



PDHonline Course R331 (4 PDH)

**Louisiana Board Laws and Rules for
Professional Engineers and Land
Surveyors**

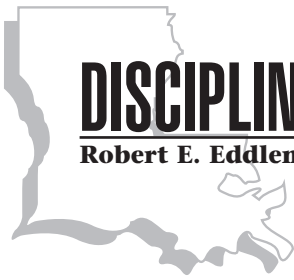
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2020

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DISCIPLINARY AND ENFORCEMENT ACTIONS

Robert E. Eddleman, Deputy Executive Secretary/Director of Enforcement



Robert E. Eddleman

Did you know? The Board authorized the hiring of a part-time investigator to assist in the enforcement matters. Mr. Benjamin S. Harrison, the former Director of Enforcement, was hired to fill this position.

The Board conducted an audit of the April 1, 2006 renewal cycle, which was completed since the last issue of the Journal. There were 140 audit notices mailed to licensees who renewed in the referenced cycle

The Enforcement Section of the Board continues to remain very busy. The types of matters being addressed are heavily weighted toward the offering and/or providing of engineering or land surveying services on an expired license, with the remainder of the matters involving unlicensed practice, plan stamping, property boundary survey issues, and negligence or competency issues. Those matters for which disciplinary/enforcement action has been completed since the last issue of the Journal are reported below.

PRACTICE OF ENGINEERING AND/OR LAND SURVEYING ON AN EXPIRED LICENSE

Mr. Brian M. Vance, P.E., a non-resident Louisiana licensee, was disciplined by the Board for the offering and/or providing of engineering services in Louisiana during the period that his license was in an expired status from April 1, 2004 until October 26, 2005 in violation of La. R.S. 37:698(A)(9) and (16). Mr. Vance's license has been renewed, and he has entered into a Consent Order with the Board, wherein he admitted to an unintentional violation of the above statutes and agreed to pay a fine of \$1,000.00, to pay administrative costs of \$53.82, to successfully complete the Board's online laws and rules examination within sixty days, to his license being placed on probation for a period of two years, to immediately provide written notice of his expired license to each person or client for whom he provided engineering services in Louisiana during the period that his license was in an expired status (along with the Louisiana State Fire Marshall's Office), and to the printing of a summary of this matter by name in this publication.

Mr. Christopher G. Tauzin, P.E., a Louisiana licensee, was disciplined by the Board for the offering and/or providing of engineering services in Louisiana during the period that his license was in an expired status from April 1, 2003 until June 1, 2006 in violation of La. R.S. 37:698(A)(9) and (16). Mr. Tauzin's license has been renewed, and he has entered into a Consent Order with the Board, wherein he admitted to an unintentional violation of the above statutes and agreed to pay a fine of \$250.00, to pay administrative costs of \$158.74, to pay past renewals in the amount of \$240.00, to successfully complete the Board's online laws and rules examination within sixty days, and to the printing of a summary of this matter by name in this publication.

Alliance, Inc., a Louisiana licensed engineering firm, was disciplined by the Board for the offering and/or providing of engineering services in Louisiana during the period that its firm license was in an expired status from October 1, 2005 until September 30, 2006 in violation of La. R.S. 37:698(A)(9) and (16). Alliance, Inc.'s firm license has been renewed, and it has entered into a Consent Order with the Board, wherein it admitted to an unintentional violation of the above statutes and agreed to pay a fine of \$1,000.00, to pay administrative costs of \$230.50, to have its supervising professional successfully complete the Board's online laws and rules examination within sixty days, to the printing of a summary of this matter by name in this publication.

Mr. Michael B. Marie, P.L.S., a Louisiana licensee, was disciplined by the Board for the offering and/or providing of land surveying services in Louisiana during the period that his license was in an expired status from April 1, 2006 until September 25, 2006 in violation of La. R.S. 37:698(A)(9) and (16). Mr. Marie's license has been renewed, and he has entered into a Consent Order with the Board, wherein he admitted to an unintentional violation of the above statutes and agreed to pay a fine of \$250.00, to pay administrative costs of \$115.25, to successfully complete the Board's online laws and rules examination within sixty days, and to the printing of a summary of this matter by name in this publication.

