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STATE OF NEW JERSEY
BOARD OF PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

In the Matter of the :
Investigative Inquiry Re: :
PETER W. SCHNEIDER :
- - - - -

TRANSCRIPT OF PROCEEDINGS
WEDNESDAY, JUNE 28, 2006
124 Halsey Street
Newark, New Jersey
Commencing at 12:35 p.m.

CIPOLLONI & ASSOCIATES, INC.
1125 Atlantic Avenue, Suite 416
Atlantic City, New Jersey 08401
(609) 348-9190
www.cipolloni-associates.com

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B E F O R E:

- EDWARD VERNICK, Chairman
- JAMES K. VALENTI, Member
- JAMES PURCELL, Member
- MICHAEL T. ANGELINE, Member
- ARTHUR RUSSO, Executive Director

A P P E A R A N C E S:

- B. MICHELLE ALBERTSON, ESQ.
Deputy Attorney General,
Attorney for the Board.

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I N D E X

WITNESS	PAGE
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E X H I B I T S

NUMBER	DESCRIPTION	PAGE
S-1	Letter dated March 16, 2006, and attachments	4
R-1	Letter dated 8/15/2002	14

(Exhibits retained.)

1 (A document was received and premarked S-1
2 for identification.)

3 CHAIRMAN VERNICK: Hello, Mr. Schneider.
4 My name is Ed Vernick, President of the engineering
5 board. Seated around the table, next to me, Deputy
6 Attorney General Michelle Albertson; to my right will
7 be Executive Director Arthur Russo, he just stepped
8 out, and this is a committee meeting on this
9 complaint, not in front of the full board but in front
10 of a committee. The three members to my left are
11 board members, immediate left is the Vice President.

12 I will turn it over now to Deputy Attorney
13 General to tell you the instructions of today's
14 proceedings.

15 MS. ALBERTSON: Good afternoon, Mr.
16 Schneider. This is an investigative inquiry that is
17 being conducted by a committee of the State Board of
18 Professional Engineers pursuant to N.J.S.A. 45:1-18.
19 It is a fact-finding procedure resulting from the
20 board's review of a complaint that's been filed
21 against you and as a result, the board is going to ask
22 you some questions regarding the matter. This is a
23 voluntary procedure. You have the right to have legal
24 counsel present. I see that you do not have an
25 attorney here. Is that correct?

1 MR. SCHNEIDER: I do not feel that I need
2 an attorney for this.

3 MS. ALBERTSON: You do understand that you
4 have the right to be represented by counsel today?

5 MR. SCHNEIDER: Yes.

6 MS. ALBERTSON: Does the fact that you are
7 without counsel today indicate that you wish to
8 proceed without one?

9 MR. SCHNEIDER: Correct.

10 MS. ALBERTSON: If at any point during the
11 inquiry you feel that it is necessary to obtain the
12 services of an attorney, you can request that the
13 inquiry be postponed so you can retain counsel. Do
14 you understand?

15 MR. SCHNEIDER: Understood.

16 MS. ALBERTSON: You should know that your
17 testimony will be taken under oath so that the board
18 can rely upon it in a subsequent proceeding if
19 necessary. There are three possible outcomes of
20 today's inquiry, one, the board could find no cause
21 for action, the matter would be closed; two, the board
22 could determine that further investigation is required
23 or three, the board could find that there has been a
24 violation of the statute and regulations which it
25 administers and a disciplinary action could be

1 initiated. Do you have any questions thus far?

2 MR. SCHNEIDER: No.

3 MS. ALBERTSON: Before we begin, is there
4 any committee member who wishes to be recused or
5 otherwise disclose any association which would make
6 that member unable to render an impartial decision?
7 Seeing no response from anyone here and knowing that
8 there is no one who has been recused from this action
9 at the board level, either, do you, Mr. Schneider,
10 have any information regarding any association or
11 conflict of interest of any board member or committee
12 member here today which should be brought to the
13 board's attention?

