



State of New Jersey
SITE REMEDIATION PROFESSIONAL LICENSING BOARD

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October 4, 2018

David Pry
35 Charissa Court
Hewitt, NJ 07421

RE: Notice of Civil Administrative Penalty Assessment and Offer of Settlement
David Pry, LSRP License 573686

Dear Mr. Pry:

This Notice of Civil Administrative Penalty Assessment is to advise you that the New Jersey Site Remediation Professional Licensing Board ("Board") has conducted an investigation in response to a complaint by the Department of Environmental Protection ("Department"), and has reviewed information concerning your activities as a Licensed Site Remediation Professional ("LSRP").

The Board has concluded that your submittal of numerous documents with administrative deficiencies demonstrates that you failed to comply with the remediation requirements in N.J.S.A. 58:10C-14.c., as required by N.J.S.A. 58:10C-16.i and N.J.A.C. 7:26I-6.3(a). The Board has summarized each violation in Exhibit A, which is attached to this Notice.

The Board finds that each of these violations is a first violation of "medium" conduct and "low" severity as evaluated pursuant to the Board's "Guidance to Determine Conduct and Severity of a Violation when Assessing Civil Administrative Penalties", and assesses a civil administrative penalty in the amount of \$1,250 for each of the 23 violations listed in Exhibit A, for a total civil administrative penalty of \$28,750.

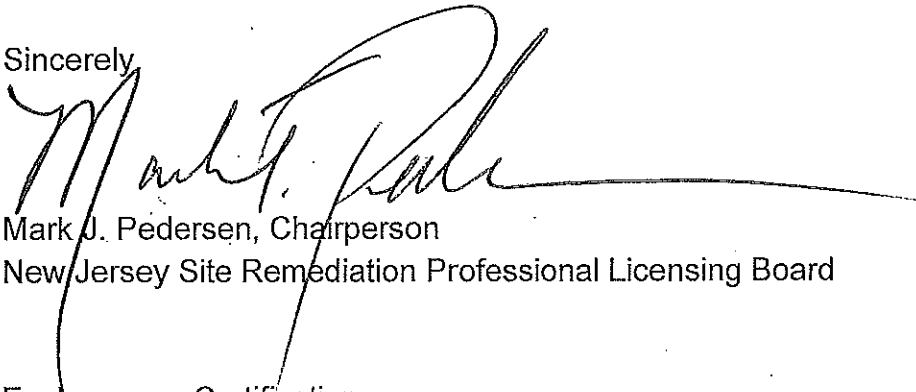
The Board has determined that it will offer you an opportunity to settle this civil administrative penalty. If you want to settle the penalties for the violations listed in Exhibit A, you must, within 35 days after your receipt of this Notice, sign the attached certification and pay a civil administrative penalty in the amount of \$23,000 (which is 80% of the assessed civil administrative penalty of \$28,750). Here, and throughout this

document, the beginning date to calculate the 35-day time period is the date of delivery as indicated on the return receipt of the letter sent by the Board.

If you do not wish to settle the penalties for the violations listed in Exhibit A, you may request an administrative hearing by providing the Board, within 35 days after receipt of this Notice, with all of the information specified in the "Administrative Hearing Request Checklist" available on the Board website at http://www.nj.gov/lsrpboard/board/prof_conduct/admin_hearing_request_form.pdf. You should be aware that a hearing will subject you to the possibility of civil administrative penalties in an amount greater than that offered in this letter. Additionally, you may be required to pay costs, including the costs for the Board investigation of this matter, pursuant to N.J.S.A. 58:10C-17.f.(3). If the Board receives a request for a hearing within 35 days after your receipt of this Notice of Civil Administrative Penalty Assessment, this Notice shall become a final order when you receive a notice of the denial of the request, or, if the Board grants the hearing request, when you withdraw the request or abandon the hearing, or, if the hearing is conducted, when you receive a final decision from the Board in this matter.

If the Board does not receive your response agreeing to settlement and your payment of the settlement penalty amount, or requesting a hearing, within 35 days after your receipt of this Notice, this Notice shall become a final order upon the 36th day following your receipt, and the full penalty shall be due and owing.

