



State of New Jersey

SITE REMEDIATION PROFESSIONAL LICENSING BOARD

401 East State Street  
P.O. Box 420 – Mail Code 401-06  
Trenton, NJ 08625-0420  
Tel: 609-984-3424  
www.nj.gov/lrspboard

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

**Board Members**

Mark J. Pedersen, *Chairperson*  
Joann Held, *Vice-Chairperson*  
Jorge Berkowitz  
Philip Brilliant  
Lawra Dodge  
Jeffrey Hoffman  
Michael Renzulli  
Kathi Stetser  
Peter Strom  
Ira Whitman

November 18, 2021

**Offer of Settlement**

By Email

Sameh Habib  
653 Laurel Avenue  
Holmdel, NJ 07733

RE: In the matter of LSRP Sameh Habib, LSRP #594909  
SRPL Board Complaint 004-2018

Dear Mr. Habib:

Regarding the above referenced matter and the Board's April 13, 2021 Board Determination and Offer of Settlement, the Board has considered the proposed settlement terms communicated by your attorney Laura Siclari by letter dated October 26, 2021 and email dated November 17, 2021.

The Board Determination dated April 13, 2021 stands, but the Board hereby rescinds the Offers of Settlement dated April 13, 2021 and November 12, 2021 and offers to settle the matter pursuant to the settlement terms outlined below and set forth in the attached Acknowledgement and Acceptance of Board Offer of Settlement.

1. You agree that you will not apply for license renewal or reissue and that you will allow your license to expire on February 25, 2022.
2. You agree to pay a penalty in the amount of \$1,500.00 to the Board. Payments will be due as follows: \$500.00 within 20 days of receipt of this Offer of Settlement, \$500.00 due by January 15, 2022, and \$500.00 due by February 15, 2022.

The Board requests a response to this Offer of Settlement within 20 days of your receipt. If the terms are acceptable, please return the signed Acknowledgment and Acceptance of Board Offer

of Settlement, along with a check in the amount of \$500.00 made out to "Treasurer, State of New Jersey," to this office within that 20 days. Should you have any questions, please contact Janine MacGregor, Executive Director of the Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark J. Pedersen", with a long horizontal flourish extending to the right.

Mark J. Pedersen, Chairperson  
Site Remediation Professional Licensing Board

Enc: Acknowledgement and Acceptance of Board Offer of Settlement  
Board Determination and Offer of Settlement dated April 13, 2021

cc: Laura Siclari, Esq.

**ACKNOWLEDGEMENT and ACCEPTANCE OF BOARD OFFER OF SETTLEMENT**

I, Sameh Habib, LSRP, hereby acknowledge that I have reviewed the attached April 13, 2021 Board Determination and the November 18, 2021 Offer of Settlement.

I acknowledge the conduct which has been charged. I accept the November 18, 2021 Offer of Settlement of the Board and agree to the following to settle the violations addressed in the April 13, 2021 Board Determination pursuant to the following terms:

1. I agree that I will not apply for license renewal or reissue and that I will allow my license to expire on February 25, 2022.
2. I agree to pay a penalty in the amount of \$1,500.00 to the Board. Payments will be due as follows: \$500.00 within 20 days of receipt of this Offer of Settlement, \$500.00 due by January 15, 2022, and \$500.00 due by February 15, 2022.
3. I acknowledge that if I fail to perform any of the foregoing settlement terms the Board may terminate or enforce this settlement agreement upon 30 days prior written notice to me.
4. I am aware that by signing this Acknowledgement and Acceptance of Board Offer of Settlement I have entered into a binding settlement agreement and I am waiving any rights I may have to an administrative hearing for the matters addressed in the April 13, 2021 Board Determination, the November 18, 2021 Offer of Settlement and this Acknowledgement and Acceptance of Board Offer of Settlement.
6. I am aware that the findings of the Board in connection with this matter are a matter of public record and that the April 13, 2021 Board Determination, the November 18, 2021 Offer of Settlement and this Acknowledgement and Acceptance of Board Offer of Settlement are public documents.