14 MR. SCHNEIDER: No.

15 MS. ALBERTSON: There is a list in front of
16 you, if you want to just glance down, of the board
17 members and make sure that you don't know anyone. Do
18 you have that?

19 MR. SCHNEIDER: No, I don't know anyone.

20 MS. ALBERTSON: Okay, thank you. The court
21 reporter can now swear you in.
22
23
24
25

1 PETER W. SCHNEIDER,
2 having been first duly sworn, was examined and
3 testified as follows:

4 MS. ALBERTSON: Mr. Schneider, would you
5 like to make an opening statement of any kind?

6 THE WITNESS: Everything I know about this
7 job was explained in this letter of March 16, which I
8 wrote to Mr. Russo, and it should therefore be in
9 front of you. I had nothing to do with this job. My
10 involvement was a simple request by the owner or
11 builder of the job, Mr. Dawalt, to inspect an existing
12 dry stack rock wall which he had constructed on the
13 property before I even knew anything about this job
14 and to determine if it was constructed solidly and in
15 a workmanlike manner and was in danger of collapse.
16 That was the whole job, nothing more did I have to do
17 with this job. I had nothing to do with whether the
18 wall was where it was supposed to be or if it was as
19 high as it was supposed to be or whether it was legal
20 or whether it was not legal or whether it met any
21 codes or violations of any state statutes. All those
22 matters had been resolved by the Stanhope Borough
23 Planning Board. Any variances required had been
24 granted. This was all settled long before I became
25 involved. So I can't tell you hardly anything, folks.

1 CHAIRMAN VERNICK: Thank you.

2

3

EXAMINATION

4

BY CHAIRMAN VERNICK:

5

Q. This should be fairly quick. We have a
6 process here. Can you first tell us about your
7 education?

8

A. I'm -- I'm sorry. I'm a civil engineer
9 from Texas A&M University. I have both the Bachelor
10 of Science and Master of Science degrees.

11

Q. Your licensing?

12

A. I was licensed by this board, I believe in
13 '78.

14

Q. Are you licensed in any other states?

15

A. Yes, the state of Florida, I was also at
16 one time licensed in Georgia and Louisiana but I have
17 relinquished those licenses.

18

Q. When you say licenses, you say professional
19 engineer's license?

20

A. Yes.

21

Q. Do you have any other licenses?

22

A. The NJDEP, I do carry certifications from
23 them for oil tank removal.

24

Q. Just licenses.

25

A. No, I would think not, probably nothing I

1 could point to.

2 Q. Can you give us your experience, your
3 background?

4 A. I graduated from school in '69 and I worked
5 in private industry for Exxon, it was called Esso in
6 those days, for about six years doing environmental
7 work mostly, in Louisiana and then later in Florida.
8 I also have worked -- I worked for P.K. Anderson,
9 Inc., which was a builder in Florida designing homes
10 and roads and laying out subdivisions and then I came
11 here, I worked for the Willis & Hall Corporation in
12 Denville for a number of years until about '74, when I
13 went to work for Allied Signal Corporation in
14 Morristown, and then I went into private practice, I
15 would say in '86, 1986.

16 Q. What is the name of your company?

17 A. The name of my company? The company that I
18 own is called Soil Analysis Incorporated.

19 Q. And what are the functions of Soil
20 Analysis?

21 A. Basically, we test soils for permeability
22 information, which is utilized primarily for
23 foundations and septic systems and site improvement type
24 work.

25 Q. Do you do structural engineering?

1 A. Very limited. I do a little bit of
2 retaining wall design, some parking lots, driveways,
3 occasionally I will get involved in a foundation when
4 one of the architects in the area needs help.

5 Q. Let's get to why you are here today. Are
6 you familiar with Block 10902, Lots 10 and 11 and 12
7 in Stanhope, the Borough of Stanhope?

