May 3, 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/lsrpboard

Board Members:

Present

Jorge Berkowitz
Phil Brilliant
Lawra Dodge
Joann Held
Jeffrey Hoffman (joined meeting at 4:25 PM)
Mark Pedersen
Kathi Stetser
Peter Strom
Ira Whitman

Absent

Others Present

Board Executive Director Janine MacGregor
Board Staff Dana Haymes
DAG Buffy Wilson

Members of the Public that were present:

Bill Hose, Candace Baker, Marlene Lindhardt, David Morris, William Call, Joe Hochreiter, Jeffrey Fehr, Jeffrey Casaletto, Mark Pietrucha,

Proceedings
• Meeting called to Order at 4:05 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   - absent
  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

  o Motion by Mark Pedersen to approve the April 5, 2021 Board Meeting Minutes.

    Motion seconded by Joann Held

    Roll Call Vote:

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

    The motion to approve the minutes was carried.

  o Motion by Mark Pedersen to approve the April 5, 2021 Board Meeting Minutes of the Closed Session.

    Motion seconded by Phil Brilliant.

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

The motion to approve the minutes was carried.

- **Chairperson’s Report**

  Mark Pedersen reported that action is being taken to appoint the pending Board Members.

- **Executive Director’s Report**

  No Report.

*Committee Reports*

- **Continuing Education – Lawra Dodge**

  Lawra Dodge reported that the Continuing Education Committee has approved the following applications for continuing education credit for programs to be offered both in-person and in AVLF:

<table>
<thead>
<tr>
<th>TITLE</th>
<th>PROVIDER</th>
<th>DATE</th>
<th>CECs</th>
<th>PROPOSED COURSE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>How In Situ Thermal Remediation Can Meet Your Remediation</td>
<td>LSRPA</td>
<td>TBD</td>
<td>2 Technical</td>
<td>2021-061</td>
</tr>
<tr>
<td>Deadlines Quickly and Efficiently</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Regulatory Roundtable</td>
<td>LSRPA</td>
<td>November 16, 2021</td>
<td>1.5 Regulatory</td>
<td>2021-062</td>
</tr>
<tr>
<td>November 2021 – ISRA Compliance in Landlord Tenant</td>
<td></td>
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<td>Tenant Situations</td>
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<tr>
<td>PCB Remediation – What Environmental Practitioners</td>
<td>LSRPA</td>
<td>TBD</td>
<td>1 Regulatory and 2 Technical</td>
<td>2021-063</td>
</tr>
<tr>
<td>Should Know</td>
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• **Audit Committee – Jorge Berkowitz**

6 LSRPs were selected for May 2021 audits

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

**Selected January 6, 2021:**

Basil Ellmers – 626553

**Selected February 1, 2021:**

Kenneth Megnin - 580155

Number of Audits referred to PCC:

One December 2020 Audit has been referred to the PCC.

• **Ad Hoc Committee – Discharge Notifications – Phil Brilliant**

Phil Brilliant reported that the Committee has made progress.

• **Finance Committee – Janine MacGregor**

Janine MacGregor reported that the Committee will be working with SRWMP finance personnel to develop the budget and calculating fees for 2022.
Licensure Committee – Kathi Stetser

Kathi Stetser reported that the extension of the relaxation of N.J.A.C. 7:26I-4.3 has been signed and is in effect as of April 15, 2021. This means, for LSRPs with applications for license renewal due on or before December 31, 2022, there are no limits on the number of AVLF (on-line) CECs they can count toward their license renewal requirements. The complete Notice of Waiver/Modification/Suspension pursuant to Executive Order No. 103 is posted on the Board website.

LSRP license statistics as of 4/22/2021:
- 713 LSRPs in dataminer
- 7 currently active LSRPs have decided not to renew and to allow their licenses to expire as of July 9, 2021.
- 15 LSRPs listed as Inactive on the Board website have decided not to renew and allow their licenses to expire as of July 9, 2021.
- 11 LSRPs listed as Inactive on the Board website have not yet indicated their intention to renew or expire.
- As of July 9, 2021, the estimated number of LSRPs is 691.
- In addition, 42 LSRPs are on listed on the Board website as having licenses which expired (since 2014).

Outreach Committee – Peter Strom

No report.

Rules Committee – Joann Held

Joann Held reported that the Rules Committee is still working on Section 7.10 of the Rules to incorporate some of the Board’s process into the Rules. The Committee is making progress with this Section and other sections where there may be a need to fine tune the Rule language to make it clearer.

