



State of New Jersey
SITE REMEDIATION PROFESSIONAL LICENSING BOARD

Mail Code 401-06
P.O. Box 420
Trenton, NJ 08625-0420

Tel: 609-292-1250
Fax: 609-777-1914
Web: www.nj.gov/lrspboard

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Board Members

Mark J. Pedersen, *Chairman*
Joann Held, *Vice-Chairman*
Jorge Berkowitz
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Peter Strom
Constantine Tsentas
Ira Whitman

April 5, 2017

James D. Ray, Esq.
McElroy Deutsch Mulvaney & Carpenter, LLP
4000 Route 66 – One Hovchild Plaza
Tinton Falls, NJ 07753

RE: In the Matter of John Bee, LSRP License 573502
Settlement Agreement re:
Notice of Intent to Suspend License and Civil Administrative Penalty Assessment

Dear Mr. Ray,

The Site Remediation Professional Licensing Board (“Board”) hereby conveys to you the executed agreement to settle this matter effective April 5, 2017.

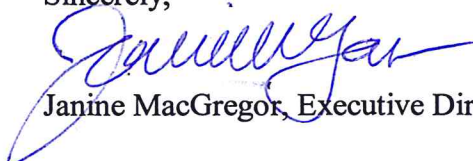
Effective immediately, Mr. Bee’s license is suspended. Mr. Bee shall not be, act as, advertise as, hold himself out to be, or represent himself as being an LSRP until the end of the period of suspension, which is October 5, 2017. On October 6, 2017, Mr. Bee may resume practicing as an LSRP.

Pursuant to N.J.A.C. 7:26I-2.13(f), by the date of April 20, 2017, Mr. Bee shall notify each of his clients by whom he has been retained, with a copy to the Board at the above address, that for the duration of the suspension he shall not be an LSRP. By the date of April 20, 2017, Mr. Bee shall also submit an LSRP Notification of Dismissal via <http://www.nj.gov/dep/online/> for each contaminated site for which he had submitted a Notification of Retention. Mr. Bee shall also provide for the maintenance and preservation of all data, documents, records and information concerning remediation activities at each contaminated site he has worked on.

Pursuant to the Settlement Agreement, Mr. Bee shall pay the sum of \$5,000.00 no later than April 26, 2017 by the procedure set forth in the Settlement Agreement, and shall withdraw, with prejudice, the Request for an Adjudicatory Hearing by the date of April 26, 2017. Also, pursuant to the Settlement Agreement, the Board shall withdraw, with prejudice, the Notice of Intent to Suspend License and Civil Administrative Penalty Assessment, within ten days of the receipt of Mr. Bee’s \$5,000.00 payment.

Should you have any questions, please do not hesitate to contact me.

Sincerely,


Janine MacGregor, Executive Director



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IN THE MATTER OF : **SETTLEMENT AGREEMENT**
JOHN BEE : **RE: NOTICE OF INTENT TO**
LSRP LICENSE 573502 : **SUSPEND LICENSE AND**
: **CIVIL ADMINISTRATIVE**
: **PENALTY ASSESSMENT**

This Settlement Agreement (“Agreement”) is made as of this 23rd day of January 2017 between the Site Remediation Professional Licensing Board (hereinafter “Board”) and John Bee (collectively, the “Parties”) and shall be effective upon the date of the last signature set forth below (“Effective Date”).

WHEREAS, John Bee is a licensed site remediation professional (“LSRP”). On July 9, 2012, the Board issued permanent license 573502 to John Bee to practice as an LSRP, which license has a July 9, 2018 expiration date.

WHEREAS, the New Jersey Department of Environmental Protection (hereinafter “Department”) brought a complaint to the Board on February 10, 2014 regarding the remediation work of Mr. Bee at property located at 6-30 Chapel Street, Newark, New Jersey, Block 2467, Lots 1, 2, 3, 5, 7, 17, 18, 50, 51 in the City of Newark, Essex County (hereinafter the “Site”). The Site has been identified by the Department as Program Interest number 015427.

WHEREAS, the Board investigated the complaint and found that Mr. Bee violated the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq. (hereinafter “SRRA”); specifically, N.J.S.A. 58:10C-14c(2)(a), N.J.S.A. 58:10C-16a, N.J.S.A. 58:10C-16b and N.J.S.A. 58:10C-16i.

WHEREAS, on March 11, 2016, the Board issued a Notice of Intent to Suspend License and Civil Administrative Penalty Assessment (hereinafter “Notice”) to Mr. Bee pursuant to N.J.S.A. 58:10C-17b and -17f and based upon the findings of the Board. The Notice, at Paragraph 87, states that granting of a Request for an Administrative Hearing shall stay the effect of the Notice. Paragraph 89 of the Notice states that the Notice shall become final when Mr. Bee receives a notice of the denial of the request for an administrative hearing, or, if the hearing request is granted, when Mr. Bee withdraws the request or abandons the hearing, or, if the hearing is conducted, when Mr. Bee receives a final decision from the Board in this matter.