8 A. Yes, I'm aware of the job.

9 Q. How were you contacted? What was your
10 first involvement? How did you get involved with this
11 job?

12 A. I was asked by Mr. Dawalt, who was the
13 builder and developer of those properties, to look at
14 a stacked rock dry wall, no masonry, without cement,
15 and to answer a question by Mr. John Cilo, who was the
16 Borough Engineer. Mr. Cilo requested that Mr. Dawalt
17 engage the services of someone who had expertise in
18 this type of wall construction to determine if the
19 wall was constructed in a workmanlike manner and
20 whether or not it was solidly built and whether or not
21 it was going to fall down. For this I was paid \$150.
22 I wrote one letter to Mr. Dawalt.

23 Our agreement for me to do the work was by
24 handshake and there was no written agreement for a job
25 that small. I usually don't bother with a written

1 contract.

2 Q. Okay. Do you know when about that was, the
3 date?

4 A. Let's see, I think -- okay, August 14,
5 2002, was when I first met him at the site.

6 Q. So you went out to the site, you met Mr.
7 Dawalt, who was the developer. He said we built this
8 wall here, the Borough Engineer is asking us to
9 certify it, we would like you to do that certification
10 for us?

11 A. That is correct.

12 Q. Tell us what you went through to certify
13 the wall, to fulfill that obligation.

14 A. What did I do?

15 Q. Yes.

16 A. I physically inspected the wall, looked at
17 every rock, every joint. I tapped on some of them
18 with a hammer to see if they were solid. I looked for
19 any signs of erosion, where water was coming through
20 where it shouldn't be or if there was any movement of
21 the material behind the wall, i.e., sand, gravel,
22 small particles, by washing from water coming behind
23 the wall.

24 Q. Have you ever seen a wall like this before?

25 A. Many times.

1 Q. What is your opinion of this type of wall?

2 A. If it's built correctly, it will stand up
3 for a long time.

4 Q. Is there any known guidelines that are used
5 for a stacked wall, as you call it?

6 A. Traditionally, the practice of the industry
7 is what I rely on. The practice of the industry is to
8 slope the wall back from the vertical between five and
9 15 percent, which this wall generally was. This
10 provides for the rocks to lay one on top of the other.
11 You don't want the wall to be straight up and down
12 because then a greater danger of falling over. In
13 this particular case, most of the rocks were stacked
14 at about, I would say between 10 and 15 percent.

15 Q. So you did this review, was it the same day
16 you met him out in the field or sometime thereafter?

17 A. I looked at the wall twice, the day that I
18 was there with him on August 14th and I again looked
19 at the wall in November, when the plaintiff had called
20 me and told me the wall had fallen down. I
21 immediately went back to the site to find out if that
22 was true, found out it was not.

23 Q. Let's take the first one. I will get to
24 that. The first one was the day you met him on the
25 site?

1 A. Yes.

2 Q. Which was October 14th?

3 A. August 14th.

4 Q. August 14th, I'm sorry. So you meet him
5 out there, you tap on the rocks, you look at the wall,
6 you check out the slopes and you write a letter. Is
7 that correct?

8 A. Correct.

9 Q. Do you have a copy of that letter?

10 A. Yes, sir. The letter is in your packet.
11 This is the letter here.

12 CHAIRMAN VERNICK: We need to mark this?
13 What do you want it marked as?

14 MS. ALBERTSON: R-1.

15 CHAIRMAN VERNICK: Mark this as R-1.

16 MR. PURCELL: We have that premarked as
17 S-1.

18 THE WITNESS: This letter was sent to Mr.
19 Russo some months ago.

20 MR. VALENTI: It's an unsigned version.

21 MS. ALBERTSON: It's not on the letterhead
22 and unsigned. I think the one on the letterhead we
23 should mark.

24 CHAIRMAN VERNICK: Is that signed, the one
25 we are putting in?

1 MS. ALBERTSON: Yes.

2 (Whereupon the document was received and
3 marked R-1 for identification.)

