



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: 609-292-1250 – Fax: 609-777-1914  
[www.nj.gov/lrspboard](http://www.nj.gov/lrspboard)

June 9, 2020

**Board Determination and Offer of Settlement**  
**Addendum**

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  
Christopher Motta  
Kathi Stetser  
Peter Strom  
Ira Whitman

By Certified and Regular Mail

Paul Sakson  
Paul D. Sakson Associates, Inc.  
P.O. Box 154  
Leonardo, NJ 07737

RE: In the matter of Paul Sakson, LSRP #573492  
SRPL Board Complaint 008-2017

Dear Mr. Sakson:

This letter is an addendum to the Board Determination and Offer of Settlement (“BDOS”) dated September 16, 2019 (attached).

The Board has considered the information you provided and acknowledges the measures you have taken to ensure that you will not repeat the violations at issue in this complaint investigation, particularly that you are limiting the number and types of cases you handle to ensure that they are manageable and within your area of expertise. Consequently, the Board has agreed to reduce the penalty from \$8,000.00, which is at the middle of the range for a “High-High” violation, to \$6,000.00, which is at the low end of the range for a “High-High” violation, according to the Board “Guidance to Determine the Conduct and Severity of a Violation When Assessing Civil Administrative Penalties.”

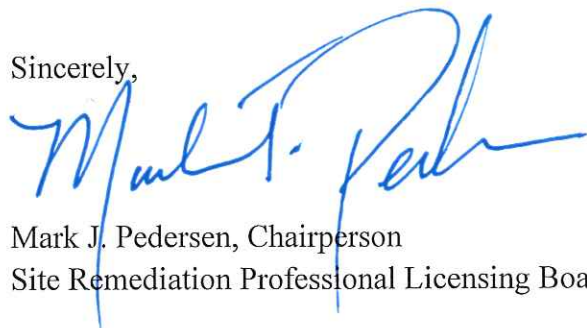
As stated in the September 16, 2019 BDOS, the Board agrees to settle this matter upon payment of \$4,800.00, which is 80% of the assessed penalty. In addition, in consideration of the current economic and health conditions affecting New Jersey, the Board agrees to accept payment in four equal installments of \$1,200.00 each, to be paid by you 30 days apart, beginning on or about January 1, 2021.

All other terms and conditions of the September 16, 2019 BDOS remain in effect.

As stated in the September 16, 2019 BDOS, if you elect to settle this matter, you must sign the attached Acknowledgement and return it to the Board within thirty-five (35) days following your receipt of this letter. Here, and throughout this document, the beginning date to calculate this 35-day time period is the date of delivery as indicated on the return receipt of this letter. If the Board receives no response from you within thirty-five (35) 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 letter or the Acknowledgement, you may contact Executive Director Janine MacGregor at 609-984-3424 or seek the advice of your legal counsel. Please note that this letter and Acknowledgement are public documents.

Sincerely,



Mark J. Pedersen, Chairperson  
Site Remediation Professional Licensing Board

Enc: Acknowledgement  
Board Determination and Offer of Settlement dated September 16, 2019

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

I, Paul Sakson, hereby acknowledge that I have reviewed the attached September 16, 2019 Board Determination and Offer of Settlement and the settlement offer of the Board set forth therein, as amended by the Board Determination and Offer of Settlement Addendum dated June 9, 2020.

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 September 16, 2019 Board Determination and Offer of Settlement as amended by the Board Determination and Offer of Settlement Addendum dated June 9, 2020 pursuant to the following terms:

Payment of a civil administrative penalty of \$4,800.00 in four equal installments of \$1,200.00 to be sent to the Board 30 days apart, with the first payment to be on or about January 1, 2021 with the specific date to be set by the Board.

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: 7/13/20

*Paul Sakson*

Paul Sakson, LSRP #573492



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Philip Brilliant  
Lawra Dodge  
Jeffrey Hoffman  
Christopher Motta  
Kathi Stetser  
Peter Strom  
Ira Whitman

September 16, 2019

**Board Determination and Offer of Settlement**

By Certified and Regular Mail

Paul Sakson  
Paul D. Sakson Associates, Inc.  
P.O. Box 154  
Leonardo, NJ 07737

RE: In the matter of LSRP Paul Sakson, LSRP #573492  
SRPL Board Complaint 008-2017

Dear Mr. Sakson:

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.

You were hired to conduct remediation at the John’s Uptown Mobil Site located at 401 Atlantic Avenue, Atlantic City, New Jersey. The New Jersey Department of Environmental Protection (“Department”) has identified the contaminated site as Program Interest Number 013409.

Upon review of the available information regarding your work at this Site, the Board has determined that you are in violation of N.J.S.A. 58:10C-16.i. of the Site Remediation Reform Act for failure to comply with the requirements and procedures set forth in the Site Remediation Reform Act and any rule, regulation, and order adopted or issued pursuant thereto.