UNLICENSED OFFER AND/OR PRACTICE OF ENGINEERING AND/OR LAND SURVEYING

Mr. Emmett L. Jarreau, a non-licensee, was subject to enforcement action by the Board for the unlicensed offering of engineering and/or land surveying services in Louisiana in violation of La. R.S. 37:681 and 700(A)(1). Mr. Jarreau described his business as "Field Engineering and Consulting" in his business card and in a written solicitation listed various engineering and land surveying services offered by him and his company which can only be performed by a professional engineer or professional land surveyor. Mr. Jarreau has entered into a Consent Order with the Board, wherein he admitted to an unintentional violation of the above statutes and agreed to pay a fine of \$1,000.00, to pay administrative costs of \$141.43, to immediately cease and desist any further practice of engineering and/or land surveying in Louisiana and the use of the words "Field Engineering" or other descriptions of engineering and land surveying services in his business card, his correspondence, his written solicitations or otherwise in connection with himself, his company or his work, and to the printing of a summary of this matter by name in this publication.

LAPELS LA PROFESSIONAL ENGINEERING AND LAND SURVEYING BOARD

DISCIPLINARY AND ENFORCEMENT ACTIONS

Robert E. Eddleman, Deputy Executive Secretary/Director of Enforcement



Robert E. Eddleman

A MESSAGE FROM THE STATE OF LOUISIANA FIRE MARSHAL'S OFFICE

Please be advised that this office shall require discipline-specific Engineer stamps on construction documents submitted for review by Professional Engineers. Generic Professional Engineer stamps shall not be acceptable. This office shall also verify that the dated Engineer's signature is provided. Failure to comply with this requirement may cause review/processing delays. The discipline-specific Engineer stamp, signature and date shall be acceptable via electronic/digital reproduction, photocopy reproduction and/or diazo reproduction. "Live ink" signature and date is not required. This office will begin this practice October 1, 2006.

The Board licenses engineers as "Professional Engineers" and not as "Civil Engineers", "Mechanical Engineers", "Electrical Engineers", etc. However, if a licensee submits documents for review to the Fire Marshal's office, he/she will be required by that office to use a discipline-specific seal. If the licensee is listed by the Board as a civil, structural, electrical or mechanical engineer,

UNLICENSED OFFER AND/OR PRACTICE OF LAND SURVEYING

Mr. Paul H. Johnston, a non-licensee, was subject to enforcement action by the Board for the unlicensed offering of land surveying in Louisiana in violation of La. R.S. 37:681 and 37:700(A)(1). Mr. Johnston offered to provide land surveying services in Louisiana by the means of signs on his vehicles, business cards, letterhead and invoices that contained the words "Land Surveying Services". The sign on the door of Mr. Johnston's vehicles also contained a facsimile of a tripod mounted instrument. Mr. Johnston entered into a Consent Order with the Board, wherein he admitted to an unintentional violation of the above statutes and agreed to pay a fine of \$1,000.00, to pay administrative costs of \$453.68, to immediately cease and desist any advertising (including but not limited to signs on vehicles, business cards, invoices and letterhead) which could give the inference that Mr. Johnston is offering and/or providing land surveying services in Louisiana, and to the printing of a summary of this matter by name in this publication.

A non-licensee was subject to enforcement action by the Board for the unlicensed practice of land surveying in Louisiana in violation of La. R.S. 37:681 and 37:700(A)(1). The non-licensee prepared and provided to an individual property owner a resubdivision map for two acres of land in Louisiana. Without admitting to a violation of the above statutes, the non-licensee entered into a Consent Order with the Board, wherein he agreed to pay a fine of \$1,000.00, to pay administrative costs of \$123.93, to immediately cease and desist the offer and/or practice of land surveying in Louisiana until duly licensed by the Board, and to the printing of a summary of this matter without name in this publication.

the licensee can obtain and use a discipline-specific seal. Also, please remember that Board Rule 2701(A) (2)(f) requires that a licensee's seal be accompanied by his/her signature and date.

