

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
	:	
DOUGLAS O. DYKSTRA, P.L.S.	:	FINAL ORDER
License No. 34846	:	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, Douglas O. Dykstra, P.L.S., License No. 34846, 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 2, 2003. In Respondent's application, he admitted that he worked on projects and practiced land surveying during the time his license was lapsed.

4. Further, the Respondent was required to complete a minimum of 24 professional development hours (PDHs) during the preceding biennial period, namely, 2000-2002. Respondent provided proof in his reinstatement application for the 2002-2004 biennial period that he completed only 16 PDHs during the 2000-2002 biennial period. Accordingly, the Respondent has failed to obtain 8 PDHs during the 2000-2002 period. Respondent, however, has supplied proof that he has completed an additional 8 PDHs (4 PDHs for "Orthophoto and its Applications" on February 6, 2003 and 4 PDHs for "The Wetlands Regulatory Process: How to Keep Your Head Above Water" on February 6, 2003) during the 2002-2004 period.

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.

2. The Respondent's failure to complete the continuing professional competency requirements for the 2000-2002 biennial renewal period, which constitutes a first offense, provides grounds to take disciplinary action against his license to practice land surveying in the State of New Jersey pursuant to N.J.S.A. 45:8-35.9, N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-11.3.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was entered by this Board on October 20, 2003 and served by regular and certified mail upon Respondent. 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 responded with payment of the penalty of \$1,000.00 on or about October 27, 2003. 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, which the Board acknowledges has been paid, for failure to comply with the provisions of N.J.S.A. 45:8-27 and N.J.S.A. 45:8-39.
3. Respondent shall pay a civil penalty in the amount of \$500.00, which the Board acknowledges has been paid, for failure to comply with the provisions of N.J.S.A. 45:8-35.9, N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-11.3.
4. The 8 PDHs obtained by Respondent on February 6, 2003 shall be utilized to fulfill his PDHs for the 2000-2002 period. Further, Respondent shall provide proof to the Board on or before April 30, 2004 that he has successfully fulfilled the required 24 PDHs during the 2002-2004 period, which shall not include the 8

PDHs obtained on February 6, 2003 and utilized to fulfill the required PDHs during the 2000-2002 period.

NEW JERSEY STATE BOARD OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

By: Edward Vernick
EDWARD VERNICK,
Board President