

Comments regarding the LSRP Board Audit

The Bulk of the Audit checklist mimics the LSRP responsibilities section of the Site Remediation Reform Act (section 16). It is recommended that the Audit committee review the Under Ground Storage Tank regulations, specifically the Professional Business Practices set forth at N.J.A.C. 7:14B-13. 9 (for regulated UST contractors) and 16.10 (for unregulated Heating Oil tank contractors). These rules set forth practices that all certified individuals must follow with regard to contracts and dealing with a client. The LSRP board should consider that adherence to contracts, fair pricing and other the manner in which a LSRP deals with a client are also actions that may result in further investigation and potentially sanctions and penalties. Once these practices are codified in regulation, the questionnaire should require the LSRP to submit 2 different contracts with any amendments as part of this review. The 2 clients should be contacted and asked to submit copies of their contracts with the LSRP and then compared. If there is significant difference or the contract does rise to the level stated in the regulations, further inquiry should be made.

Comments to the proposed Questionnaire

1. The first page of the questionnaire names the LSRP. As soon as the questionnaire is received, a unique ID number should be stamped on each page and the first page separated and filed so that no one reviewing the questionnaire can identify the LSRP.
2. Section A questions 1 through 6 will be nearly impossible to verify when the LSRP answers "No." Any actions taken against an LSRP (legally or professionally) outside New Jersey will be very difficult to identify. For example, an LSRP is licensed to practice Engineering in 4 states (NJ, PA, DEL, NY). If the LSRP did not indicate all of these licenses, the board would not know to even check any of the other state's professional licensing boards. Only the most honest LSRP will self implicate. Therefore these questions are not of much value.

For question 5, it may be useful to ask for the name and policy numbers for professional and environmental insurance policies for some period of time (perhaps 10 years prior) and then contact those insurance companies.

3. Question B1 needs a time frame. Perhaps it should be since you received your license or the last 10 years if you have had your license for greater than 10 years. This question ties in well with B2, however cover pages are not necessary, just request a summary of the documents. It should be in spreadsheet format listing the case number name and type of document, date submitted.

These answers can be verified through the Department's SRP webpage using the searches that are already set up.

4. Another spreadsheet should include a list of required submittals (such as the receptor evaluation form). The spreadsheet should require a column for regulatory due date, mandatory due date and submittal date. Whenever there are due dates that are passed without a submittal, the board should look into this further. In addition, the spreadsheet should have a column noting the date an extension request was submitted. If there are a significant number of extension requests, the Board should look into the reasons for the requests and determine if the LSRP is not doing his/her job or if it is the fault of the RP or other factors.
5. Request a list of cases the LSRP has removed him or herself from or that the Responsible Party removed him/her from. These need to be looked at carefully. The LSRP may be removed because

he/she is doing the job properly (what is required by law and practice) and not doing what the RP wants or the RP may feel that the LSRP is not acting in a professional manner.

6. Question B3 needs a time frame that matches the time frame in question B1.
7. The response to question B4 always needs to be verified by the Department's records.
8. Question B5 is too broad. Perhaps it should be rephrased to ask if the Department required additional field work or additional documentation to be submitted.
9. Question B7 will not be properly interpreted by anyone who answers it. Specify what you mean. Remember, LSRPs may rely on other "Professionals" (this needs to be defined clearly. Does it mean the non-LSRP in your office who is a hydrology modeling wizard?) who have skills not held by the certifying LSRP.
10. Question B8 is unnecessary. Add a column to spreadsheet for the date the opt-in was submitted and one for the date the contract with the RP was signed.
11. Question B10 is similar to B5 and can be combined with it.
12. Question B11 needs a time frame, perhaps the same as item 3 above.
13. A question such as: Has any client ever received an Administrative or for any reason other than that list in question B11? Also a time frame is needed for this question.
14. Question B13 will never be answered "No." Reword it to reflect that the LSRP reviewed the work of another LSRP and approved it as part of a project he/she submitted.
15. No need for Question B14 since it would be included in the spreadsheet. There is also no need for an explanation of the circumstances – this does not help the audit in any way.
16. Although the information asked for in question B17 would reveal an ethical violation, no one will answer "Yes." Eliminate the question. If a client is disgruntled because of this action hopefully he/she will report a complaint to the board.
17. Question B19 is another question that will always be answered "No" and is unverifiable. Remove it.
18. Question B21 will need to be altered in future with the regulatory citation when you finalize the rule.
19. Add a question that asks if the LSRP was ever employed by a family member to clean up a site or if the LSRP has remediated his/her own site. The regulation should prevent LSRPs from remediating their own property and perhaps the a family member's property.
20. The questionnaire should request a list of family members employed by the LSRP or the company the LSRP works for as well as the dates of service.
21. C continuing education. It states "list 3 most recent courses". It should list all courses for last 3 years, since there will be a minimum course requirement to renew a license.

22. Asking for references has no value. The LSRP will only include friends and clients that he/she knows will give a good evaluation. It is more important to get a contact list for all cases and follow up with a phone call or questionnaire for these individuals.