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Filed by the Board of Professional  
Engineers and Land Surveyors on  
Date February 29 2007

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

HERBERT SCHLESINGER, P.E.,  
P.L.S.  
License No. 13864

TO PRACTICE ENGINEERING AND  
LAND SURVEYING IN THE STATE  
OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE

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, Herbert Schlesinger, P.E., P.L.S., License No. 13864, is an engineer and 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 4, 2003. In Respondent's application, he admitted that he worked on projects and practiced during the time his license was expired. Respondent was reinstated on or about September 4, 2003.

4. Further, the Respondent was required to complete a minimum of 24 professional development hours (PDHs) during the preceding biennial period, namely, 2000-2002, for the 2002-2004 biennial renewal period. Respondent provided proof in his reinstatement application for the 2002-2004 biennial period that he completed only 17 PDHs during the 2000-2002 biennial period (7 PDHs for "Boundary Law in New Jersey" on December 5, 2001; 2 PDHs for "The Next Generation GIS/LS - Integrating Surveyed Data in GIS" on February 8, 2002; and 8 PDHs for "Legal Topics for Surveyors Working with Metes and Bounds" on February 6, 2002). Respondent provided a Certificate of Completion for "Hydrology and Advanced

Terrain Modeling" on June 10-11, 2002 seeking an indeterminate amount of PDHs; however, this course was not approved by the Board. Accordingly, the Respondent has failed to obtain 7 PDHS during the 2000-2002 period for the 2002-2004 biennial renewal period.

#### CONCLUSIONS OF LAW

1. The Respondent's practice of engineering and land surveying during the time his license was expired constitutes the unlicensed practice of engineering and 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 December 8, 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 December 23, 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.

ACCORDINGLY, IT IS on this 24<sup>th</sup> day of February, 2004, ORDERED that:

1. Respondent shall be, and hereby is, reprimanded. Further, Respondent shall pay a civil penalty in the amount of \$1,000.00 for failure to comply with the provisions of N.J.S.A. 45:8-27 and N.J.S.A. 45:8-39, which the Board acknowledges has been paid.

2. Respondent shall be, and hereby is, warned effective upon entry of a Final Order of Discipline 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. Additionally, Respondent shall have three (3) months from the entry of the Final Order of Discipline to provide proof to

the Board that he has obtained the required 7 (seven) PDHs to fulfill the requirements for the 2002-2004 biennial renewal period.

3. 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 for the 2004-2206 biennial renewal period, which shall not include any of the PDHs utilized to fulfill the required PDHs for the 2002-2004 biennial renewal period.

NEW JERSEY STATE BOARD OF PROFESSIONAL  
ENGINEERS AND LAND SURVEYORS

By: Edward Vernick  
EDWARD VERNICK,  
Board President