

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 Brookline Avenue, Suite 123
Baton Rouge, Louisiana 70809**

IN THE MATTER OF DALTON W. HONORE' II, P.E., P.L.S.

CASE NO. 2006-66

STIPULATED FINAL DECISION AND ORDER

The Proposed Findings of Fact and Conclusions of Law and Proposed Decision and Order were issued and forwarded to Dalton W. Honore' II, P.E., P.L.S. and the prosecuting attorney (Celia R. Cangelosi) on October 9, 2008. Mr. Honore, through his attorney (Cheryl A. Gray), requested oral argument. Ms. Cangelosi also requested oral argument. James Gray, on behalf of Mr. Honore, and Ms. Cangelosi made their oral arguments on January 13, 2009. After due consideration of the Proposed Findings of Fact and Conclusions of Law and Proposed Decision and Order, along with the oral argument of both attorneys, and pursuant to the stipulation and consent of Mr. Honore, Mr. Gray and Ms. Cangelosi,

**IT IS ORDERED BY THE LOUISIANA PROFESSIONAL ENGINEERING AND
LAND SURVEYING BOARD ("LAPELS") THAT:**

1.

The Proposed Findings of Fact and Conclusions of Law are adopted as final in this case, and the same is incorporated herein by reference as if set forth *in extenso*.

2.

The charges against Dalton W. Honore' II, P.E., P.L.S. under La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(C) and 2907(G)(7), are hereby sustained.

3.

The charges against Mr. Honore under La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(3) and (4), are hereby dismissed due to insufficient evidence of a violation.

4.

Mr. Honore is hereby assessed a fine in the amount of One Thousand and No/100 (\$1,000.00) Dollars, which shall be paid by Mr. Honore within sixty (60) days of this Decision and Order becoming final.

5.

Mr. Honore is also hereby assessed the actual costs incurred by LAPELS in connection with this case through the hearing in the amount of Five Thousand Seventy-Six and 34/100 (\$5,076.34) Dollars, which shall be paid by Mr. Honore within sixty (60) days of this Decision and Order becoming final.

6.

Mr. Honore shall successfully complete and submit to LAPELS its online Louisiana Laws and Rules Examination with a score of ninety-five (95%) percent or higher within sixty (60) days of this Decision and Order becoming final.

7.

Mr. Honore shall successfully complete and submit to LAPELS its online Louisiana Professionalism and Ethics Examination with a score of ninety-five (95%) percent or higher within sixty (60) days of this Decision and Order becoming final.

8.

Mr. Honore shall successfully complete and submit to LAPELS its online Louisiana Minimum Standards Examination with a score of ninety (90%) percent or higher within sixty (60) days of this Decision and Order becoming final.

9.

Mr. Honore shall, within ninety (90) days of this Decision and Order becoming final, have a licensed Louisiana professional land surveyor correct the above described minimum standards violations on the ground and on a corrected survey plat, record the corrected survey plat in the St. Helena Parish public records, provide the corrected survey plat to his client, and provide satisfactory evidence of the accomplishment of these requirements to LAPELS.

10.

In the event that Mr. Honore fails to comply with any part of this Decision and Order, his professional land surveyor license, number PLS-4891, will be automatically revoked; and

11.

A summary of this case shall be published in the official journal of LAPELS, and reported to the National Council of Examiners for Engineering and Surveying (NCEES), identifying Mr. Honore by name.

12.

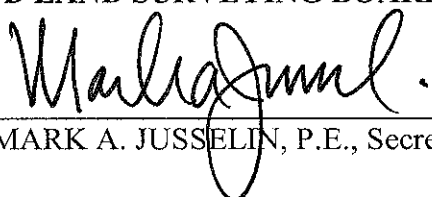
This vote of LAPELS was unanimous, with board members Timothy J. Allen, P.L.S. and Rhaoul A. Guillaume, P.E. recused.

13.

Mr. Honore stipulates and consents to the Final Findings of Fact and Conclusions of Law and to this Final Decision and Order, and he understands and agrees that (a) this is a final and non-appealable decision and order and (b) he is waiving his right to appeal or seek judicial review of this decision and order.


THUS DONE at Baton Rouge, Louisiana, this 13th day of January, 2009.

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD**

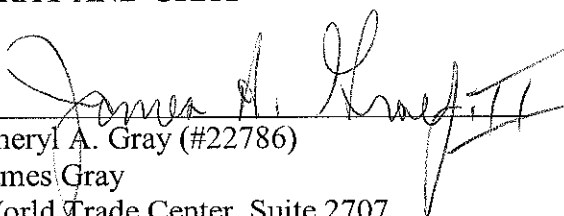
By: 
MARK A. JUSSELIN, P.E., Secretary

STIPULATED AND AGREED TO AND APPROVED BY:


DALTON W. HONORE' II, P.E., P.L.S.


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Board Prosecuting Attorney

Attorney for Dalton W. Honore' II, P.E., P.L.S.