4 Q. Can you tell us what the contents of that
5 letter is, Mr. Schneider?

6 A. Well, this is to certify that I did visit
7 the site on August 14th and I inspected the
8 construction of the stacked wall located behind the
9 house and found the wall was in two levels, actually,
10 a lower level being about two feet tall, the upper
11 level about four feet tall and both walls constructed
12 of large heavy stones laid flat one upon the other
13 with a slope of 15 degrees over most of the wall.
14 Some of the areas were sloped at five degrees, some at
15 20 but I'm satisfied the wall is solid and stable and
16 should stand up to any foreseeable weather conditions.
17 Since it is a stacked rock wall and it is porous and
18 as a result, no need for drainage exists, the water
19 will simply exit between the various stones.

20 Q. Take your comment about -- it seems to me
21 you are talking about two walls or one wall?

22 A. Well, it's one wall divided into two parts.

23 Q. See if you could describe that to us.

24 A. Describe how that's done, you mean?

25 Q. Yes.

1 A. Generally, the contractor will build a
2 lower wall, which in this case was approximately two
3 feet high. He usually uses his biggest and heaviest
4 stones in that particular section. Then he will step
5 back two or so feet from that and then he will build
6 another wall, and in this particular case, of
7 approximately four feet height. They do this for
8 several reasons, one of the reasons is to avoid the
9 need for a building permit because most towns, and I
10 believe the Borough of Stanhope also is one of those
11 towns, has in their ordinance that if you build a wall
12 higher than four feet, you have to have a building
13 permit issued by the local building inspector. To
14 avoid that, they often break the wall and build it so
15 that you have less than four feet of height.

16 Q. At some time thereafter, you got a letter
17 or you were notified by Mr. Caggiano?

18 A. He called me.

19 Q. He called you directly. How did he know
20 that you were involved?

21 A. I assume he must have went down to the Town
22 Hall and found a copy of this letter in the file but I
23 don't really know that. I have no idea how he found
24 me.

25 Q. So he called you. What did he say to you?

1 A. He started in this business about the wall
2 being illegal and that it shouldn't have been built
3 and that it was improper and all this stuff. I tried
4 to tell him, he called me several times, I tried to
5 tell him each time he called I had nothing to do with
6 that. Issues of whether or not the wall should have
7 been constructed or whether it was in the right place
8 or whether or not the contractor had permission to
9 build the wall had been settled by the Stanhope
10 Planning Board. It had nothing to do with me. I was
11 not involved in any of those questions. I was asked
12 to do one simple thing and that was to assure that the
13 wall was solid and not going to fall down. That's all
14 I did. It's the only involvement with the job I had,
15 no other.

16 Q. So you talked to him once?

17 A. I guess he called me two or three times.
18 I'm not sure.

19 Q. At some point, he said to you the wall had
20 failed?

21 A. He called me in I'd say November, about two
22 months later, and said the wall had fallen down.

23 Q. What was your response to that?

24 A. I told him I would go take a look, which I
25 did that very day.

1 Q. And did you write a letter recapturing what
2 you saw?

3 A. Yes, I wrote a letter, second letter to Mr.
4 Dawalt which --

5 Q. Do you have a copy of that letter?

6 A. Regrettably, I don't but Mr. Russo does. I
7 sent him a copy back in March.

8 MR. PURCELL: That letter is part of
9 Exhibit S-1.

10 CHAIRMAN VERNICK: It is all part of it?
11 You put both in together?

12 MR. PURCELL: Yes. We did one Exhibit S-1.
13 It was his response to the complaint.

14 CHAIRMAN VERNICK: That's fine.

15 Q. Tell us about this letter.

16 A. The second letter merely told Mr. Dawalt
17 that I had been called by the plaintiff and that I had
18 been advised by him that the wall had fallen down and
19 I went to the property, I reinspected the wall, found
20 no change whatsoever, absolutely nothing in his
21 allegation. My assumption was, and it was only that,
22 that he might have observed some stones that looked
23 like the contractor had placed there down from the
24 wall for possibly a future wall that maybe was going
25 to be constructed some day down the road or maybe it

1 was a rock covered slope. I didn't know. But I
2 thought maybe that's what the plaintiff was referring
3 to.

