

CERTIFIED TRUE COPY

Filed by the Board of Professional
Engineers and Land Surveyors on
Date December 12 2003

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

IN THE MATTER OF	:	
	:	Administrative Action
	:	
JAMES E. DULNY, P.L.S.	:	FINAL ORDER
License No. 32110	:	OF DISCIPLINE
	:	
TO PRACTICE LAND SURVEYING	:	
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, James E. Dulny, P.L.S., License No. 32110, is a land surveyor licensed in the State of New Jersey.

2. The Respondent failed to submit a biennial renewal application to renew his license to practice land surveying in the State of New Jersey, which was due on or before May 31, 2002.

3. The Respondent submitted an Application for Reinstatement dated September 9, 2003. In Respondent's application, he admitted that he worked on projects and practiced land surveying during the time his license was lapsed.

CONCLUSIONS OF LAW

1. The Respondent's practice of land surveying since July 1, 2002 constitutes the unlicensed practice of land surveying 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 October 6, 2003 and served by regular and certified mail upon Respondent. The green receipt card was executed on October 11, 2003 and was returned to the Board Office. 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 has failed to submit a response to the Board's POD. Therefore, the Board has determined that further proceedings are unnecessary and that there is a sufficient basis to take disciplinary action against Respondent's license.

ACCORDINGLY, IT IS on this 12th day of December, 2003,
ORDERED that:

1. Respondent shall be, add 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