

SRPL BOARD COMPLAINT 003-2017

DISPOSITION

Based on its investigation and findings, the Site Remediation Professional Licensing Board (“Board”) voted to resolve the complaint with a finding that the subject of the complaint, LSRP Robert Workman, violated N.J.S.A. 58:10C-16.y. and N.J.A.C. 7:26I-6.23(b) because the LSRP is a salaried employee of a corporation, Enviro-Sciences (of Delaware), Inc., that is a related entity to Northvale Properties, Inc., which is a person responsible for conducting remediation of a site for which the LSRP is providing remediation services.

ISSUES

On January 12, 2017, the Department of Environmental Protection (“Department”) brought a complaint to the Board against this LSRP regarding a potential violation of N.J.S.A. 58:10C-16.y.

N.J.S.A. 58:10C-16.y.:

A licensed site remediation professional shall not be a salaried employee of the person responsible for conducting the remediation, or any related entities, for which the licensed site remediation professional is providing remediation services.

The Department alleged that one individual (not the subject of the complaint) is the President of both Enviro-Sciences (of Delaware), Inc., and Northvale Properties, Inc., thus making the two corporations related entities. It is the Department’s position that N.J.S.A. 58:10C-16.y. prohibits salaried employees of Enviro-Sciences (of Delaware), Inc. from providing remediation services on a site for which Northvale Properties, Inc. is the person responsible for conducting remediation. As an employee of Enviro-Sciences (of Delaware), Inc., which is a “related entity” to Northvale Properties, Inc., (the person responsible for conducting remediation of the Site), Mr. Workman’s retention as the LSRP for Northvale Properties, Inc. violates N.J.S.A. 58:10C-16.y.

INVESTIGATION

The Complaint Review Team (“CRT”) interviewed representatives of the Department and the subject of the complaint, and reviewed the subject’s response to the complaint.

FINDINGS

The Board found the subject of the complaint in violation of N.J.S.A. 58:10C-16.y. and N.J.A.C. 7:26I-6.23(b). The Board based its finding on the common meaning of the term “related entities”, and finds that the facts in this case indicate that Enviro-Sciences (of Delaware), Inc., and Northvale Properties, Inc. are “related entities” within the common meaning of the term, for the following reasons:

1. Through his ownership and control of Northvale Properties, Inc., and through his ownership and control of a holding company, 52 Amsterdam Street, LLC, which holds 100% of the stock of Enviro-Sciences (of Delaware), Inc., one individual (not the subject of the complaint) effectively owns and controls both Northvale Properties, Inc. and Enviro-Sciences (of Delaware), Inc.;
2. The two companies, Northvale Properties, Inc. and Enviro-Sciences (of Delaware), Inc., share common officers with high-level decision-making authority, as one individual (not the subject of the complaint) serves as the President of both Northvale Properties, Inc. and Enviro-Sciences (of Delaware), Inc.;
3. The two companies, Northvale Properties, Inc. and Enviro-Sciences (of Delaware), Inc. share a common address.

The Board issued an administrative order to Mr. Workman, ordering that as long as Mr. Workman remains a salaried employee of Enviro-Sciences (of Delaware), Inc., he shall not provide remediation services for Northvale Properties, Inc. for any site at which Northvale Properties, Inc. is a person responsible for conducting remediation.