

CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

IN THE MATTER OF	:	
	:	Administrative Action
	:	
BARRY J. SUTHERLAND, P.E.	:	FINAL ORDER
License No. GE 29135	:	OF DISCIPLINE
	:	
TO PRACTICE ENGINEERING	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Professional Engineers and Land Surveyors upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Barry J. Sutherland, P.E., License No. GE 29135, is an engineer licensed in the State of New Jersey.
2. The Respondent failed to submit a biennial renewal application to renew his license to practice engineering in the State of New Jersey, which was due on or before May 31, 2002.

3. The Respondent submitted an Application for Reinstatement dated April 29, 2003. In Respondent's application, he admitted that he worked on a project and practiced engineering without a license since his license lapsed.

CONCLUSIONS OF LAW

1. The Respondent's practice of engineering since June 1, 2002 constitutes the unlicensed practice of engineering in violation of N.J.S.A. 45:8-27 and N.J.S.A. 45:8-39.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was entered by this Board on May 21, 2003 and served by regular and certified mail upon Respondent. The green receipt card was executed on May 23, 2003. The POD was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent submitted a response dated June 6, 2003 to the Board, but the Board was unpersuaded. Accordingly, the Board has determined that further proceedings are unnecessary and that there is a sufficient basis to take disciplinary action against Respondent's license based on his admissions that he practiced engineering in the State of New Jersey without a license.

ACCORDINGLY, IT IS on this 24 day of JULY, 2003,
ORDERED that:

1. Respondent shall be, and hereby is, reprimanded.
2. Respondent shall pay a civil penalty in the amount of \$500.00 within thirty (30) days of the entry of a Final Order of Discipline. If Respondent fails to pay the civil penalty within the stated time period, then a Certificate of Debt shall be issued.

NEW JERSEY STATE BOARD OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

By: Edward Vernick
EDWARD VERNICK,
Board President