



# 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  
Carol Violette, PhD, CHMM

### MINUTES

## State Board of Examiners of Environmental Professionals

### Regular Meeting – October 8, 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, October 8, 2015 at 9:40 AM in Ensign Room on the 5th floor, 79 Elm Street, Hartford, by Chair D. Ruzicka. Board members J. Adams, S. Holtman, J. Loureiro, R. Good, and E. Patton were present in person. Board member K. Meloy joined by teleconference. Also present was Board Administrator Kim Maiorano, Nelson Walter representing the EPOC, Jacques Gilbert of DEEP and David Wrinn of the AGs Office.

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

A motion was made by J. Adams and seconded by S. Holtman to table approval of the September Minutes until the next meeting; passed unanimously.

#### C. Public Participation

N. Walter reported that EPOC has become interested in the disciplinary process. They have asked to understand the process and the role of an LEP in DEEP lead sites. Chair Ruzicka pointed out the resources available on the web site and that the EPOC may not be aware of the number of complaints that come before the Board that are dismissed.

Mr. Walter indicated that the EPOC Board may send a request to the LEP Board to ask Chair Ruzicka to speak to the group concerning disciplinary actions.

Although a redacted comprehensive summary is provided to the Board in order to make a decision on a complaint, Mr. Loureiro pointed out that the details of disciplinary proceedings that are resolved by entering into a consent order are not discussed by the Board because the underlying findings of the investigating member(s) have not been adjudicated. In addition, by entering into the consent order, the LEP avoids the expense of going through the process of an administrative proceeding.

Chair Ruzicka introduced David Wrinn as the new representative to the Board from the Attorney General’s Office.

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

### **LEP License Renewal Booklet**

A draft of the booklet/check list was distributed. A list of common deficiencies was provided at the end of the check list. The Board was unanimous in its position that the reminder to renew your license is a courtesy and not a requirement. Hence the alleged absence of receiving a notification, is not an excuse for not renewing their license in a timely and complete manner. Specific suggestions to the check list were provided to Ms. Maiorano for consideration.

### **Discussion of LEP Role in DEEP Lead Sites**

A discussion of an LEP's role in DEEP lead investigations was held.

Mr. Loureiro expressed his position that an LEP is always an LEP and bound by regulations regardless of whether they are working on an LEP lead site, or a DEEP lead site. The Board discussed that it is acceptable for an LEP to be an advocate for their client but they must walk this line with recognition that they continue to be an LEP and are bound by the professional and ethical components of the regulations.

Mr. Wrinn provided analogies to the practice of attorneys. Attorneys are bound by the ethical and professional conduct requirements of their profession. Ultimately if the attorney signs a document, it is their work and they must stand behind that work.

Ms. Patton identified what she feels is inconsistent in the regulations. In an application, misrepresenting or failing to disclose information is misconduct, while that is not specifically identified in the section relating to those holding licenses. The applicant and registrant should be held to the same standard. Mr. Loureiro suggested a subgroup could be developed to evaluate this and other aspects of the regulations. Perhaps a white paper could clarify the DEEP/LEP interactions and relationship.

Chair Ruzicka suggested that an advisory opinion might be offered by the Board in the form of a Q & A or some other format. Considering that the LEP Board is not an advisory board, the form of this communication is sensitive. Mr. Wrinn offered to review whatever is developed.

Ms. Maiorano pointed out that most referrals for disciplinary actions are not coming from within the DEEP at this time.

After substantial discussion, the consensus of the Board was that an LEP is always bound by the LEP Regulations, regardless of whether the site is an LEP lead or DEEP lead site.

**E. New Business**

**Notification of Theft of Seal**

Chair Ruzicka reported that an LEP had reported that his seal was lost/stolen in shipment and in accordance with the LEP Regulations.

**Miscellaneous**

Ms. Maiorano reported that an individual who took and failed the exam seven years ago had requested to take the exam again. She sought the Board's guidance as to how the application should be managed. The consensus of the Board was that the limited application was all that would be required to retake the exam.

Next regular meeting is November 19, 2015.

**F. Adjournment**

Upon a motion by J. Loureiro and seconded by R. Good, Chair Ruzicka declared the meeting adjourned at 10:50 AM.

Minutes approved November 19, 2015.

Respectfully submitted,



John E. Adams  
Board Secretary