

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
	:	
ROBERT J. FOLEY, P.L.S.	:	FINAL ORDER
License No. 24GS03787700	:	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, Robert J. Foley, P.L.S., is a land surveyor licensed in the State of New Jersey.
2. On or about May 10, 2004, the Board forwarded a letter by certified and regular mail to the Respondent requesting information concerning a complaint. The Respondent failed to provide a response to the Board's letter.

3. Thereafter, a follow-up letter was sent to Respondent by certified and regular mail on July 14, 2004, but there was no response.

CONCLUSIONS OF LAW

1. The Respondent's failure to respond to the Board's letters in furtherance of an investigation 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. 45:1-21(e), N.J.A.C. 13:40-3.1(a)(11), N.J.A.C. 13:45C-1.3(a)(1), and N.J.S.A. 45:1-21(h) in that Respondent has a duty to cooperate and failed to do so and, further, that Respondent's failure to respond constitutes professional misconduct.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was entered by this Board on November 1, 2004 and served by regular and certified mail upon Respondent at his address of record. The certified mail was returned and marked "unclaimed"; however, the regular mail was not 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 7th day of FEBRUARY, 2004,
ORDERED that:

1. Respondent's license to practice land surveying in the State of New Jersey shall be, and hereby is, suspended upon entry of this Final Order of Discipline, until such time as the Respondent satisfactorily responds to the Board's inquiries.

2. Respondent shall pay a civil penalty in the amount of \$500.00 (Five Hundred Dollars and 00/100) within thirty (30) days of the entry of this 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: James Kelly
JAMES KELLY,
Board President