

SRPL Board Complaint No. 014-2025

DISPOSITION:

Based on its investigation, the Site Remediation Professional Licensing Board (“Board”) voted to resolve the complaint with a finding that the Subject of the complaint did not violate the provisions of the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) or SRPL Board Rules (N.J.A.C. 7:26I) alleged in the complaint and referenced below.

ISSUE:

This complaint was received from the Complainant in Complaint 007-2024 as a result of the disposition of that earlier complaint. In Complaint 007-2024, the Site Remediation Professional Licensing Board (“Board”) voted to resolve the complaint with a finding that the Subject of the complaint did not violate the provisions of the Site Remediation Reform Act (N.J.S.A. 58:10C-1 et seq.) or SRPL Board Rules (N.J.A.C. 7:26I) as alleged in the complaint. The disposition was posted on the Board’s website on June 5, 2025.

The Complainant subsequently contacted the Commissioner of the DEP seeking review of the disposition in Complaint 007-2024, alleging that the LSRP had made false and misleading statements to the Board.

Under N.J.A.C. 7:26I-8.3(a), adjudicatory hearings may be requested only for: (1) denial of license renewal; (2) suspension, revocation, or sanction; (3) issuance of an administrative order; or (4) assessment of a civil administrative penalty. Because none of these circumstances are present here, the Complainant lacks standing to appeal the Board’s decision. Moreover, the Complainant has no legally cognizable interest in the outcome of the Board’s investigation.

The Board Rules do allow complaints alleging that a person has knowingly made a false statement in any document or information submitted to the Board or the Department. N.J.A.C. 7:26I-7.3(a)2. Accordingly, the Complainant was instructed to file a new complaint specifying the alleged false statements.

INVESTIGATION:

After receiving the new complaint on July 8, 2025, the Professional Conduct Committee (“PCC”) of the Board appointed a Complaint Review Team (“CRT”) to investigate the allegations. The CRT met with the Complainant on November 5, 2025.

In the new complaint, the Complainant alleges that statements in the disposition of Complaint 007-2024 demonstrated that the LSRP had lied to the Board during the Board's investigation of Complaint 007-2024. The Complainant relies on N.J.S.A. 58:10C-16.q, which provides, in relevant part, "In an investigation by the Board *of a license application or a license suspension or revocation*, a licensed site remediation professional shall not: (1) Knowingly make a false statement of material fact . . ." (emphasis added). Since the Board's investigation of Complaint 007-2024 did not involve a license application, suspension or revocation, that provision does not apply here.

However, the Board Rules do prohibit knowingly making false statements. *See* N.J.A.C. 7:26I-6.15(c) (LSRP shall not knowingly make a false statement of material fact in response to Board or Department investigation); N.J.A.C. 7:26I-6.24(d) (LSRP shall not knowingly make any false statement in any document or information submitted to Board or Department).

Here, none of the statements challenged by the Complainant in Complaint 014-2025 concerned material facts relied upon by the Board in its prior decision. The alleged false statements were not factual in nature; instead, they reflected the Subject LSRP's subjective characterization of the event in question, which differed from that of the Complainant. In brief, both parties agree the LSRP's equipment contacted the Complainant's house, but they disagree in their descriptions of the severity of the impact. A disagreement over degree – here "hard" or "not very hard" - does not establish a knowingly false statement.

The Board has no authority to determine whether physical damage occurred or to assess the extent of such damage. The Board's authority is limited to evaluating an LSRP's professional conduct in performing remediation services, consistent with the requirement that an LSRP's highest priority is protection of public health, safety, and the environment. N.J.A.C. 7:26I-6.2.

FINDINGS:

The Board makes no findings regarding the parties' disagreement over the adequacy of the Subject LSRP's performance under the contract with the Complainant. The Board thoroughly considered the Complainant's allegations within the context of the Board Rules and found that the LSRP's actions did not violate any provisions of the Board Rules.