



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Professional Engineers and Land Surveyors  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102  
[www.njconsumeraffairs.gov](http://www.njconsumeraffairs.gov)



GURBIR S. GREWAL  
Attorney General

PAUL R. RODRÍGUEZ  
Acting Director

**Mailing Address:**  
P.O. Box 45015  
Newark, NJ 07101  
(973) 504-6460  
(973) 273-8020 FAX

### State Board of Professional Engineers And Land Surveyors

Minutes of October 15, 2020

### Public Session Minutes

#### CALL TO ORDER

Due to the current state of emergency, the October 15, 2020 meeting of the New Jersey State Board of Professional Engineers and Land Surveyors was not held at 124 Halsey Street, Newark, but remotely. Pursuant to the Open Public Meeting Act, N.J.S.A. 10:4-9.1 notice was provided within 48 hours of the scheduled meeting. The meeting was called to order by President James Valenti at 9:22 am and conducted electronically only. All parties were duly notified of the time, date with all pertinent material being provided.

#### SUNSHINE LAW ANNOUNCEMENT

President Valenti read the statement required by Chapter 231, Laws of 1975 known as the Open Public Meetings Act, and announced that notice of this meeting was prepared in the office of the Board and mailed to the Secretary of State, the Newark Star-Ledger, Trenton Times, the Camden Courier Post, Bergen Record, and the Atlantic City Press.

#### ROLL CALL

Present:	Manar Alsharaa, PE	James Purcell, PE
	Michael Kelly, PE	Richard Smith, Jr., PLS
	Gary Paparozzi, PLS	James Valenti, PE
	Edward Vernick, PE	

Others present: Michelle Albertson, Deputy Attorney General; Ileana Botelho, Acting Executive Director; Joseph Grabowy, Senior Mgt. Assistant; staff members Yolanda Winston and Peggy Hinkley

#### ANNOUNCEMENT

Ileana Botelho, Acting Executive Director of the Board introduced herself to the Board. She's been working within the Division of Consumer Affairs for three and half years primarily with the healthcare boards. She looks forward to working with the Board and support the Board members in whatever is needed.

## **REVIEW OF MINUTES**

September 17, 2020 for review

**ACTION:** After reviewing the minutes of September 17, 2020, the Board, on a motion by BM Purcell, seconded by BM Vernick, voted to approve the minutes as presented. Motion carried.

## **APPEARANCE**

10:15 am – Formal Hearing - James Johnston, PP

## **FORMAL HEARING ACTION:**

*BP Valenti and BM Vernick are recused due to professional relationship.*

IMO James Johnston, P.E., P.P., License # 24GE03527300 and # 33LI00501700 - Public Hearing on Motion for an Order to Proceed Summarily and Verified Complaint.

The hearing was conducted virtually with two Boards: Board of Professional Engineers and Land Surveyors and the Board of Professional Planners.

Mr. Johnston appeared with counsel, Donald R. Belsole, Esq. Deputy Attorney General Daniel E. Hewitt presented the case on behalf of the Attorney General.

On a motion by BM Petrongolo, seconded by BM DiChiara, the Boards determined to proceed summarily. Motion carried by both Boards.

On a motion by BM Kelly, seconded by BM Alsharaa, the Board determined to dismiss Mr. Belsole's argument for lack of quorum. Motion carried.

On a motion by BM Kelly, seconded by BM Paporozzi, the Board determined to dismiss the argument for laches. Motion carried.

After hearing these motions, the Boards moved into the liability phase of the hearing and then into the penalty phase.

## **MOTION ON LIABILITY:**

After review of the testimony and evidence presented, on a motion by BM Kelly and seconded by BM Alsharaa, the Board finds that the parties agree, and the Attorney General has proven, that there is a basis to take disciplinary action against Mr. Johnston's license to practice as a professional engineer for violation of N.J.S.A. 45:1-21(f) in that his criminal conviction constitutes a crime that relates adversely to the practice of professional engineering. Because the parties have agreed to this violation, the Board finds it unnecessary to determine whether the conviction constitutes a crime of moral turpitude. Motion carried. Board rationale will be explained in the written order that will be issued following this hearing.

**MOTION ON PENLATY:**

After review of the testimony and evidence presented, on a motion by BM Kelly and seconded by BM Alsharaa, the Board finds this Respondent’s criminal activities and resulting criminal conviction were very serious and cast a stain upon the profession, as well as undermined the public trust and confidence. Thus, the Board finds that the following discipline is necessary and warranted:

1. Mr. Johnston’s license to practice as a professional engineer in the State of New Jersey is REVOKED with a 5 year bar to re-application. Said revocation shall be effective 30 days from today, but since it falls on Saturday, the effective date is Monday, November 16, 2020. During this time period, Mr. Johnston shall complete any engineering projects on which he is working or make arrangements for them to be completed by another professional engineer. Further, Mr. Johnson shall not take on any new clients or engineering projects. Finally, if there are any companies that rely upon Mr. Johnson’s continued ability to practice engineering in the State of New Jersey, then he should immediately provide them with the Board’s decision to revoke his license to practice professional engineering.

2. The Board reviewed the application and found the costs to be reasonable and appropriate for the work performed by the DAG in this matter. Thus, evidence submitted by the State substantiates the imposition of costs in this matter. Respondent has provided no evidence or argument that persuades us to reduce the amount sought. Therefore, Respondent is assessed attorneys’ fees and investigation costs in this matter in the amount of \$2820.09 (which is ½ of the assessed costs), to be paid within thirty (30) days of the date the Board Order is filed. Motion carried.

Board rationale will be explained in the written order that will be issued following this hearing.

**EXECUTIVE SESSION**

On a motion by Mr. Vernick to go into executive session to review and approve the minutes. Mr. Paporozzi seconded the motion. It passed unanimously.

**NEXT MEETINGS**

November 19, 2020  
December 17, 2020

**ADJOURNMENT**

On a motion by BM Vernick, seconded by BM Paporozzi, the Board unanimously voted to adjourn the meeting.

APPROVED BY:

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James Valenti, PE  
Board President

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Ileana Botelho,  
Acting Executive Director