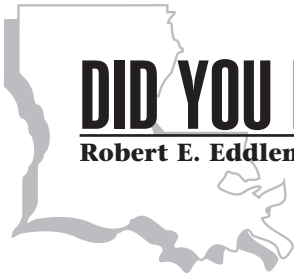
The Board has looked at the various disciplinary and enforcement matters handled by the Board over the last few years. As a result of this review, the Board will strive to be more consistent with the sanctions for the various violations of the Board's laws and rules. Also, the Board has taken the position that all disciplinary and enforcement actions will be printed in this publication by name, except in unusual circumstances.

The Board continues to investigate alleged violations of the laws and rules which regulate the practice of engineering and land surveying in Louisiana. Substantiated violations result in disciplinary or enforcement action being taken either through Consent Orders or by Board Orders following a formal hearing at which the respondent is adjudged guilty of one or more violations. Below are summaries of some of the disciplinary and enforcement actions for the period from August to October, 2006.

SEALING VIOLATIONS

Mr. Douglas J. Gremillion, P.E., a Louisiana licensee, was disciplined by the Board for being in responsible charge of the preparation and submission to a client a set of preliminary design drawings and a set of preliminary bridge design calculations which did not contain the appropriate preliminary work disclaimer and a set of preliminary bridge design calculations which did not contain Mr. Gremillion's name or license number, as required by La. R.S. 37:698(A)(6), to wit LAC Title 46:LXI.2701(A)(4)(b). Mr. Gremillion entered into a Consent Order with the Board, wherein he admitted to an unintentional violation of the above statute and rule and agreed to pay a fine of \$750.00, to pay administrative costs of \$228.48, to successfully complete the Board's online Laws and Rules Examination and the Board's online Ethics Presentation within sixty days of the effective date of the Consent Order, to comply in the future with all Board requirements pertaining to preliminary work, and to the printing of a summary of this matter by name in this publication.

Wilbur Smith & Associates, Inc. (now known as Wilbur Smith Associates, Inc.), a Louisiana licensed engineering firm, was disciplined by the Board for preparing and submitting to a client a set of preliminary design drawings and a set of preliminary bridge design calculations which did not contain the appropriate preliminary work disclaimer and a set of preliminary bridge design calculations which did not contain the name or license number of its employee in responsible charge, as required by La. R.S. 37:698(A)(6), to wit LAC Title 46:LXI.2701(A)(4)(b). Wilbur Smith & Associates, Inc. entered into a Consent Order with the Board, wherein it admitted to an unintentional violation of the above statute and rule and agreed to pay a fine of \$750.00, to pay administrative costs of \$228.48, to comply in the future with all Board requirements pertaining to preliminary work, and to the printing of a summary of this matter by name in this publication.



DID YOU KNOW?

Robert E. Eddleman, Deputy Executive Secretary/Director of Enforcement



Robert E. Eddleman

The Board continues to investigate alleged violations of statutes and rules which regulate the professional practice of engineering and land surveying in Louisiana. Substantiated violations result in disciplinary action being taken either through Consent Orders or by Board Orders following a formal hearing at which the respondent is adjudged guilty of one or more violations. Below are summaries of some of the disciplinary actions from May to August 2006.

PRACTICE OF ENGINEERING AND/OR LAND SURVEYING ON AN EXPIRED LICENSE

Mr Darren M. Hopkins, P.E., a Louisiana licensee, was disciplined by the Board for the offering and/or providing of engineering services in Louisiana during the period his license was in an expired status from October 1, 2002 until July 28, 2005. Mr. Hopkins's license has been renewed and he has entered into a Consent Order with the Board wherein he agreed to pay a fine of five hundred (\$500.00), to pay administrative costs of one hundred thirty-three and 22/100 (\$133.22), and to the printing of a summary of this matter by name in this publication.

