



## Publications

### JEFFREY L. KINGSLEY QUOTED IN "NJ HIGH COURT RULING STRESSES DUE PROCESS IN ENVIRO ACTIONS," *LAW360*

Jeffrey L. Kingsley, a partner in Goldberg Segalla's Environmental Practice Group, was interviewed by *Law360* for an article examining an important recent New Jersey Supreme Court decision with important implications for environmental enforcement actions. The court ruled that the state Department of Environmental Protection can't inspect a residential property for wetlands violations without a warrant when the owner refuses access.

Jeff told *Law360* that the decision should remind the DEP that it doesn't have an unlimited ability to gain access to properties, especially residential properties, in nonemergency investigations. "If it's not an imminent and substantial threat to the environment, the court is basically sending a message to state environmental agencies that you have to do a little bit more and go through the administrative warrant process, as opposed to relying upon exceptions to gain access quickly," Jeff said.

Still, he noted, the ruling should also warn parties that procedural challenges won't ultimately change the outcome and penalties. "The decision is another example of why early and proactive communication with regulators is the best approach in addressing potential violations," he said.

For more on the value of taking early action and proactive measures in relation to potential environmental enforcement actions, see "Avoiding or Reducing Environmental Enforcement Headaches," published in the Spring/Summer 2013 issue of *USLAW Magazine*.

**Read the full article here:**

"NJ High Court Ruling Stresses Due Process in Enviro Actions," *Law360*, April 4, 2013 (subscription required)

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