Sincerely,



Mark J. Pedersen, Chairperson
New Jersey Site Remediation Professional Licensing Board

Enclosures: Certification
Exhibit A

CERTIFICATION

I, LSRP David Pry, LSRP License No. 573686, hereby acknowledge that I have received the Board's Notice of Civil Administrative Penalty Assessment dated October 1, 2018 regarding alleged violations of N.J.S.A. 58:10C-1 et seq. and N.J.A.C. 7:26I. I have elected to respond as indicated by checking one of the following options.

I agree to pay a civil administrative penalty in the amount of \$23,000 in settlement of the violations enumerated in Exhibit A by sending a check made payable to "Treasurer, State of New Jersey" to the New Jersey Site Remediation Professional Licensing Board within 35 days after my receipt of the Notice of Civil Administrative Penalty Assessment dated October 1, 2018. I am aware that the action taken against me by the Board is a matter of public record, and that the Board's letter and this certification are public documents.

I request an administrative hearing to contest the SRPL Board's allegations in the Notice of Civil Administrative Penalty Assessment by providing the SRPL Board with all of the information specified in the "Administrative Hearing Request Checklist" available on the Board website at http://www.nj.gov/lrspboard/board/prof_conduct/admin_hearing_request_form.pdf within 35 days after my receipt of the SRPL Board's Notice.

By: Date: 10/16/18

EXHIBIT A

The Board finds that LSRP Pry committed the following administrative violations:

LSRP Pry's Violations in 2016

1. PI 674776: On January 8, 2016, LSRP Pry submitted a response action outcome ("RAO") to the Department:
 - a. Without the appropriate RAO form – in violation of N.J.A.C. 7:26C-1.6(a) and 6.2(b)2 and N.J.A.C. 7:26E-1.6(a), and therefore of N.J.A.C. 7:26I-6.3(a)4 and 5.
2. PI 024709: On April 1, 2016, LSRP Pry submitted an RAO to the Department:
 - a. Prior to his client's payment of all fees - in violation of N.J.A.C. 7:26C-6.2(a)3 and therefore of N.J.A.C. 7:26I-6.3(a)5, and N.J.A.C. 7:26I-6.25(a)2.
3. PI 285949: On April 26, 2016, LSRP Pry submitted an RAO to the Department:
 - a. Prior to his client's payment of all fees - in violation of N.J.A.C. 7:26C-6.2(a)3 and therefore of N.J.A.C. 7:26I-6.3(a)5, and N.J.A.C. 7:26I-6.25(a)2.
4. PI G000008459: On May 4, 2016, LSRP Pry submitted an RAO to the Department:
 - a. Without a case inventory document – in violation of N.J.A.C. 7:26E-1.6(a)3, and therefore of N.J.A.C. 7:26I-6.3(a)4.
 - b. Without an electronic copy of the submission on a compact disc – in violation of N.J.A.C. 7:26C-1.6(b) 1 and 2, and therefore of N.J.A.C. 7:26I-6.3(a)5.
 - c. Without the appropriate RAO form – in violation of N.J.A.C. 7:26C-1.6(a) and 6.2(b)2 and N.J.A.C. 7:26E-1.6(a), and therefore of N.J.A.C. 7:26I-6.3(a)4 and 5.
 - d. Outside the 30-day due date for submission. – in violation of N.J.A.C. 7:26C-6.2(b)2 and therefore of N.J.A.C. 7:26I-6.3(a)5; and
 - e. Without either an initial or updated receptor evaluation – in violation of N.J.A.C. 7:26E-1.12 and N.J.A.C. 7:26E-4.9(a)2, and therefore of N.J.A.C. 7:26I-6.3(a)4.
5. PI 290587: On May 4, 2016, LSRP Pry submitted an RAO to the Department:
 - a. Without an electronic copy of the submission on compact disc – in violation of N.J.A.C. 7:26C-1.6(b) 1 and 2, and therefore of N.J.A.C. 7:26I-6.3(a)5; and
 - b. Without submitting the appropriate RAO form – in violation of N.J.A.C. 7:26C-1.6(a) and 6.2(b)2 and N.J.A.C. 7:26E-1.6(a)1, and therefore of N.J.A.C. 7:26I-6.3(a)4 and 5.
6. PI 005584: On May 16, 2016, LSRP Pry submitted an RAO to the Department:

