

SRPL Board Complaint No. 002-2017

DISPOSITION

The Site Remediation Professional Licensing Board (“Board”) voted to dismiss the complaint because the facts alleged in the complaint, even if true, do not indicate that the LSRP that is the Subject of the complaint violated the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) or any rule, regulation or order adopted or issued pursuant thereto, or knowingly made any false statement, representation or certification in any document or information submitted to the Board or the Department of Environmental Protection.

COMPLAINT ISSUES

Complaint 002-2017 was received by the Board on December 22, 2016. The complaint is directed against an LSRP. The Complainant alleged that the LSRP’s charges were excessive and more time was taken to conduct the tasks than was estimated in the proposal presented by the LSRP prior to commencing work.

PRELIMINARY INVESTIGATION

This case involves a gas station with a long and complicated history. Board staff contacted both the Complainant and the LSRP that is the Subject of the complaint to find out more about the facts.

The Complainant stated that the LSRP had taken much more time to do the proposed work than he had stated it would take in the proposal. He felt that the clients (his father and uncles) were being taken advantage of because they were not savvy as to what needed to be done, and they simply paid for what the LSRP told them he had to do with few or no questions asked. The Complainant did not allege that the LSRP had done anything incorrectly or violated any of the provisions of the SRRA.

According to the LSRP that is the Subject of the complaint, there were two known discharges on the site, both with a long and complicated compliance history. The LSRP stated that when he became involved he had to straighten out this complicated administrative history. He conducted extensive reviews of files to try to figure out what had been done, who had done it, what still needed to be done, and what the timeframes were. He had extensive contact with Department personnel to separate the cases. He also had extensive contact with the Department to assist the clients in trying to get into compliance.

The LSRP said that the three brothers who were the clients were very happy with his work, as was their attorney. The LSRP said that although he charged a lot, his actions saved the clients substantial sums of money. He also said that although he billed many hours, he did not bill the clients for all the hours he spent on this case. It was the son of one of the brothers who was not happy – and this is the individual that brought the complaint, not the actual clients.

Board staff questioned the LSRP whether he had been retained to conduct remediation. He explained that he and the clients had discussed retention, and he was in the process of gathering the information needed for retention. By the time the LSRP was ready to submit the retention form the son had gotten involved and the relationship had broken down, so he decided not to proceed as the LSRP for the site. The LSRP notified the clients that an LSRP had to be retained by December 13, 2016. Another LSRP was in fact retained on December 8, 2016.

FINDINGS

The Board concluded that in the case of 002-2017 the Board does not have jurisdiction over the amount of time an LSRP takes to complete tasks, or the amount the LSRP charges. Staff did review NJEMS and found that phone conferences and emails between the LSRPs and Department staff were documented in NJEMS and were consistent with entries in the LSRP's invoices, so there is no indication that the LSRP's charges were fraudulent. Therefore, the Board found no basis to investigate this complaint and voted to dismiss this complaint.