

# **FINAL MINUTES**

## **State Board of Examiners of Environmental Professionals**

### **Regular Meeting – November 10, 2011**

Via Conference Call

#### **Call to Order and Sign-In**

A regular meeting of the State Board of Examiners of Environmental Professionals (“the Board”) was held by conference call on Thursday, November 10, 2011, and called to order at 9:15 a.m. by Chair K. Maiorano. Board Members J. Adams, J. Loureiro, K. Meloy, A. Phillips-Griggs, S. Holtman, C. Violette and C. Buchholz were in attendance. Also attending was J. Looney of the Attorney General’s Office, and N. Walter of EPOC.

#### **Unfinished Business and General Orders**

##### **Update on complaint 10-101**

The Board was provided with a copy of the draft Consent Order related to this Complaint shortly before the November meeting. The Board members discussed the alleged violations cited in the draft Consent Order, and J. Loureiro presented a summary of the facts of the case that related to those allegations. The Board agreed to table the matter pending revision of the draft Consent Order by the Board investigators and Attorney General’s office.

##### **Update on complaint 10-102**

Maiorano reported that the Board sent out a letter to the LEP that is the subject of this complaint on September 16, 2011. The letter indicates that the LEP has allowed his license to lapse, that the Board only has jurisdiction over currently licensed individuals, and that the LEP should be advised that should he apply to be licensed in the State of Connecticut in the future, such application would likely be denied absent his sufficient response to the outstanding allegations contained within Complaint #10-102. Both the Complaint and September 2011 letter will be posted to the DEEP website.

##### **Proposed LEP Regulation Revisions**

Maiorano reported that the proposed regulations are nearing final completion, and she will hopefully have more to report in December 2011.

## **LEP Workgroup Draft Report and Complaint Summary**

The Board briefly discussed the draft report prepared by the Workgroup on “Evaluation of LEP Program Performance and Utilization” as part of the DEEP’s Comprehensive Evaluation and Transformation of Connecticut’s Cleanup Laws. The Board encouraged C. Buchholz to provide any comments he has on the draft report since there was not significant banking participation or involvement on this workgroup. Board members also raised a few questions regarding the intent or accuracy of the following statements included in the draft report:

On Page 5, where it states “The Workgroup noted the lack of regulation that guides the LEP Board’s function, however, the Workgroup was generally impressed with the efficacy of the Board, despite the relative lack of regulation or resources.”

On Page 6, where it states “That having been said, the Workgroup believes that the following recommendations will improve Connecticut’s LEP program: ...; Increasing transparency with LEP Board oversight; Developing an investigatory process by the LEP Board that achieves timely review and consistent outcome of disciplinary actions;”

For instance, the above language was questioned due to the apparent lack of recognition of the detailed LEP regulations that guide the Board’s function, and the written investigatory process used by the Board to process complaints filed with the Board. Regarding the second statement, the Board desires further information regarding the specific basis for such recommendations (e.g., in what regard(s) is there a lack of transparency with Board oversight). The Board also discussed the timeliness and consistency of its disciplinary actions, and generally agreed that the actions to date had been both timely and consistent, and appropriate given the need for due process. The Board agreed to discuss these topics further when B. Potterton of the Board is present, given his involvement in this workgroup and ability to comment on the intent or basis of such statements.

### **Public Participation**

N. Walter of EPOC indicated that a white paper on distance learning prepared by an EPOC subcommittee has just been provided to the Board. The Board acknowledged its appreciation of the apparent extensive work completed by EPOC on this topic, and indicated that it anticipates discussing such document at its December 2011 meeting.

### **Adjournment**

Upon a motion by J. Adams; second: J. Loureiro; approved unanimously; Chair Maiorano declared the meeting adjourned at 10:10 a.m.

Minutes approved on December 8, 2011.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kelly Meloy". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Kelly Meloy  
Board Representative