4 Q. The stones you are talking about that you
5 saw were closer to Valley Road?

6 A. The pile of stones?

7 Q. Yes.

8 A. Yes, they were on a second house which had
9 been built on this property which would have been
10 about --

11 Q. Let's stop there. Why don't you use that
12 plan. Why don't we use this for now.

13 A. I'm sorry, I didn't notice the plan.

14 MS. ALBERTSON: Let the record reflect,
15 before we begin --

16 CHAIRMAN VERNICK: I have to mark this
17 again?

18 MS. ALBERTSON: No, we will just use this
19 was S-1 previously marked today.

20 Q. Just to help you, this is east, this is
21 Oak, this is Valley here, this is the 18 foot wall
22 along here.

23 A. Right, the wall is here. This is what I
24 had inspected the first time and again the second
25 time. The pile of rocks which I observed, which were

1 piled over here loosely, was behind this house, closer
2 to --

3 Q. You have to describe it. It's Lot 10, just
4 for the record. You have to describe it, Lot 10.

5 A. Yes, sir. And I thought perhaps the
6 plaintiff had been confused by the pile of stones
7 thinking that that had been a collapsed wall.

8 Q. This six foot wall, which in my
9 understanding was two feet and then four feet, stepped
10 back and then went up four feet, was there another
11 wall along here, a second wall?

12 A. Those are the only two walls I observed.
13 There were some stones that were down closer to the
14 fence but I wouldn't call them a wall. They looked
15 more like just a boundary or border.

16 Q. When you say closer to the fence, which
17 fence are you talking about, the silt fence?

18 A. Right down here, in this area. There was a
19 fence behind this house. There were some stones piled
20 up in front of it which when I looked at it, it wasn't
21 a wall, it was at most maybe a border.

22 Q. "Here" is -- okay, were there stones piled
23 up in the rear property line, which is this 18 foot
24 construction easement?

25 A. There were some stones there, yes.

1 Q. So there was a silt -- did you see a silt
2 fence, it would be about two feet high, three feet
3 high?

4 A. I don't remember seeing one. I don't
5 recall.

6 Q. All right. So you write this second letter
7 to Mr. Dawalt, essentially saying the wall is still
8 stable, structurally stable. Did Mr. Caggiano call
9 you at all after that?

10 A. I don't remember. I can't recall whether
11 he did or not.

12 Q. After that point, were you contacted at all
13 by anyone? There was evidence in a previous hearing
14 that there was three letters.

15 A. I'm not familiar -- I wrote only two.

16 Q. All right.

17 A. Because Mr. Dawalt developed another
18 property on another street, at that time I had written
19 a letter to him about that but that had nothing to do
20 with this job. That's a totally separate job
21 altogether.

22 Q. Have you seen this wall since you have been
23 out there, what was it, in 2003 or something?

24 A. I was out there about, I would say maybe
25 three months ago. It was shortly after I received the

1 complaint from Mr. Russo's office.

2 Q. And what did you see?

3 A. It looked the same. I didn't see any
4 change at all.

5 Q. Did you see -- was this the same wall you
6 saw there, was there another wall behind that wall?

7 A. No, there wasn't, just a pile of stones
8 that looked like there was going to be a wall but it
9 hadn't been built yet.

10 Q. It is your opinion as you sit here today
11 that your function was simply to certify the wall as
12 to its structural soundness?

13 A. That was my deal with Mr. Dawalt, yes.

14 Q. And you are licensed in the State of New
15 Jersey, within the discipline you feel that you had
16 the competence and capability to certify that wall,
17 it's a wall you have seen before?

