



State of New Jersey

SITE REMEDIATION PROFESSIONAL LICENSING BOARD

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January 14, 2019

**Offer of Settlement In Lieu of Initiating
Formal Disciplinary Proceedings**

By Certified and Regular Mail

Ronald Dooney, LSRP
TERMS Environmental Services, Inc.
599 Springfield Avenue
Berkeley Heights, NJ 07922

RE: In the matter of LSRP Ronald Dooney, LSRP #577384
SRPL Board Complaint 004-2015

Dear Mr. Dooney:

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 Major Automotive Products Company Site located at 825 Bloomfield Avenue, Clifton, Passaic County, New Jersey. The New Jersey Department of Environmental Protection (“Department”) has designated this contaminated site as PI G000001476. As part of the remediation, on or about April 28, 2014 you submitted to the Department a “May 7, 2014 Remedial Investigation Complete” supporting documentation form that had been signed by Charles Rosencranz, president of Major Enterprises, Inc., the person responsible for conducting remediation of the Site. The form indicated that the remedial investigation was complete based on “previously submitted Remedial Investigation Report(s) that did not receive NJDEP response by May 7, 2012” and “other supporting documentation.” The specific documents referenced were not named or submitted to the Department with the form. Furthermore, in May 1, 2014 correspondence to the Department, you acknowledged that the Department had conducted off-site vapor sampling, but you were not aware of the results.

Upon review of the available information, the Board has preliminarily determined that probable cause exists to support a determination that you are in violation of N.J.S.A. 58:10C-16.b. and

N.J.A.C. 7:26I-6.3(d) for failure to exercise reasonable care or diligence in the remediation of this Site. Specifically:

1. You submitted to the Department a "May 7, 2014 Remedial Investigation Complete" supporting documentation form stating that the remedial investigation was complete without providing documentation to substantiate that it was complete. Based on correspondence from Department representatives to you in 2015 the remedial investigation was not in fact complete;
2. In the period from June 2012 to April 2014 you did not communicate with your client Mr. Rosencranz, and in particular you did not explain to him the work that needed to be done to complete the Remedial Investigation Report in time to meet the May 7, 2014 deadline, or that an extension to the May 7, 2014 deadline was available if you were unable to complete the work in time to meet the deadline; and
3. Your actions caused your client to fail to submit to the Department a Remedial Investigation Report in time to meet the May 7, 2014 deadline or to request an extended deadline.

As a result of the foregoing, the Board has preliminarily determined that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, the Board will first offer you an opportunity to settle this matter in order to avoid the initiation of more formal proceedings if you consent to the following terms:

Agree to pay a civil administrative penalty in the amount of \$5,600.00, which is 80% of an assessed civil administrative penalty of \$7000.00 for a first violation of "high" conduct and "medium" severity as evaluated pursuant to the Board's "Guidance to Determine Conduct and Severity of a Violation when Assessing Civil Administrative Penalties." Payment should be by certified check or money order payable to "Treasurer, State of New Jersey."

If we are unable to settle this matter, the Board will initiate formal disciplinary proceedings. In such event, you will be afforded an opportunity to request a hearing before the Office of Administrative Law. You are advised, however, that if formal disciplinary proceedings are initiated, you may be assessed civil penalties in an amount greater than that herein offered in settlement. Pursuant to N.J.S.A. 58:10C-17.e., any person who engages in conduct which is in violation of any provisions of the statutes and regulations administered by the Board shall, in addition to any other sanctions provided by statute, be liable for 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. Additionally, the Board may enter an order requiring you to pay the costs for the investigation which led to the establishment of the violations, and the costs of preparing and litigating the matter, pursuant to N.J.S.A. 58:10C-17.c.

If you elect to settle this matter, you should 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 initiate formal disciplinary proceedings before the Office of Administrative Law.

Should you have any questions concerning this letter or the Acknowledgement, please contact Board Executive Director Janine MacGregor at 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

cc: David Pierce, Esq.

ACKNOWLEDGEMENT

I, Ronald Dooney, LSRP, hereby acknowledge that I have reviewed the settlement offer set forth in the above letter.

I acknowledge the conduct which has been charged and hereby agree to the following to settle the penalty assessed for violation of N.J.S.A. 58:10C-16.b. and N.J.A.C. 7:26I-6.3(d):

Immediate payment of a civil penalty of \$5,600.00.

I am aware that by signing this Acknowledgement I am waiving any rights I may have to defend myself against any charges at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record and that this letter and Acknowledgement are public documents.

Dated: _____

Ronald Dooney, LSRP #577384