UNLICENSED OFFER AND/OR PRACTICE OF ENGINEERING AND/OR LAND SURVEYING

Mr. William Wilson was disciplined by the Board for the unlicensed practice of engineering in Louisiana. Mr. Wilson referred to his job title as "sales engineer" in his business card and in e-mail correspondence. Mr. Wilson has entered into a Consent Order with the Board wherein he agreed to pay a fine of two hundred and fifty (\$250.00) dollars, to pay administrative costs of one hundred thirty three (\$133.22) dollars and twenty two cents to immediately cease and desist the use of the words "sales engineer" or similar words in his business card, his correspondence or otherwise in connection with himself or his work, and to the printing of a summary of this matter by name in this publication.

SEALING VIOLATIONS

Mr. C. Keith Capdepon, Jr., P.E. a Louisiana licensee was disciplined by the Board for the signing and sealing of plans that were not prepared under his responsible charge. Mr. Capdepon sign and sealed plans that were prepared by another that was not under his responsible charge.. Mr. Capdepon entered into a Consent Order with the Board wherein he agreed to pay

a fine of one thousand (\$1,000.00dollars, to pay administrative costs of eighty-two and 72/100 \$82.72) dollars, to successfully complete the Board's on line Laws and Rules Examination, and the Board's online Ethics Presentation, within sixty days of the effective date of the Consent Order, to in the future not sign and seal plans not prepared under his responsible charge, and to the printing of a summary of this matter by name in this publication.

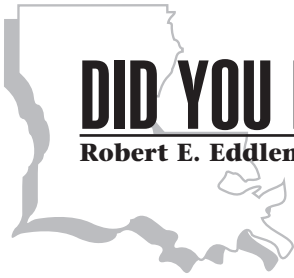
Mr. Dale A. Phillips, P.E., a Louisiana licensee was disciplined by the Board for the signing and sealing of plans that were not prepared under his responsible charge and control. Mr. Phillips sign and sealed plans that were not prepared under his responsible charge. Mr. Phillips entered into a Consent Order with the Board wherein he agreed to pay a fine of one thousand (\$1,000.00dollars, to pay administrative costs of eighty-two and 72/100 \$82.72) dollars, to successfully complete the Board's on line Laws and Rules Examination, to in the future not sign and seal plans not prepared under his responsible charge, and to the printing of a summary of this matter by name in this publication.

AIDING OR ASSISTING OF ANOTHER PERSON IN VIOLATING ANY PROVISION OF THE BOARD'S LICENSURE LAWS AND RULES

Mr. C. Keith Capdepon, Sr., P.E. a Louisiana licensee was disciplined by the Board for aiding and assisting another person in violating the Board's licensure laes and rules. Mr. Capdepon aided and/or assisted his son C. Keith Capdepon, Jr., P.E. in signing and sealing plans that were not prepared under his son's responsible charge.

Mr. Capdepon has entered into a Consent Order with the Board wherein he agreed to pay a fine of one thousand (\$1000.00) dollars, to pay administrative costs of eighty-two and 72/100 \$82.72) dollars, to successfully complete the Board's on line Laws and Rules Examination, and the Board's online Ethics Presentation within sixty days of the effective date of the Consent Order, and to the printing a summary of this matter by name in this publication.

LAPELS LA PROFESSIONAL ENGINEERING AND LAND SURVEYING BOARD



DID YOU KNOW?

Robert E. Eddleman, Deputy Executive Secretary/Director of Enforcement



Robert E. Eddleman

The Louisiana Revised Statutes require firms, as well as individual practitioners, to be licensed with the Board. The only exception is for unincorporated sole proprietorships which operate under the full name by which the individual owner is licensed. All corporations, limited liability companies, partnerships, etc. must file an application and be approved for licensure by the Board prior to offering or providing any engineering or land surveying services within Louisiana. This requirement extends to all businesses which operate a firm offering or providing engineering or land surveying in the State of Louisiana, regardless of the location of the business. Information and applications forms may be obtained by contacting the Board office. Unlicensed firms offering or providing engineering or land surveying services in Louisiana are, among other things, subject to fines of up to \$5,000 per violation.