Dated: 11/20/21

S. Habib  
Sameh Habib, LSRP #594909



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Kathi Steiser  
Peter Strom  
Ira Whitman

April 13, 2021

**Board Determination and Offer of Settlement**

By Certified and Regular Mail

Sameh Habib  
653 Laurel Avenue  
Holmdel, NJ 07733

RE: In the matter of LSRP Sameh Habib, LSRP #594909  
SRPL Board Complaint 004-2018

Dear Mr. Habib:

This letter is to advise you that the New Jersey Site Remediation Professional Licensing Board (“Board”) has reviewed information concerning your professional conduct in connection with the above captioned matter.

This complaint was initiated by the Professional Conduct Committee of the Board based on the results of your audit which was commenced in February 2018. The complaint focused on four contaminated sites for which you served as the LSRP. The New Jersey Department of Environmental Protection (“Department”) designated these contaminated sites as PI 004326, PI 024193, PI 027271 and PI 032718. The Board has reviewed your conduct at these four contaminated sites and found violations as follows:

PI 004326

Violation of N.J.A.C. 7:26I-6.8(a) for not complying with the requirements and procedures set forth in the SRRRA and any rule, regulation, and order adopted or issued pursuant thereto. The reason for this finding is that you did not conduct a vapor intrusion investigation in accordance with N.J.A.C. 7:26E-1.15(a), door to door survey in accordance with N.J.A.C. 7:26E-1.14(a) i.ii., and well search in accordance with N.J.A.C. 7:26E-1.14(a)3.

PI 024193

Violation of N.J.A.C. 7:26I-6.8(a) for not complying with the requirements and procedures set forth in the SRRA and any rule, regulation, and order adopted or issued pursuant thereto. The reason for this finding is that you did not conduct a vapor intrusion investigation in accordance with N.J.A.C. 7:26E-1.15(a), door to door survey in accordance with N.J.A.C. 7:26E-1.14(a)1.ii., and well search in accordance with N.J.A.C. 7:26E-1.14(a)3.

Violation of N.J.A.C. 7:26I-6.2 because you did not have as your highest priority the protection of public health and safety and the environment when you neglected to conduct a vapor intrusion investigation of an occupied building located within 30 feet of petroleum free product or dissolved petroleum hydrocarbon contamination in ground water.

PI 027271

Violation of N.J.A.C. 7:26I-6.8(a) for not complying with the requirements and procedures set forth in the SRRA and any rule, regulation, and order adopted or issued pursuant thereto. The reason for this finding is that you submitted a Remedial Investigation Report that did not demonstrate completion of ground water delineation in accordance with N.J.A.C. 7:26E-4.3 and vapor intrusion investigation in accordance with N.J.A.C. 7:26E-1.15.

PI 032718

Violation of N.J.A.C. 7:26I-6.8(a) for not complying with the requirements and procedures set forth in the SRRA and any rule, regulation, and order adopted or issued pursuant thereto. The reason for this finding is that you submitted a Remedial Investigation Report that did not demonstrate completion of ground water delineation in accordance with N.J.A.C. 7:26E-4.3 and vapor intrusion investigation in accordance with N.J.A.C. 7:26E-1.15.

The Board intends to assess penalties as follows:

The violation of N.J.A.C. 7:26I-6.8(a), supported by four examples, is assessed as medium conduct and medium severity with a penalty of \$4,000.00, which is above the midpoint of the range of \$1,000.00 to \$5,000.00 for a medium-medium violation based on the aggravating factor that there were four examples of this violation.

The violation of N.J.A.C. 7:26I-6.2, supported by one example, is assessed as medium conduct and high severity with a penalty of \$6,000.00, which is below the midpoint of the range of \$4,000.00 to \$10,000.00 for a medium-high violation based on the mitigating factor that you fully cooperated with Department staff upon notification of deficiencies.

The total penalty is therefore \$10,000.00.