Professional Conduct Committee – Phil Brilliant

- Motion by Phil Brilliant to approve a resolution to go into closed session to discuss Complaints 002-2019 (Kathi Stetser recused), 015-2020, 001-2021, 002-2021, and 003-2020.

  Motion seconded by Mark Pedersen.

  All present voted yes.

  The motion was carried.
Open session resumed at 5:34 PM.

- Motion by Phil Brilliant, in the matter of Complaint 002-2019, to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.3a and 6.3b and to notify the subject through correspondence under signature of the Board chairperson of the Board’s intent to assess a penalty of $14,000.00 through a formal disciplinary action unless settlement is reached, and to authorize the Settlement Team to negotiate a settlement within the parameters discussed in closed session, and if no settlement is reached to proceed with formal disciplinary action.

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 - Recused
- Peter Strom - Yes
- Ira Whitman - Yes
- Mark Pedersen - Yes

The motion was carried.

Phil Brilliant reported that the Subject of the Complaint is Robert Blauvelt LSRP 575013

- Motion by Phil Brilliant, in the matter of Complaint 015-2020, to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.8c and to notify the subject through correspondence under signature of the Board chairperson of the Board’s intent to assess a penalty of $250.00 through a formal disciplinary action unless settlement is reached, and to authorize the Settlement Team to negotiate a settlement within the parameters discussed in closed session, and if no settlement is reached to proceed with formal disciplinary action.

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.

Phil Brilliant reported that the Subject of the Complaint is Jeffrey Farrell, LSRP 586790

- Motion by Phil Brilliant, in the matter of Complaint 001-2021, to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.8c and to notify the subject through correspondence under signature of the Board chairperson of the Board’s intent to assess a penalty of $500.00 through a formal disciplinary action unless settlement is reached, and to authorize the Settlement Team to negotiate a settlement within the parameters discussed in closed session, and if no settlement is reached to proceed with formal disciplinary action.

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.

Phil Brilliant reported that the Subject of the Complaint is Andreas Eisenberger, LSRP 586035

- Motion by Phil Brilliant, in the matter of Complaint 002-2021, to find the subject of the complaint in violation of N.J.A.C. 7:26I-6.8c and to notify the subject through correspondence under signature of the Board chairperson of the Board’s intent to assess a penalty of $500.00 through a formal disciplinary action unless settlement is reached, and to authorize the Settlement Team to negotiate a settlement within the parameters discussed in closed session, and if no settlement is reached to proceed with formal disciplinary action.

Motion seconded by Mark Pedersen.

Roll Call Vote:

Jorge Berkowitz - Yes
Phil Brilliant - Yes
The motion was carried.

Phil Brilliant reported that the Subject of the Complaint is Craig McCarrick, LSRP 715760

- Motion by Phil Brilliant, in the matter of Complaint 003-2020, to find the subject of the complaint in violation of N.J.A.C. 7:26I-2.3 and to notify the subject through correspondence under signature of the Board chairperson of the Board’s intent to assess a penalty of $1,250.00 and to issue an admonishment to not conduct remediation work without oversight of a retained LSRP through a formal disciplinary action unless settlement is reached, and to authorize the Settlement Team to negotiate a settlement within the parameters discussed in closed session, and if no settlement is reached to proceed with formal disciplinary action.

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.

Phil Brilliant reported that the Subject of the Complaint is Gary Yedman, who does not hold an LSRP license.

- **Ongoing Business**

  None

- **New Business**
None

- **Next Board Meeting**
  
  o Motion by Mark Pedersen to cancel the Board meeting previously scheduled for May 17, 2021.

    Motion seconded by Jorge Berkowitz.

    All present voted yes.

    The motion was carried.

  
  The next scheduled Board Meeting will be June 7, 2021 at 4:00 pm via Microsoft Teams unless otherwise noted on the Board website.

- **Public Comments**

  Bill Hose, LSRPA. Bill Hose noted that the Board has issued penalties to LSRPs for violations of their obligations under N.J.A.C. 7:26I-6.8c. He asked how the Board interprets the timeframes noted in pre-purchaser and adjusted direct oversight ACOs, and the obligations of LSRPS under N.J.A.C. 7:26I-6.8c for sites remediated under pre-purchaser and direct oversight ACOs.

  Mark Pedersen stated that the Board cannot respond at the moment.

  Phil Brilliant stated that LSRPs are provided the opportunity to respond as part of the complaint investigation.

  Bill Hose will submit the LSRPA’s request for information to the Executive Director in writing.

  The Meeting adjourned at 5:50 PM.