

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

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|----------------------------|---|-----------------------|
| IN THE MATTER OF | : | |
| | : | Administrative Action |
| | : | |
| RAFAEL RUBINSTEIN, P.E. | : | FINAL ORDER |
| License No. 15192 | : | 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, Rafael Rubenstein, P.E., License No. 15192, 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 September 10, 2003. In Respondent's application, he admitted that he worked on projects and practiced engineering during the time his license was expired. Respondent was reinstated on or about September 30, 2003.

CONCLUSIONS OF LAW

1. The Respondent's practice of engineering during the time his license was expired 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 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 \$500.00 on or about November 5, 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 based on his admissions that he practiced engineering in the State of New Jersey without a license.

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

1. Respondent shall be, and hereby is, reprimanded.
2. Respondent shall pay a civil penalty in the amount of \$500.00, which the Board acknowledges was paid on or about November 5, 2003.

NEW JERSEY STATE BOARD OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

By: Edward Vernick
EDWARD VERNICK,
Board President