

## CHAPTER 41

## STATE BOARD OF PROFESSIONAL PLANNERS

## Authority

N.J.S.A. 45:14A-4 and 45:14A-11.

## Source and Effective Date

R.2005 d.437, effective November 17, 2005.  
See: 37 N.J.R. 2833(a), 37 N.J.R. 5046(b).

## Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 41, State Board of Professional Planners, expires on May 16, 2011. See: 42 N.J.R. 2926(a).

## Chapter Historical Note

Chapter 41, State Board of Professional Planners, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Subchapter 1, Seal, was readopted as R.1985 d.424, effective July 26, 1985. See: 17 N.J.R. 1060(a), 17 N.J.R. 2047(a).

Subchapter 4, Permissible Division of Responsibility in Submission of Site Plans and Major Subdivision Plats, was adopted as R.1981 d.320, effective September 10, 1981. See: 13 N.J.R. 231(a), 13 N.J.R. 607(a).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Permissible Division of Responsibility in Submission of Site Plans and Major Subdivision Plats, was readopted as R.1986 d.110, effective March 17, 1986. See: 17 N.J.R. 1240(a), 18 N.J.R. 704(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, State Board of Professional Planners, was readopted as R.1990 d.402, effective July 17, 1990. Subchapter 2, Uniform Penalty Letter, was repealed by R.1990 d.402, effective August 20, 1990. See: 22 N.J.R. 1438(b), 22 N.J.R. 2530(a).

Subchapter 2, Misconduct, was adopted as new rules by R.1993 d.506, effective October 18, 1993. See: 24 N.J.R. 3221(a), 25 N.J.R. 4748(c).

Pursuant to Executive Order No. 66(1978), Chapter 41, State Board of Professional Planners, was readopted as R.1995 d.413, effective July 3, 1995. See: 27 N.J.R. 1957(a), 27 N.J.R. 2961(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, State Board of Professional Planners, was readopted as R.2000 d.305, effective June 23, 2000. See: 32 N.J.R. 1492(a), 32 N.J.R. 2592(b).

Subchapter 5, Licensing and Subchapter 6, Planner-In-Training, were adopted as new rules by R.2003 d.375, effective October 6, 2003. See: 34 N.J.R. 3689(a), 35 N.J.R. 4725(a).

Chapter 41, State Board of Professional Planners, was readopted as R.2005 d.437, effective November 17, 2005. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. SEAL

**13:41-1.1 Professional planner to obtain seal**

Every licensed professional planner shall obtain a seal containing the planner's name, licensee number and the legend "licensed professional planner" in the design authorized by the Board.

Amended by R.2000 d.305, effective July 17, 2000.  
See: 32 N.J.R. 1492(a), 32 N.J.R. 2592(b).

**13:41-1.2 Signature and date on seal; location; removal**

The planner shall sign and date the document below the seal. The seal shall be fixed on the first page of a report and on each drawing if submitted separately. On maps and drawings, a title block shall be of sufficient size to be legible. No person shall remove a seal or title block from any print or reproduction.

Amended by R.1980 d.445, effective October 10, 1980.  
See: 12 N.J.R. 493(b), 12 N.J.R. 672(e).

Amend seal location; amend title block from requirement of unobtrusiveness.

Amended by R.2000 d.305, effective July 17, 2000.  
See: 32 N.J.R. 1492(a), 32 N.J.R. 2592(b).

Rewrote the third sentence.

**13:41-1.3 Sealing documents**

(a) Every document issued by the planner shall be signed and sealed except that no seal shall be required on maps of existing land use, existing facilities or similar maps indicating the findings of surveys or studies in mapped form.

(b) When multiple copies of a report are needed, the original copy shall be sealed and all other copies shall include on the title page a statement indicating that the original report was appropriately signed and sealed in accordance with law. The original sealed report shall be transmitted to the client when requested.

(c) Only map prints shall be signed and sealed when submitted as a public document and not original tracings.

Amended by R.1980 d.445, effective October 10, 1980.

See: 12 N.J.R. 493(b), 12 N.J.R. 672(e).

(a), "existing" added, (c) added.

Amended by R.2000 d.305, effective July 17, 2000.

See: 32 N.J.R. 1492(a), 32 N.J.R. 2592(b).

In (a), substituted a reference to documents for a reference to instruments; in (b), substituted references to reports for references to instruments throughout, and added "when requested" at the end; and in (c), inserted "when submitted as a public document" following "sealed".

## SUBCHAPTER 2. MISCONDUCT

### 13:41-2.1 Enumeration of prohibited acts

(a) Misconduct in the practice of professional planning shall include, but not be limited to, the following:

1. Acting for a licensee's client or employer in professional matters otherwise than as a faithful agent or trustee;

2. Disregarding the safety, health and welfare of the public in the performance of the licensee's professional duties, such as preparing or signing and sealing documents which are not in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the Board of Professional Planners or other appropriate governmental authority and withdraw from further service on the project;

3. Using or approving the use of false, fraudulent, or deceptive advertising;

4. Charging for work not done or hours not spent;

5. Engaging in any activity which involves the licensee in a conflict of interest, including, but not limited to:

i. Rendering professional services, or contracting to render such services, where the licensee's ability to faithfully and objectively serve the client is materially compromised by other personal, professional or financial interests or responsibilities;

ii. While a licensee, or any firm with which the licensee is associated, is acting as a member, advisor, employee or consultant to a governmental body or agency, undertaking work for private clients where such work will be submitted to the governmental body or agency for review and approval;

iii. While acting as a member, advisor, employee or consultant to a governmental body or agency, participating in the review, approval or recommendation for approval of plans, specifications, reports or other professional work submitted on behalf of any individual or entity with whom the licensee or any firm with which the licensee is associated possesses any continuing or anticipated professional or financial relationship. For the purposes of this subparagraph, an anticipated professional or financial relationship shall be one which may reasonably be expected to be formed in the future and which will result in future financial gain. A licensee shall avoid the conflict set forth in this subparagraph by:

(1) Submitting to the governmental body or agency a written notice of the licensee's recusal from any participation in the matter before the governmental body or agency; or

(2) Permanently terminating, or declining to enter into, the professional or financial relationship and providing the governmental body or agency with written notice thereof;

iv. While acting as a member or employee of a governmental body or agency, soliciting or accepting a professional contract from the governmental body or agency. However, a licensee who is acting merely as an advisor or consultant to a governmental body or agency, or a firm with which the licensee is associated, shall not be precluded by this subsection from accepting a professional contract from the governmental body or agency and providing advice, recommendations and counsel with regard to such work;

v. Accepting compensation or remuneration, financial or otherwise, from more than one interested party for the same service or for services pertaining to the same work unless there has been full written disclosure and written consent obtained from all interested parties;

vi. Accepting compensation or remuneration, financial or otherwise, from material or equipment suppliers for specifying their product or for recommending their employment by any party; or

vii. Accepting commissions or allowances, directly or indirectly, from contractors or other persons dealing with the licensee's client or employer in connection with work for which the licensee is responsible to a client or employer;

6. Affixing the licensee's seal to any documents which were not prepared by the licensee or by employees or subordinates under the licensee's supervision; or

7. Permitting any person not appropriately licensed pursuant to N.J.S.A. 45:14A-1 et seq. to act for or on behalf of the licensee as a representative, surrogate or agent in appearance before any public or private body for the purpose of rendering professional planning services.