

DISMISSAL OF COMPLAINT NO. 004-2013

LSRP

Temporary LSRP License Holder (Expired)

Disposition

The complaint was dismissed by the Board due to finding that the former Temporary LSRP did not violate the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq.

Nature of the Complaint

Complaint 004-2013 from an LSRP was received on September 16, 2013. The LSRP works for a company which reviewed documents submitted to a township planning board, including a Phase I Environmental Site Assessment Report (hereinafter "Phase I Report") dated January 20, 2013 signed by the former Temporary LSRP. The LSRP brought the complaint because he believed that the former Temporary LSRP misrepresented himself as a practicing LSRP with respect to this document.

Synopsis

On February 6, 2013, the NJDEP sent a letter to the Temporary LSRP terminating his license as of the date of the letter. Prior to the termination of his license, the Temporary LSRP had prepared a Phase I Report dated January 20, 2013. In a review of the Phase I Report conducted in August 2013, the question came up as to whether the Report had been prepared by an LSRP. The former Temporary LSRP was asked by email with respect to the Phase I Report: "Are you or someone on your staff an LSRP and have reviewed the Environmental Assessment?" to which the former Temporary LSRP responded by letter dated September 7, 2013, "Yes. Our January 20, 2013 report was prepared by our NJLSRP *"Name of Temporary LSRP."* Mr. *"Temporary LSRP," New Jersey LSRP Number #00000.*"

The LSRP reported this incident to the Board after ascertaining that the license number was no longer valid. A Complaint Review Team (hereinafter "CRT") was convened by the Board to investigate this matter.

The findings of the CRT are as follows. When the former Temporary LSRP was questioned by his client about his statement in the September 7, 2013 letter, he clarified in an email dated September 16, 2013 that he had meant that he was an LSRP on the day he prepared the January 20, 2013 report. The former Temporary LSRP explained to his client that he was no longer an LSRP, and that his firm had another LSRP on retainer. The CRT found that the former Temporary LSRP did in fact have a valid license on January 20, 2013. In addition, the CRT found no other instances in which the former Temporary LSRP attempted to hold himself out as

an LSRP past the termination date of his license. Therefore, the CRT recommended dismissal. The Board voted to dismiss the complaint on March 17, 2014.