DISCIPLINARY AND ENFORCEMENT ACTIONS

Practice Of Engineering And/or Land Surveying On An Expired License

Mr. David C. Flettrich, P.E., a Louisiana licensee, was disciplined by the Board for the offering and/or providing of engineering services in Louisiana during the period his license was in an expired status from October 1, 2002 until January 28, 2005. Mr. Flettrich's license has been renewed and he has entered into a Consent Order with the Board wherein he agreed to pay a fine of \$100.00, to pay administrative costs of \$250.00, to successfully complete the Board's online Laws and Rules examination and the Board's online Ethics presentation and examination within sixty days of the effective date of the Consent Order, and to the printing a summary of this matter by name in this publication.

Mr. Eric S. Duck, P.E., a Louisiana licensee, was disciplined by the Board for the offering and/or providing of engineering services in Louisiana during the period his license was in an expired status from April 1, 2004 until June 29, 2005. Mr. Duck's license has been renewed and he has entered into a Consent Order with the Board wherein he agreed to pay a fine of \$250.00, to pay administrative costs of \$100.00, to successfully complete the Board's online Laws and Rules examination within sixty days of the effective date of the Consent Order, to immediately provide written notice to each

person or client for whom he provided engineering services during the period that his license was expired, to simultaneously provide written proof of

each such notice to the Board, and to the printing of a summary of this matter by name in this publication.

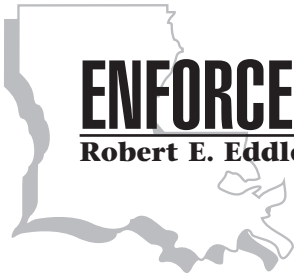
Jolly Consultants, Inc., a Louisiana licensed engineering firm, was disciplined by the Board for the offering and/or providing of engineering services in Louisiana during the period that the firm's license was in an expired status from April 1, 1990 until June 28, 2005. The firms' license has been renewed and it has entered into a Consent Order with the Board wherein the firm agreed to pay a fine of \$1,062.00, to pay administrative costs of \$1,212.00, and to the printing of a summary of this matter by name in this publication.

Jeffery M. Moody, P.L.S., a Louisiana licensee, was disciplined by the Board after he disclosed to the Board the unintentional violation of the Board's statutes regarding the practice and/or the offering of land surveying services in Louisiana with an expired license (from April 1, 2005 until November 2, 2005). Mr. Moody's license has been renewed and he has entered into a Consent Order with the Board wherein he agreed to pay a fine of \$100.00, to pay administrative costs of \$217.00, and to the printing of a summary of this matter by name in this publication.

UNLICENSED OFFER AND/OR PRACTICE OF ENGINEERING AND/OR LAND SURVEYING

A non-licensee was disciplined by the Board for the unlicensed practice of engineering in Louisiana. Dr. Anderson, who is not licensed by the Board, described his business and services as performing "engineering analysis" in a letter to a governmental official. The non-licensee has entered into a Consent Order with the Board wherein he agreed to pay a fine of \$250.00, to pay administrative costs of \$168.23, to immediately cease and desist the use of the words "engineering analysis" or similar words in describing his business services, and to the printing of a summary of this matter without name in this publication.

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ENFORCEMENT REPORT

Robert E. Eddleman, Director of Enforcement



Robert E. Eddleman

BOARD ENFORCEMENT AND DISCIPLINARY ACTIONS

The Board continues to investigate alleged violations of statutes and rules which regulate the professional practices of professional engineering and land surveying in Louisiana. Substantiated violations result in disciplinary action being taken either through Consent Orders or by Board Orders following a formal hearing, at which time the respondent is adjudged guilty of one or more violations.

Below are a summary of actions taken by the Board on closed cases, which have resulted in either a formal or informal disciplinary action.