- a. Without an electronic copy of the submission on compact disc – in violation of N.J.A.C. 7:26C-1.6(b) 1 and 2, and therefore of N.J.A.C. 7:26I-6.3(a)5; and
- b. Outside the 30-day due date for submission – in violation of N.J.A.C. 7:26C-6.2(b)2 and therefore of N.J.A.C. 7:26I-6.3(a)5.

LSRP Pry's Violations in 2017

7. PI 002964: On January 9, 2017, LSRP Pry submitted an RAO to the Department:
 - a. Prior to his client's payment of all fees - in violation of N.J.A.C. 7:26C-6.2(a)3 and therefore of N.J.A.C. 7:26I-6.3(a)5, and N.J.A.C. 7:26I-6.25(a)2.
8. PI 017123: On March 1, 2017, LSRP Pry submitted an RAO to the Department:
 - a. Prior to his client's payment of all fees - in violation of N.J.A.C. 7:26C-6.2(a)3 and therefore of N.J.A.C. 7:26I-6.3(a)5, and N.J.A.C. 7:26I-6.25(a)2.
9. PI 749884: On April 7, 2017, LSRP Pry submitted an RAO to the Department:
 - a. Prior to his client's payment of all fees - in violation of N.J.A.C. 7:26C-6.2(a)3 and therefore of N.J.A.C. 7:26I-6.3(a)5, and N.J.A.C. 7:26I-6.25(a)2.
10. PI 033250: On April 13, 2017, LSRP Pry submitted an RAO to the Department:
 - a. Prior to his client's payment of all fees - in violation of N.J.A.C. 7:26C-6.2(a)3 and therefore of N.J.A.C. 7:26I-6.3(a)5, and N.J.A.C. 7:26I-6.25(a)2.
11. PI 754276: On May 31, 2017, LSRP Pry submitted an RAO to the Department:
 - a. Prior to his client's payment of all fees - in violation of N.J.A.C. 7:26C-6.2(a)3 and therefore of N.J.A.C. 7:26I-6.3(a)5, and N.J.A.C. 7:26I-6.25(a)2.
12. PI 022495: On July 24, 2017, LSRP Pry submitted an RAO to the Department:
 - a. Without an Annual Remediation Fee Reporting Form – in violation of N.J.A.C. 7:26C-4.3(a)3 and therefore of N.J.A.C. 7:26I-6.3(a)5;
 - b. Without an electronic copy of the submittal on a compact disc – in violation of N.J.A.C. 7:26C-1.6(b) 1 and 2, and therefore of N.J.A.C. 7:26I-6.3(a)5; and
 - c. Prior to his client's payment of all fees - in violation of N.J.A.C. 7:26C-6.2(a)3 and therefore of N.J.A.C. 7:26I-6.3(a)5, and N.J.A.C. 7:26I-6.25(a)2.
13. PI 746896: On August 1, 2017, LSRP Pry submitted an RAO to the Department:
 - a. Prior to his client's payment of all fees - in violation of N.J.A.C. 7:26C-6.2(a)3 and therefore of N.J.A.C. 7:26I-6.3(a)5, and N.J.A.C. 7:26I-6.25(a)2; and
 - b. Prior to submitting a retention form to the Department – in violation of N.J.A.C. 7:26C-2.3(a), and therefore of N.J.A.C. 7:26I-6.3(a)5.

14. PI.030955: On September 15, 2017, the LSRP submitted an RAO with the following administrative deficiencies:

- a. Prior to his client's payment of all fees - in violation of N.J.A.C. 7:26C-6.2(a)3 and therefore of N.J.A.C. 7:26I-6.3(a)5, and N.J.A.C. 7:26I-6.25(a)2.