at 4:09)  
Jeffrey Hoffman  
Christopher Motta  
Mark Pedersen  
Kathi Stetser (via Teleconference due to illness)  
Peter Strom

***Absent***

Ira Whitman

***Others Present:***

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

***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 (departed at 5:05)
  - Joann Held - present (arrived at 4:09)
  - Jeffrey Hoffman - present

Christopher Motta - present  
Mark Pedersen - present  
Kathi Stetser - present  
Peter Strom - present  
Ira Whitman - absent

A quorum of the Board was in attendance.

- **Approval of the Board Meeting Minutes**

Motion by Mark Pedersen to approve the minutes of the February 4, 2019 Board Meeting. Motion seconded by Jeff Hoffman.

Roll Call Vote:

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

The motion was carried.

Motion by Mark Pedersen to approve the minutes of the February 4, 2019 Closed Session of the Board Meeting. Motion seconded by Joann Held.

Roll Call Vote:

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

The motion was carried.

- **Chairperson’s Report**

Mark Pedersen reported that there will be a change in the agenda to allow open public comments after the presentation of the Continuing Education Committee to address any issues raised by the Committee.

Mark Pedersen reported that discussions with Senator Smith regarding SRRA 2.0 continue.

- **Executive Director’s Report**

Janine MacGregor reported that there will be a motion to approve the application of the Continuing Education Committee for approval of continuing education credits for the course the Board developed entitled “Ethics and the Standards of Professional Conduct for LSRPs”. There will be a separate motion regarding the logistics of the course.

Last month there was a request to clarify when Board Members should recuse themselves from voting on an application for approval of continuing education credits. Janine MacGregor consulted with Nick Horiates, the Department Ethics Liaison Officer. He advised that Board Members should recuse themselves from voting on any course in which they have a personal or financial interest, which would include serving as a speaker for the course. With respect to voting on “Ethics and the Standards of Professional Conduct for LSRPs,” the Board Members that are participating in this course are doing so as part of carrying out their official duties as Board Members, so there is no conflict, and all Board Members may vote on the motion to approve the application for approval of continuing education credits for this course.

***Committee Reports:***

- **Continuing Education Committee – Lawra Dodge**

Lawra Dodge thanks everyone involved in preparing “Ethics and the Standards of Professional Conduct for LSRPs.”

Motion by Lawra Dodge to approve the application of the Board for approval of CECs for “Ethics and the Standards of Professional Conduct for LSRPs” for 3 Ethics CECs.

Motion seconded by Joann Held.

Board Members asked questions regarding the intent and content of the course.

Roll Call Vote:

Jorge Berkowitz       - Yes  
Phil Brilliant           - Yes

Lawra Dodge - Yes  
Joann Held - Yes  
Jeffrey Hoffman - Yes  
Christopher Motta - Yes  
Kathi Stetser - Yes  
Peter Strom - Yes  
Ira Whitman - absent  
Mark Pedersen: - Yes

The motion was carried.

Janine MacGregor noted that April 17, 2019 was the date selected to deliver this course. There is no cost for the facility where the course will be held. Board staff will help with the course. Will probably provide refreshments, which should cost no more than \$500.00. The Board may charge fees in the future to cover costs.

Motion by Lawra Dodge to authorize Joann Held, Ira Whitman and Lawra Dodge to represent the Board and speak at the Board's Continuing Education Program "Ethics and the Standards of Professional Conduct for LSRPs" to be held on April 17, 2019 and to authorize expenditure of up to \$500.00 for refreshments.

Motion seconded by Mark Pedersen.

Roll Call Vote:

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

The motion was carried.

Jorge Berkowitz questioned Lawra Dodge as to whether the Continuing Education Committee plans to provide additional courses on other topics. Lawra Dodge responded that to date this is the only course the Committee has considered presenting. The Committee has been talking about presenting this course for several years. Whether this course is held again will be determined after it is held.

Mark Pedersen noted that the Board was told about this course at the Board Meeting on December 3, 2018, at which time Board Members were invited to participate.

Caryn Barnes spoke on behalf of the LSRPA. She thanked Janine MacGregor for speaking with Sue Boyle regarding issues with respect to “Ethics and the Standards of Professional Conduct for LSRPs.” The LSRPA is still concerned that the Board not discuss particular decisions as part of this course and not establish any rule that is not already part of the Statutes, Rules or Guidance.