18 A. Yes, sir.

19 Q. And that if you were asked to do it again,
20 forgetting all the circumstances that evolved
21 afterwards, it would be your same conclusion that wall
22 would be structurally sound?

23 A. If I were to go back to this wall, you
24 mean?

25 Q. Yes.

1 A. Well, unless something happened in the last
2 few weeks, yes, I would certainly think so.

3 CHAIRMAN VERNICK: That's all I have. Any
4 other questions?

5 BY MR. VALENTI:

6 Q. Mr. Schneider, what is your professional
7 relationship with Mr. Dawalt?

8 A. None. He is just a client.

9 Q. Have you worked for him before you worked
10 for him on this job?

11 A. No, this would have been the first job I
12 worked with him on. There is a second job I worked
13 with him on later but the first job was this one.

14 Q. So this undertaking on the property with
15 the wall was the first time you ever worked for
16 Dawalt?

17 A. That's correct.

18 Q. When you went back out after Mr. Caggiano
19 called you in November of '02 and reinspected the wall
20 and wrote a letter to Mr. Dawalt, did you get paid for
21 that service?

22 A. No.

23 Q. And I'd like to have you take a look at
24 what has been marked R-1, which is your letter of
25 August 15, 2002.

1 A. Okay.

2 Q. I'd like you to read the last paragraph,
3 which is the last sentence.

4 A. "Therefore, I am pleased to certify that
5 the wall on the referenced property had been
6 constructed in a proper workmanlike manner and meets
7 all the requirements of the Borough of Stanhope
8 regulations for property development."

9 Q. You testified quite clearly today that your
10 mission was to certify the wall.

11 A. Yes.

12 Q. And you have been very direct in stating
13 that you had nothing to do with the development of the
14 property, the Planning Board process and all the
15 requirements of law, I think as you put it before,
16 were determined by other people before you got
17 involved?

18 A. That is correct.

19 Q. I just would want to understand why you
20 added that last clause that says that it meets all the
21 requirements of the Borough of Stanhope regulations
22 for property development.

23 A. The Planning Board had already approved it.
24 Any variances required from those ordinances had
25 already been granted and therefore, he met those

1 requirements.

2 Q. How do you know?

3 A. Because I had spoken with Mr. Dawalt on the
4 matter and I also talked to Wendell Inhoffer, who was
5 the site engineer.

6 Q. Before you went out to do your inspection?

7 A. I think I spoke to Wendell before I looked
8 at it but probably the time I wrote the letter. The
9 letter was actually written on the following day.
10 Probably I spoke to Mr. Wendell.

11 Q. Do you think if Mr. Dawalt took this letter
12 to John Cilo and to -- and if that became a matter of
13 the public record, that this letter could be construed
14 by someone to mean that you are saying that everything
15 about this wall meets the requirement of the Borough
16 of Stanhope and that you are really speaking about the
17 zoning and the variances and the ordinance issues?

18 A. All of which had been settled.

19 Q. And so the purpose of this letter is not
20 just to certify the wall, you were actually also
21 trying to say that all of the Borough of Stanhope
22 regulations had been complied with?

23 A. Yes, because --

24 Q. So you really did have two purposes?

25 A. The Planning Board had approved everything.

1 Q. Let me bring you back to what you started
2 with here, you said I only went out to certify the
3 wall and clearly you did and you examined the wall and
4 you inspected it and you certified that in your
5 opinion, it was constructed properly.

6 A. Correct.

7 Q. But you also made an affirmative statement
8 that this wall complies with all the regulations of
9 the Borough of Stanhope so you really had two purposes
10 out there?

11 A. I was only actually asked to do one job and
12 that was to inspect the wall to see that it was not
13 going to fall down. After speaking with Wendell, I
14 felt assured that everything was in compliance with
15 the borough regulations because the Planning Board had
16 approved it so I just threw that in for nothing.