Specifically, pursuant to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-4.9(a)6, a Remedial Investigation Report is required to, among other requirements, present a “discussion, by area of concern, of the specific findings, including the remedial investigation analytical results.” In addition, pursuant to the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-4.1(a)3, the purpose of a remedial investigation is to, among other requirements, “update the receptor evaluation, pursuant to N.J.A.C. 7:26E-1.12, and determine if an immediate environmental concern or vapor concern exists.” You did not comply with these provisions of the Technical Requirements for Site Remediation as follows:

- (i) On or about September 22, 2014 you submitted a Remedial Investigation Report Form to the Department that indicated that the remedial investigation was complete for all areas of concern associated with this case as of January 25, 2002. However, you did not provide a "discussion, by area of concern, of the specific findings, including the remedial investigation analytical results" as required by N.J.A.C. 7:26E-4.9(a)6, for Areas of Concern 1 or 2, which you indicated were contaminated.
- (ii) In the same Remedial Investigation Report Form you answered "yes" to the question "is contamination in ground water fully delineated?" However, according to a January 25, 2002 letter from the Department, ground water was not fully delineated, and the person responsible for conducting remediation was required to install permanent ground water monitoring wells to fully delineate the horizontal and vertical extent of ground water contamination. Nevertheless, you provided no supporting documentation to verify that you ever completed the work that the January 25, 2002 letter required to fully delineate the ground water, nor did you provide supporting documentation to verify that you completed any of the technical requirements for delineation of ground water contamination set forth in N.J.A.C. 7:26E-4.3.
- (iii) On or about February 29, 2012, you submitted a Receptor Evaluation Form to the Department in which you indicated that on January 1, 2009 there were confirmed contaminants present in ground water that exceed Vapor Intrusion Ground Water Screening Levels that trigger a vapor intrusion evaluation. In that same form you indicated that vapor intrusion sampling of the structure(s) had not been conducted, and the vapor intrusion investigation is being completed and/or stepping out sampling is being conducted as part of the remedial investigation. However, you presented no evidence that you ever conducted indoor air sampling to determine if levels were such that a vapor concern or immediate environmental concern existed and you provided no documentation to indicate that you had communicated to the persons responsible for conducting the remediation that indoor air sampling was necessary to determine whether there was a vapor concern or immediate environmental concern at the Site. You inappropriately certified that the remedial investigation was complete for all areas of concern associated with this case when indoor air sampling remained to be completed to determine whether there was a vapor concern or immediate environmental concern at the Site, as required by N.J.A.C. 7:26E-4.1(a)6.

Pursuant to N.J.S.A. 58:10C-17.f, the Board has assessed a civil administrative penalty of \$8,000.00 for violation of N.J.S.A. 58:10C-16.i due to your failure to comply with the requirements of the Technical Requirements for Site Remediation as outlined above. This penalty was assessed using the Board's "Guidance to Determine Conduct and Severity of a Violation when Assessing Civil Administrative Penalties." The Board determined that this was a first violation of "high" conduct and "high" severity.

As a result of the foregoing, the Board intends to pursue formal disciplinary proceedings against you for the above referenced violation and penalty assessment. Notwithstanding that decision,

the Board has determined that it will first offer you an opportunity to settle this matter in order to avoid continuation of these proceedings if you consent to the following terms:

Agree to pay a civil administrative penalty in the amount of \$6,400.00, which is 80% of the assessed civil administrative penalty of \$8,000.00. 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 above address.

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. and you will be afforded an opportunity to request a hearing regarding this matter before the Office of Administrative Law. 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.

If you elect to settle this matter, you must sign the attached Acknowledgement and return it to the Board within thirty-five (35) days following your receipt of this letter. Here, and throughout this document, the beginning date to calculate this 35-day time period is the date of delivery as indicated on the return receipt of this letter. If the Board receives no response from you within thirty-five (35) 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 letter or the Acknowledgement, 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. Please note that this letter and Acknowledgement are public documents.

Sincerely,



Mark J. Pedersen, Chairperson  
Site Remediation Professional Licensing Board

**ACKNOWLEDGEMENT**

I, Paul Sakson, LSRP, hereby acknowledge that I have reviewed the attached September 12, 2019 letter and the settlement offer of the Board set forth therein ("Letter").

I acknowledge the conduct which has been charged. I accept the settlement offer of the Board and agree to the following to settle the matters addressed in the Letter:

Immediate payment of a civil administrative penalty of \$6,400.00.

I am aware that by signing this Acknowledgement I am waiving any rights I may have to an administrative hearing in this matter. I am aware that the findings of the Board in connection with this matter are a matter of public record and that this Letter and this Acknowledgement are public documents.

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

\_\_\_\_\_  
Paul Sakson, LSRP #573492