WHEREAS, on April 14, 2016, Mr. Bee filed a written Request for an Administrative Hearing. The Request for an Administrative Hearing indicated a willingness to negotiate a settlement with the Board.

WHEREAS, by letter dated April 29, 2016, the Board granted Mr. Bee's Request for an Administrative Hearing.

WHEREAS, the Parties have met to negotiate settlement terms.

NOW THEREFORE,

1. In consideration of the foregoing, and in order to amicably resolve this matter without trial or adjudication, and intending to be bound hereby, the Parties agree as follows:
 - a. Mr. Bee's license shall be suspended for a period of six months commencing on the Effective Date of this Agreement. Mr. Bee shall take all actions necessary to comply with the regulatory requirements concerning license suspension as set forth in N.J.A.C. 7:26I-2.13. Upon expiration of the six month suspension period, Mr. Bee's license shall be reinstated without further action by Mr. Bee or the Board, but the reinstatement shall be subject to paragraphs 1.b. through f. below.
 - b. Mr. Bee shall complete one or more continuing education programs to earn a minimum of twelve Continuing Education Credits (hereinafter "CECs") no later than one year after the Effective Date of this Agreement. Of the twelve CECs, a minimum of six must be approved as Regulatory CECs. The twelve CECs shall be in addition to, and shall not count towards, the thirty-six CECs required to be completed during Mr. Bee's current three-year license term to qualify for license renewal.
 - c. Mr. Bee shall provide the Board with a copy of all key documents submitted to the Department during the 24-month period immediately following reinstatement of his license, i.e., upon the expiration of Mr. Bee's six-month suspension, including without limitation, all Preliminary Assessment Reports, Site Investigation Reports, Remedial Investigation Reports, and Remedial Action Reports. During that period, the Board may evaluate, at its sole discretion, up to four of those documents for compliance with SRRA, the Site Remediation Professional Licensing Board Rules, N.J.A.C. 7:26I-1 et seq., the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C and the Technical Requirements for Site Remediation, N.J.A.C. 7:26E. The Board shall notify Mr. Bee when a document has been selected for evaluation, and Mr. Bee shall participate in that evaluation if requested by the Board. Should the Board not evaluate up to four key documents within the first 24 months following reinstatement of Mr. Bee's license, it may extend the

evaluation period for a period not to exceed 24 months. Mr. Bee shall provide the Board with a copy of key documents as noted above during any extended evaluation period. The evaluation period shall terminate upon the Board's final evaluation of up to four key documents or the expiration of any extended evaluation period, whichever comes first.

- d. If after the evaluation of key documents in accordance with paragraph 1.c. above, the Board finds that Mr. Bee has consistently failed to meet the standards and requirements for performance of an LSRP as set forth in SRRA and the Site Remediation Professional Licensing Board Rules, N.J.A.C. 7:26I-1 et seq., the Board may revoke Mr. Bee's license pursuant to N.J.A.C. 7:26I-2.14 or suspend Mr. Bee's license a second time pursuant to N.J.A.C. 7:26I-2.13.
 - e. Mr. Bee shall reimburse the Board's costs for conducting the evaluations of key documents in accordance with paragraph 1.c above at a rate of \$105.48/hour, but the Board's costs shall not exceed \$500 per document.
 - f. Within twenty-one days of the Effective Date, Mr. Bee shall pay the sum of \$5000.00 by check payable to the Treasurer, State of New Jersey as full satisfaction of the penalties contained within the Notice. Mr. Bee shall mail or otherwise deliver the payment to:
Janine MacGregor, Executive Director
Site Remediation Professional Licensing Board
c/o NJDEP Site Remediation and Waste Management Program
Office of the Assistant Commissioner
P.O. Box 420
Mail Code 401-06
401 East State Street
Trenton, N.J. 08625-0420
2. Within ten days of the receipt of the \$5000.00 payment pursuant to paragraph 1.f., the Board shall withdraw, with prejudice, the Notice of Intent to Suspend License and Civil Administrative Penalty Assessment.
 3. Within twenty-one days of the Effective Date, Mr. Bee shall withdraw, with prejudice, the Request for an Adjudicatory Hearing.
 4. No modifications or waiver of this Agreement shall be valid except by written amendment to this Agreement duly executed by the Parties.
 5. This Agreement shall be governed and interpreted under the laws of the State of New Jersey.

6. This Agreement represents the entire integrated agreement between the Parties concerning this matter and supersedes all prior negotiations, representations or agreements, either written or oral, unless otherwise specifically provided herein.
7. This Agreement may be signed and dated in counterparts, each of which shall be an original, and such counterparts shall together be one and the same Agreement.
8. By entering into this Agreement, Mr. Bee does not admit to any fact, fault or liability.
9. By signing this Agreement, the signatories represent that they have the authority to bind the Parties to this Agreement.

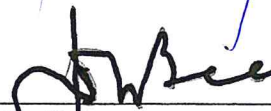
**THE NEW JERSEY SITE REMEDIATION
PROFESSIONAL LICENSING BOARD**

DATE: 4/5/17



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

DATE: 2/27/2017



John Bee
LSRR License 573502