- **Professional Conduct Committee – Phil Brilliant**

Motion by Phil Brilliant to adopt a resolution to enter closed session to discuss Complaint 004-2017.

Motion seconded by Jorge Berkowitz.

All present voted yes.

The motion was carried.

Open session resumed at 5:02 PM.

Motion by Phil Brilliant in the matter of Complaint 004-2017 to find subject of complaint in violation of N.J.S.A. 58:10C-16.b and N.J.A.C. 7:26I-6.3(d) for failure to exercise reasonable care and diligence in the remediation of the Site and assess a penalty of \$3,000.00 and confer authority to the Professional Conduct Committee to negotiate settlement.

Motion seconded by Jorge Berkowitz.

Roll Call Vote:

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

The motion was carried.

The subject of the complaint was Rohan Tadas, LSRP #575486.

Lawra Dodge departed the meeting at 5:05.

Phil Brilliant reported that the Board website will be modified to show outcomes of complaints in groups; i.e. dismissals, no violations and violations. The dismissals and no violations will be published with summaries, and the violations will be published with links to the disciplinary documents issued by the Board.

Phil Brilliant noted that he had telephone conferences with representatives of the Massachusetts Site Remediation Board. Highlights of that conversation:

- staff of the Board is paid for by the State directly
- Budget is used to hire contractors, expert witnesses, IT support, office supplies, etc.
- Annual fee for LSPs is \$225
- Renewal fee of \$100 is required for license renewal applications every three years
- There is a \$245 initial license application fee and separate \$325 exam fee for those who qualify to take the exam. Once an applicant is approved for the exam they can take the exam as many times as they want within a two-year period.
- There are ten providers that apply for approval of continuing education credits for courses.
- The Board adjudicates complaints in open session. The Complaint Review Team presents information to the Board in open session, and the Board votes on the decision, all in open session. The Complaint Review Team does not vote.
- The majority of complaints come from the Department of Environmental Protection. The Board does not always side with the Department.
- The Board typically does not issue large fines, but requires continuing education, and issues license suspensions and revocations.
- The Board received 3 complaints in 2018 but have received no complaints so far in 2019.
- After the Board reaches a decision with respect to a complaint they publicize it through their wire service as a press release.
- Massachusetts currently has 508 LSPs, down from 564 in 2017. The Board has noticed that more people are retiring annually than taking the exam.

- **Audit Committee – Jorge Berkowitz**

Jorge Berkowitz reported that six auditees were selected for audit today and the LSRPs and Audit Review Teams will be notified.

Jorge Berkowitz noted that no Audit Review Teams have reported complete audits this month. The Audit Review Teams need to work on completing audits in a more timely manner.

- **Finance Committee – Christopher Motta**

No Report.

- **Licensure – Kathi Stetser**

Janine MacGregor reported that there is one notice of intent to deny license renewal pending which was issued because the LSRP was not able to complete the continuing education requirements prior to the license expiration date. The LSRP can continue to practice pending a hearing or resolution through settlement.

All annual license fees were paid on time. Kathi Stetser noted that Janine MacGregor and Victoria Vanable have been doing a great job with following up on the outstanding fees in order to be sure they are paid.

- **Outreach Committee – Peter Strom**

No Report.

- **Rules Committee – Joann Held**

No report.

- **Ongoing Business**

Last month Phil Brilliant asked whether the Board can hold a meeting at the LSRPA conference. Janine MacGregor looked into that and reported that the Ethics Liaison Officer said that it is permitted, but the Board cannot accept anything of value from the LSRPA, which would include the rental fee for a room in which to hold the meeting. The Board meeting at the LSRPA conference would have to be open to the public.

- **New Business:**

None.

- **Next Board Meeting**

Motion by Mark Pedersen to cancel the Board Meeting previously scheduled for March 18, 2019.

Motion seconded by Jeffrey Hoffman.

All present voted yes.

The motion was carried.

The next Board Meeting is April 1, 2019.

- **Public Comments:**

None

Motion by Jorge Berkowitz to adjourn the meeting.

Motion seconded by Phil Brilliant.

All present voted yes.

The motion was carried.

Meeting adjourned at 5:37 PM.