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IN THE MATTER OF DALTON W. HONORE' II, P.E., P.L.S.

CASE NO. 2006-66

PRESENT AT THE HEARING:

Board Members:

C.L. Jack Stelly, P.L.S., Chairman
Timothy J. Allen, P.L.S. (recused)
James D. Garber, PhD., P.E.
Mark A. Jusselin, P.E.
James E. Bowie, Jr., PhD., P.E.
Roger D. Danzy, P.E.
Rhaoul A. Guillaume, P.E. (recused)
Norma Jean Mattei, PhD., P.E.
Ali M. Mustapha, P.E.
Richard L. Savoie, P.E.
Miles B. Williams, P.E.

Also Present:

Donna D. Sentell, Executive Secretary
Robert E. Eddleman, Deputy Executive Secretary/Director of Enforcement
Justin G. Owens, Board Investigator
D. Scott Landry, Board Counsel
Celia R. Cangelosi, Prosecuting Attorney

STIPULATED FINAL FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters came on for hearing jointly in Baton Rouge, Louisiana on July 21, 2008 at 10:06 a.m. No one appeared at the hearing on behalf of Dalton W. Honore' II, P.E., P.L.S., and the hearing proceeded as authorized by La. R.S. 37:698(G). After hearing the arguments of counsel and upon due consideration of the testimony and other evidence presented, the Louisiana Professional Engineering and Land Surveying Board ("LAPELS") makes the following Final Findings of Fact and Conclusions of Law.

FINAL FINDINGS OF FACT

1.

Dalton W. Honore' II, P.E., P.L.S. is licensed with LAPELS as a professional engineer, number PE-27077, and as a professional land surveyor, number PLS-4891.

2.

Mr. Honore's professional engineer and professional land surveyor licenses have been in a expired status since April 1, 2008.

3.

In 2004, Mr. Honore prepared, sealed and issued a survey plat titled "Resubdivision of Gospel Temple Church of God in Christ, Inc. & Part of HESSIE DONALD TRACT INTO TRACT GT-1, TRACT GT-W & TRACT GT-3" located in St. Helena Parish, Louisiana (the "Survey Plat"), which was recorded in St. Helena Parish on November 19, 2004 as Plat A, Page 311. See LAPELS' Exhibits 2A, 2B and 2C.

4.

The Survey Plat did not contain sufficient basis of bearings information. Specifically, the Survey Plat did not indicate what basis of bearings was being used.

5.

Additionally, the Survey Plat did not indicate all corner monuments. Specifically, there were six (6) property corners on the Survey Plat which did not contain a notation that a monument had been set.

6.

In October, 2006, LAPELS received information and documents which alleged that the Survey Plat failed to meet LAPELS' minimum standards for property boundary surveys and was not sealed, signed or dated by Mr. Honore.

7.

On February 9, 2007, LAPELS staff sent a letter to Mr. Honore advising him that it appeared the Survey Plat (a) failed to meet LAPELS' minimum standards for property boundary surveys because it did not contain sufficient basis of bearings information and did not indicate all corner monuments and (b) was not properly sealed, signed or dated. The letter stated that the problems could be resolved if, within thirty (30) days of receipt, Mr. Honore would correct the Survey Plat to remedy the minimum standards violations and provide a copy of the corrected Survey Plat to LAPELS, his client and the clerk of court for recordation. Mr. Honore subsequently requested and was granted an extension until May 31, 2007 to comply with these requests; however he thereafter failed to comply or respond. See LAPELS' Exhibit 3.

8.

On July 25, 2007, LAPELS staff sent another letter to Mr. Honore by certified mail (return receipt requested) advising him that he had not complied with February 9, 2007 letter. Mr. Honore was advised that he had fifteen (15) days from July 25, 2007 in which to comply with the earlier letter. LAPELS received a confirmation from the post office that the letter was received at Mr. Honore's address on July 27, 2007; however he again failed to comply or respond. See LAPELS' Exhibit 4.

9.

LAPELS thereafter directed that a letter be sent to Mr. Honore advising him that LAPELS was considering preferring charges against it involving a possible violation of La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(C) and 2907(G)(3), (4) and (7), relative to failing to meet LAPELS' minimum standards for property boundary surveys. LAPELS also directed that its staff attempt to resolve this matter informally, if at all possible. On February 11, 2008, LAPELS staff sent the letter by certified mail (return receipt requested) and regular mail as directed, along with a proposed Consent Order. The letter also advised Mr. Honore of his right to request an informal conference. The letter and proposed Consent Order were also hand delivered to Mr. Honore on February 11, 2008, at which time he stated that he would correct the Survey Plat. However, he thereafter failed to correct the Survey Plat or otherwise respond. See LAPELS' Exhibit 5.

10.

