



# STATE OF CONNECTICUT

## Board of Examiners of Environmental Professionals

Board Members:  
Denise Ruzicka, PE, Chairman  
John Adams, LEP  
Christopher Buchholz  
Robert F. Good, Jr., LEP  
Stephen Holtman PE, LEP  
Jeffrey Loureiro, PE, LEP  
Kelly Meloy, LEP  
Elsie Patton  
Alisa Phillips-Griggs  
Robert S. Potterton, Jr., LEP  
Carol Violette, PhD, CHMM

### MINUTES

#### State Board of Examiners of Environmental Professionals

#### Regular Meeting – January 15, 2015

##### A. Call to Order and Sign-In

A regular meeting of the State Board of Examiners of Environmental Professionals (“the Board”) was called to order on Thursday, January 15, 2015 at 9:00 am in the Russell Room, 3rd Floor, 79 Elm Street, Hartford, by Chair D. Ruzicka. Board members R. Potterton, E. Patton, R. Good, S. Holtman, J. Loureiro, K. Meloy, C. Buchholz, were present. J. Adams phoned in early, and arrived in person at 9:15. A. Phillips-Griggs and C. Violette were present via phone. J. Looney, AAG, K. Maiorano, Board Administrator, N. Walter representing the EPOC, J. Gilbert of DEEP were also present.

##### B. Reading and Approval of the Minutes

The draft minutes of the Regular Board meeting of December 11, 2014 were read and approved with a minor revision; motion by E. Patton, second: C. Buchholz passed unanimously.

##### C. Public Participation

N. Walter had no comments.

##### D. Unfinished Business and General Orders

###### **Update on complaint 14-101**

A. Phillips-Griggs reported that she and C. Violette had reviewed the complaint and found no merit. They recommended dismissing the complaint based upon the following set of facts.

Initial investigation and remediation activities at a site were performed by LEP (A) who was not fully compensated by the individual who retained such LEP (A). The client went bankrupt and the property changed hands. The new owner retained LEP (B) who filed a final verification that included documents prepared by LEP (A) that were part of the DEEP public files. LEP (A) filed a lawsuit against CT DEEP and LEP (B) for payment and to prohibit the use of the reports. The Superior Court dismissed the suit and stated that there was no basis upon

which the court could prevent LEP (B) from using material contained in the public record. LEP (A) submitted this complaint to the LEP Board charging that the use of the reports by LEP (B) demonstrated a lack of good moral character in violation of LEP Regulations section 22a-133v-4(b)(3)(E).

The court ruled there is nothing illegal or immoral about using documents in the public domain. In addition, the LEP Regulations define "lack of good moral character" in relevant part as acts involving dishonesty, fraud or deceit which have substantial connection to the professional responsibilities of a licensed environmental professional. The use of public records by LEP (B) does not constitute a violation of the LEP regulations or demonstrate a lack of good moral character.

Motion to send letter to dismiss J. Loureiro; second E. Patton; motion passed with all in favor, with J. Adams abstaining.

### **Amendment to November meeting minutes of the Board**

Chair Ruzicka proposed amending the November LEP Board meeting minutes as follows to provide clarification and more detail for the record for the discussion concerning complaint 13-101.

*"R. Good reported in detail at the August meeting of the Board that he and K. Meloy have completed the investigation and they found no merit to the complaint. The Board authorized no further action letters that went out to the complainant and the LEP on October 31<sup>st</sup>. K. Maiorano will provide a copy of the letters to the Board members for their records and any final discussion at the next Board meeting."*

Motion to approve amended minutes R. Potterton, second R. Good, passed unanimously.

### **FYI – Notice of Insufficiency Letter**

E. Patton expressed concern that some of the check list items in the Notice of Insufficiency Letter may go beyond items in such format letter and would require technical judgment. K. Maiorano will request Rob Robinson attend the February meeting of the Board to further discuss this process.

### **Distance learning – status of changes to regulations**

Chair Ruzicka reported that the hearing officer's report is done. The revised regulations will be moving along in the next step of the process.

### **Update on complaints 11-102 & 11-103**

R. Potterton reported that he and J. Loureiro have drafted letters to the LEPs and are meeting after the board meeting and moving the matter along.

## **E. New Business**

### **Course Approval Requests**

- Course approval request from EPOC for course titled **“Practical Applications of Petroleum Hydrocarbon Chemistry”** for 8.0 CECs.  
Motion to approve K. Meloy, seconded by J. Loureiro; passed unanimously.
- Course approval request from EPOC for course titled **“Environmental Land Use Restrictions-Advanced Case Studies”** for 4.0 CECs.  
Motion to approve K. Meloy, seconded by R. Potterton; passed unanimously.
- Course approval request from LEP for course titled **“MassDEP Greener Cleanups”** for 4.0 CECs.  
The Board determined that 45 minutes of the course devoted to Mass regulations was not pertinent to a CT LEP. Motion to approve for 3.25 CECs K. Meloy; second, E. Patton; passed by all except S. Holtman opposed.
- Course approval request from LEP for course titled **“MassDEP VPH, EPH & APH Methods Workshop”** for 4.0 CECs.  
Motion to approve K. Meloy, seconded by J. Loureiro; passed unanimously.
- Course approval request from LEP for course titled **“Advanced Tools for In-Situ Remediation Workshop”** for 6.5 CECs.  
Motion to approve for 7.0 CECs K. Meloy, the Board allows a 15 minute break in the morning and a 15 minute break in the afternoon that need not be deducted from the course hours. Seconded by S. Holtman; passed unanimously.

Next regular meeting is February 19, 2015.

## **F. Adjournment**

Chair Ruzicka declared the meeting adjourned at 9:43 am.

Minutes approved February 19, 2015.

Respectfully submitted,

  
Kim Maiorano  
Board Administrator