PRACTICE OF ENGINEERING AND/OR LAND SURVEYING WITH AN EXPIRED LICENSE

Mr. Michael L. Belcher, P.E. a Louisiana P.E. admitted to the Board that he had unintentionally offered and/or provided engineering services during the period that his license was in an expired status. The licensee's license was renewed and he agreed to a Consent Order in lieu of a formal disciplinary hearing. The licensee has agreed to pay a fine of \$100.00, pay the administrative costs of \$150.00 and to the publication of a summary of this matter by name.

THE UNLICENSED OFFER AND/OR PRACTICE OF ENGINEERING AND/OR LAND SURVEYING

Dr. Janardanan O. Uppot, P.E. was disciplined by the Board for the unlicensed practice of Land Surveying and entered into a Consent Order agreement with the Board. Dr. Uppot agreed to pay a fine of \$250.00, pay the administrative costs of \$150.00, to successfully complete and pass the Board's Laws and Rules Examination, and to cease and desist the offering and/or providing of Land Surveying services until he is in full compliance of the Board's requirements for licensure, and to the publication of a summary of this matter by name.

Mr. Thomas M. MacMenamin was disciplined for the unlicensed offering and/or providing of Land Surveying Services by incorporating the words Survey Services on the logo of his bank checks. Mr. MacMenamin entered into a Consent Order; wherein, he has agreed to pay the administrative costs of \$250.00, to immediately desist any further use of the words "Survey Services" or any wording that would give the inference of offering and/or providing land surveying services and to the publication of a summary of this matter by name.

FAILURE TO COMPLY WITH A CONTINUING PROFESSIONAL DEVELOPMENT (CPD) RANDOM AUDIT

Mr. Paul W. Brune, P.E., P.L.S. an Oklahoma resident whom is also licensed in Louisiana, was disciplined for failure to comply with a CPD audit. Mr. Brune failed to respond to the Board's notification of his selection for a CPD audit. After a Formal Hearing, Mr. Brune was issued a Final Decision and Order; wherein, he was assessed to pay the administrative

costs of \$1,200.00, his Engineering and Land Surveying license was revoked, and to the publication of a summary of this matter by name.

FELONY CONVICTION

Dr. Anthony R. Venson, a Louisiana P.E., was found guilty of the violation of a Federal Felony Statute in the United States District Court, Western District of Louisiana, Lafayette Division. After a Formal Hearing, Dr. Venson was issued a Final Decision and Order; wherein, he was assessed to pay the administrative costs of \$1,431.37, his Louisiana license was revoked, and to the publication of a summary of this matter by name.

ALLEGED SEALING OF WORK NOT PERFORMED BY A LICENSEE

A sworn formal affidavit of complaint of sealing violations was filed against a Louisiana licensed P.E. by another licensee of the Board. The investigation disclosed the licensee assumed the project and design of another licensee of the Board, and did not follow the Board rules outlining the procedure to assume a project and design of another licensed professional. The licensee entered into a Consent Order with the Board; wherein, the licensee agreed to pay a fine of \$100.00, pay the administrative costs of \$160.30 and to the publication of a summary of this matter without name.

FAILURE TO SIGN AND SEAL DESIGN DRAWINGS

Mr. Dalton Honore, P.E., P.L.S. a Louisiana licensee, and Krestworth Group, Inc. a licensed firm of the Board were disciplined for failure to properly sign and seal design drawings that were submitted to a client. Mr. Honore entered into a Consent Order with the Board; wherein, he agreed to pay a fine of \$1,000.00, pay the administrative costs of \$259.57, to successfully complete the Board's on Ethics Presentation, to successfully complete and pass the Board's Laws and Rules Examination, and to the publication of a summary of this matter by name. Mr. Honore also entered into a Consent Order with the Board on behalf of Krestworth Group, Inc. It was agreed that Krestworth Group, Inc. pay a fine of \$1,000.00, pay the administrative costs of \$259.57 and to the publication of a summary of this matter by name.

DISCIPLINARY ACTIONS IN ANOTHER STATE AGAINST A LOUISIANA LICENSEE

Two (2) Louisiana P.E.'s whom were disciplined in other states were sent letters of concern/warning for matters that did not warrant consideration of additional informal or formal action by the Board.

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