On May 19, 2008, by a unanimous vote LAPELS preferred charges against Mr. Honore, involving an alleged violation of La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(C) and 2907(G)(3), (4) and (7) (which impose LAPELS' minimum standards for property boundary surveys). LAPELS also directed that a hearing be set to consider the charges against Mr. Honore on July 21, 2008 at 10:00 a.m. at the LAPELS office. A copy of the Notice of Charges and Hearing was sent to Mr. Honore by certified mail (return receipt requested) on June 5, 2008 and was also hand delivered to Mr. Honore. See LAPELS' Exhibit 6.

FINAL CONCLUSIONS OF LAW

1.

LAPELS has jurisdiction over this matter because Mr. Honore is licensed by LAPELS as a professional engineer and professional land surveyor and he prepared, sealed and issued the Survey Plat for property located in Louisiana.

2.

La. R.S. 37:698 has at all relevant times provided, in pertinent part, as follows:

§698. Disciplinary proceedings against licensees and certificate holders; procedure

A. The board shall have the power to take disciplinary action against any licensee or certificate holder found by the board to be guilty of any of the following acts or offenses:

. . . .

(6) Violation of any provision of this Chapter or any rules or regulations adopted and promulgated by the board.

. . . .

3.

LAC Title 46:LXI§2907(C) has at all relevant times provided, in pertinent part, as follows:

§2907. Property Boundary Survey

. . . .

C. Product. A property boundary survey will result in the establishment of monumented corners; point of curvature and tangency; and reference points (see Subsection E, "Monuments"). In event that no plat of survey is required, the professional land surveyor must maintain adequate records to substantiate his professional opinion in reestablishing boundary lines and corners on a survey. If requested by the client, a boundary survey may also include the following:

1. a sealed, signed and dated metes and bounds written description depicting the surveyed boundary (see Subsection H, "Descriptions");
2. a certified map or plat depicting the survey as made on the ground; and
3. a sealed, signed and dated written report of the surveyor's findings and determinations.

. . . .

4.

LAC Title 46:LXI§2907(G)(3), (4) and (7) have at all relevant times provided, in pertinent part, as follows:

§2907. Property Boundary Survey

G. Plats, Maps, and Drawings. Every original plat or map of a boundary survey should be a reproducible drawing at a suitable scale which clearly shows the results of the field work, computations, research and record information as compiled and checked. The plat map or drawing shall be prepared in conformity with the following guidelines.

3. All dimensions, bearings or angles, including sufficient data to define the curve shall be neatly and legibly shown with respect to each property or boundary line. When possible, all bearings shall read in a clockwise direction around the property. All lines and curves shall show sufficient data on the map to calculate a map closure.

4. Monuments shall be labeled as "found" or "set" with a brief definitive description of the monument and relevant reference markers, if any, along with their position in relation to the corner. This description shall include the physical characteristics of the monument and its relevance to the survey.

7. A statement indicating the origin of angles or bearings shall be shown on each plat, map, or drawing. If bearings are used, the basis of the bearing shall include one or more of the following:

a. reference to true north as computed by astronomic observation within one mile of the surveyed site;

b. reference to the Louisiana State Coordinate System with the proper zone and controlling station(s) noted;

c. reference to the record bearing of a well-established line found monumented on the ground as called for in a relevant deed, or survey plat;

d. when none of the above alternatives are practical, a magnetic bearing (corrected for declination) may be used.

5.

Louisiana law gives LAPELS authority to take disciplinary action against Mr. Honore based on the facts in this case.

6.

Pursuant to La. R.S. 37:698(A), (B) and (J), the disciplinary action which LAPELS can take against any person found by LAPELS to be guilty of any of the acts or offenses listed in La. R.S.

37:698(A) includes, but is not limited to, reprimand, probation, suspension, revocation, fine (in an amount not to exceed \$5,000 per violation) and all reasonable costs

7.

Since the Survey Plat did not contain sufficient basis of bearings information, Mr. Honore violated LAC Title 46:LXI§2907(G)(7).

8.

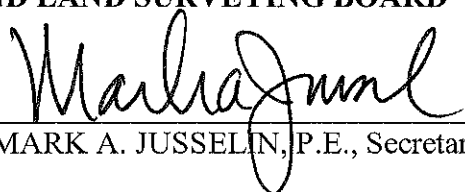
Since the Survey Plat failed to indicate all corner monuments, Mr. Honore violated LAC Title 46:LXI§2907(C).

9.

A Final Decision and Order will issue this date assessing appropriate disciplinary action against Mr. Honore.

Baton Rouge, Louisiana, this 13th day of January, 2009.

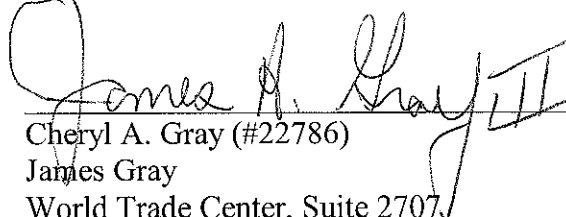
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By: 
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