17 Q. Are you familiar with the Borough of
18 Stanhope regulations?

19 A. Yes, they are pretty much standard, pretty
20 much like everybody else's.

21 Q. Are you specifically familiar with the
22 Borough of Stanhope regulations and ordinances?

23 A. I have done some jobs there before so yes,
24 I have read the regulations. I think I know them
25 fairly well.

1 Q. Are you familiar with all the requirements
2 of the Borough of Stanhope regulations, every single
3 one of them?

4 A. That's pretty hard to say. I don't know
5 that I can say I'm familiar with absolutely everything
6 and they keep changing them.

7 Q. But your letter says you did.

8 A. In 2002, I was reasonably competent, yes,
9 but I couldn't tell you what the latest regulations
10 are. I haven't done a job in Stanhope in a while.
11 Any time I go into a town to do a job, I will check
12 the regulations for whatever applies to that job and
13 so I had done other work in Stanhope and yes, I had
14 checked those regulations. I was pretty sure the wall
15 was okay.

16 Q. I thought you said that you basically threw
17 that in because Mr. Inhoffer said everything was okay.

18 A. He confirmed it, yes. He confirmed that
19 they had brought all this up at the Planning Board and
20 that all the variances had been obtained, yes.

21 Q. Did you do any independent research on that
22 topic before you put it in your letter?

23 A. No, I didn't go and check the files at the
24 Planning Board, no, I didn't take the time to do that.

25 Q. Do you think that by putting that

1 certification out there under your license number and
2 indication of a professional engineer, that you are
3 making an affirmative representation to the world that
4 this is your conclusion?

5 A. To the best of my knowledge, it was my
6 conclusion at that time. It still is.

7 Q. And are you comfortable making that
8 conclusion still as you sit here right now looking at
9 this August 2002 letter, do you think that was proper
10 to reach that conclusion in this case?

11 A. Yes, because in discussions with Wendell
12 and Mr. Dawalt, these matters had all been resolved.
13 The Planning Board had resolved all these issues.
14 Therefore, any variance from the Stanhope ordinances
15 that might have been required had already been
16 granted. It was settled law.

17 Q. Did Wendell ask you to add that statement
18 in there?

19 A. No, he didn't.

20 Q. Did Mr. Dawalt?

21 A. No.

22 Q. Then why did you add it?

23 A. I don't know, I was just trying to be
24 thorough.

25 MR. VALENTI: Nothing else.

1 BY CHAIRMAN VERNICK:

2 Q. In retrospect, you were hired to certify a
3 wall.

4 A. Correct.

5 Q. That's how you came in here, it's our
6 understanding. It seemed that the scope creeped a
7 little bit here. Maybe it didn't but that's what the
8 letter indicates. You were sort of certifying all of
9 it and I think with all due respect, these ordinances
10 are very complex and I'm not sure that everything was
11 complied with.

12 As you sit here today, are you willing to
13 say that you are certifying something you weren't paid
14 to do or was it in your scope of responsibility?

15 A. I'm hard-pressed to know how to answer
16 that. I don't know quite what to answer. I was very
17 comfortable with what Wendell told me, very
18 comfortable and very comfortable with the Planning
19 Board's approval.

20 Q. Let me ask you another way. We are going
21 around in a circle. Your job was to certify the wall.

22 A. Correct.

23 Q. Structurally. If, in fact, they were doing
24 something within the site that had nothing to do with
25 the wall that violated an ordinance, would you have

1 certified the wall?

2 A. If the Planning Board had approved the
3 wall, then any variations or variances from the
4 ordinance had already been granted by the Planning
5 Board. They have the power to do that.

6 Q. Sir, I'm not talking about that. Listen to
7 my question. You were hired to certify structurally a
8 wall.

9 A. Yes.

10 Q. If something other than the wall -- you
11 said I talked to Wendell and I felt very comfortable
12 with the whole site. I'm not clear on what you had to
13 do with the whole site other than this wall, the
14 structural stability of this wall. Is that your
15 testimony, that all you had to do was the structural
16 stability of the wall? You were getting caught on
17 something, you said, in a letter. It was my
18 perception your job was to structurally certify a
19 wall. Is that the extent of your responsibility or
20 was there more responsibility?