### Offer of Settlement

As a result of the foregoing, the Board will pursue formal disciplinary proceedings against you for the above referenced violations to assess the above referenced penalties for these violations. Notwithstanding this decision, the Board has determined that it will first offer you an opportunity to settle these violations before instituting formal disciplinary proceedings if you consent to the following terms:

Agree to pay a civil administrative penalty in the amount of \$8,000.00, which is 80% of the civil administrative penalty of \$10,000.00 the Board intends to assess in formal disciplinary proceedings. Payment should be by certified check or money order payable to "Treasurer, State of New Jersey," and mailed to Janine MacGregor, Executive Director at the address above.

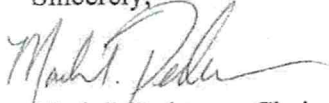
If we are unwilling or unable to settle this matter, the Board will pursue formal disciplinary proceedings for these violations pursuant to N.J.S.A. 58:10C-17.f. to assess the above referenced penalties and you will be afforded an opportunity to request a hearing regarding this matter at that time. In that event, the Board, pursuant to N.J.S.A. 58:10C-17.f., may also enter an order assessing and requiring you to pay the costs for the investigation which led to the establishment of the violations, and its costs for successfully enforcing its penalty action against you. In addition, pursuant to N.J.S.A. 58:10C-17.e., any person who violates the Site Remediation Reform Act or any rule, regulation or order of the Board, or who fails to pay a civil administrative penalty assessed by the Board, shall be subject, upon order of the Superior Court, to pay a civil penalty of not more than \$10,000.00 for the first violation and not more than \$20,000.00 for every subsequent violation. The Board reserves its right to amend its findings and conclusions based on further review or investigation if this matter is not settled.

If you elect to settle this matter, you must sign the attached Acknowledgement and Acceptance of Board Offer of Settlement and return it along with payment to the Board within twenty (20) days following your receipt of this Board Determination and Offer of Settlement. Here, and throughout this document, the beginning date to calculate this 30-day time period is the date of delivery as indicated on the return receipt of this document. If the Board receives no response from you within thirty (30) days, the Board's settlement offer shall be considered withdrawn and the Board will pursue formal disciplinary proceedings.

Should you have any questions concerning this Board Determination and Offer of Settlement or the Acknowledgement and Acceptance of Board Offer of Settlement, you may contact Executive Director Janine MacGregor at 609-984-3424 or [SRPLBoardContact@dep.nj.gov](mailto:SRPLBoardContact@dep.nj.gov) or seek the advice of your legal counsel. This Board Determination and Offer of Settlement does not constitute a formal enforcement order, a final agency action or a final legal determination that

may be appealed or contested. Please note that the Board Determination and Offer of Settlement and this Acknowledgement and Acceptance of Board Offer of Settlement are public documents.

Sincerely,



Mark J. Pedersen, Chairperson  
Site Remediation Professional Licensing Board

Enc: Acknowledgement

cc: Laura Siclari, Esq.

**ACKNOWLEDGEMENT and ACCEPTANCE OF BOARD OFFER OF SETTLEMENT**

I, Sameh Habib, LSRP #594909, hereby acknowledge that I have reviewed the attached April 13, 2021 Board Determination and Offer of Settlement and the settlement offer of the Board set forth therein.

I acknowledge the conduct which has been charged. I accept the settlement offer of the Board and agree to the following to settle the violations addressed in the April 13, 2021 Board Determination and Offer of Settlement pursuant to the following terms:

Immediate payment of a civil administrative penalty of \$8,000.00.

I acknowledge that if I fail to perform any of the foregoing settlement terms the Board may terminate or enforce this settlement agreement upon 30 days prior written notice to me.

I am aware that by signing this Acknowledgement and Acceptance of Board Offer of Settlement I have entered into a binding settlement agreement and I am waiving any rights I may have to an administrative hearing for the matters addressed in the Board Determination and Offer of Settlement and this Acknowledgement and Acceptance of Board Offer of Settlement. I am aware that the findings of the Board in connection with this matter are a matter of public record and that this Board Determination and Offer of Settlement and this Acknowledgement and Acceptance of Board Offer of Settlement are public documents.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Sameh Habib, LSRP #594909