21 A. I called Wendell to ask him a few questions
22 about how he had designed the wall, what his intent
23 was, et cetera. We discussed the wall.

24 Q. Just the wall?

25 A. Yes.

1 Q. That's all you were referring to, is the
2 wall?

3 A. Yes.

4 CHAIRMAN VERNICK: Read that again one more
5 time, if you could.

6 MR. VALENTI: Me?

7 CHAIRMAN VERNICK: Yes.

8 MR. VALENTI: It's from the August 15th
9 letter. "Therefore, I am pleased to certify that the
10 wall on the referenced property has been constructed
11 in a proper workmanlike manner and meets all the
12 requirements of the Borough of Stanhope regulations
13 for property development."

14 Q. So you are just referring to the wall?

15 A. Yes.

16 Q. That's all?

17 A. That's all.

18 CHAIRMAN VERNICK: All right. Jim Purcell.

19 BY MR. PURCELL:

20 Q. Just one question. How were you engaged by
21 Mr. Dawalt? How did he reach out to you as opposed to
22 another engineer?

23 A. He called me, phone call.

24 Q. But do you know why he would have chosen
25 you? Was it from the Yellow Pages or recommendation

1 from someone?

2 A. I imagine it was a recommendation by
3 Wendell. Wendell and I have known each other for many
4 years. Probably Wendell suggested it but I don't know
5 that for a fact.

6 MR. PURCELL: Thank you.

7 CHAIRMAN VERNICK: Any other questions?

8 MR. VALENTI: Your relationship with
9 Wendell Inhoffer is a professional relationship?

10 THE WITNESS: Yes.

11 MR. VALENTI: Can you describe the type of
12 work you do together?

13 THE WITNESS: We have worked on various
14 jobs together. He will sometimes do a portion of it,
15 I will do a portion of it, depending on whatever it
16 is. We have known each other for many, many years.

17 MR. VALENTI: You were paid for this job by
18 Mr. Dawalt?

19 THE WITNESS: Yes.

20 MR. VALENTI: Thank you.

21 CHAIRMAN VERNICK: I don't have any other
22 questions. Michelle?

23 MS. ALBERTSON: Mr. Schneider, do you want
24 to make a closing statement of any kind?

25 MR. SCHNEIDER: I'm not sure what I could

1 add. I depend on information provided to me by
2 official records and by professionals working in the
3 field. Mr. Inhoffer was the professional assigned to
4 this job. It was his job. Yes, I did talk to
5 Wendell; yes, I was well satisfied that everything
6 that had to be done was done regarding this wall and
7 perhaps maybe I overstepped a little bit by saying
8 what I said but I was satisfied from Wendell's
9 testimony to me, if we can call it testimony, that all
10 of these issues had been settled. There was no reason
11 to believe there was any violation of the ordinances
12 that had not already been approved by the Borough of
13 Stanhope Planning Board. Therefore, any variation
14 from those regulations was already done, it was
15 settled. There was no reason to replot the same
16 ground over and over. I guess that's all I can add.

17 CHAIRMAN VERNICK: Thank you.

18 MR. SCHNEIDER: Okay.

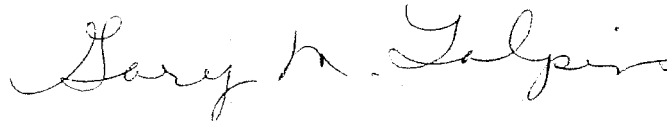
19 (Whereupon the proceedings

20 concluded at 1:10 p.m.)
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C E R T I F I C A T E

I, GARY M. TALPINS, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of the within proceedings, to the best of my ability.



Gary M. Talpins

C.S.R. No. XI-00561

Notary Public Number 63891

My Commission Expires 2/19/10

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