

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 BROOKLINE AVENUE, SUITE 121
BATON ROUGE, LOUISIANA 70809-1443
(225) 925-6291**

IN THE MATTER OF:)	CASE NO.: 2007 - 64
)	
WILLIAM J. BODIN, JR., P.E., P.L.S.)	
)	
RESPONDENT)	
)	
)	

CONSENT ORDER

The Louisiana Professional Engineering and Land Surveying Board [hereinafter the "Board"], by and through its Executive Secretary, pursuant to authorization by the Board, and William J. Bodin, Jr., P.E., P.L.S. [hereinafter "Respondent"], hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as a professional engineer, number PE – 8193, and professional land surveyor, number PLS – 4253.

An investigation was opened based upon the Board's receipt of a sworn Affidavit of Complaint and documents which suggested that in 2005 and 2006 Respondent prepared, signed, sealed and issued survey plats for The Villas of Bedico Creek in Tangipahoa Parish, Louisiana which failed to meet the Board's minimum standards for property boundary surveys. The investigation disclosed that on the survey plat dated January 20, 2005 (a) monuments were not set and/or referenced on interior lot corners, (b) there was no curve data, (c) there were no interior lot bearings, (d) the right-of-way width for Gregory Lane was not specified, (e) there was no basis of bearings or reference to an established line on the ground, and (f) there was no certification indicating compliance with the appropriate class of survey or the minimum standards. The investigation also disclosed that on the revised survey plat dated February 7, 2006 (a) monuments were not set and/or referenced on interior lot corners, (b) there was no basis of bearings or reference to an established line on the ground, and (c) there was no certification indicating compliance with the appropriate class of survey or the minimum standards.

La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(C) and (G)(4), requires that property boundary surveys result in the establishment of monumented corners and that all monuments be labeled on the survey plat 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. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(3), requires that all dimensions, bearings or angles, including sufficient data to define the curve, be neatly and legibly shown with respect to each property or boundary line and that all lines and curves show sufficient data on the map to calculate a map closure. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(7), requires that all plats or maps contain a statement indicating the origin of angles or bearings and that if bearings are used, the basis of bearings include either a reference to the true north as computed by astronomic observation, reference to the Louisiana State Coordinate System, 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, or a magnetic bearing. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(16), requires that final plats or maps issued to the client contain a certificate sealed, signed and dated by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the survey is in accordance with the applicable standards of practice as stipulated in the minimum standards based on the current survey "classification".

La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(C) and (G)(3), (4), (7) and (16), upon a finding of guilt following the preferral of charges, notice and hearing and a majority vote of its entire membership authorized to participate in the proceeding. La. R.S. 37:698(A)(6), La. R.S. 37:698(H) and LAC Title 46:LXI§2907(C) and (G)(3), (4), (7) and (16) were in effect at all times material hereto.

It is undisputed that Respondent prepared, signed, sealed and issued survey plats for property located in Louisiana which failed to meet the Board's minimum standards for property boundary surveys.

By letter dated July 7, 2009 the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that he may have violated La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(C) and (G)(3), (4), (7) and (16), relative to failing to meet the Board's minimum standards for property boundary surveys.

Wishing to dispense with the need for further disciplinary action and to conclude the instant proceeding without further delay and expense, for the purpose of this proceeding only,

Respondent and the Board do hereby enter into this Consent Order, in which Respondent of his own free will consents to the issuance of a Consent Order by the Board, wherein Respondent agrees to (a) pay a fine of one thousand five hundred (\$1,500.00) dollars, (b) pay administrative costs of one thousand two hundred thirty eight and 42/100 (\$1,238.42) dollars, (c) correct the above described minimum standards violations on a corrected survey plat, provide the corrected survey plat to the Board for review, re-submit the corrected survey plat to the appropriate Tangipahoa Parish authorities for signature, record the corrected survey plat in the Tangipahoa Parish public records, provide the corrected survey plat to his client and provide satisfactory evidence of the accomplishment of these requirements to the Board, (d) successfully complete the Board's online Louisiana Minimum Standards Examination with a score of 90% or higher, (e) the suspension of his Louisiana professional land surveyor's license for a period of six months, which will be stayed based upon Respondent's compliance with all other terms of this Consent Order, and (f) this Consent Order will be published on the Board's website and a summary of this matter will be published in the Board's official journal, the Louisiana Engineer and Surveyor Journal, and reported to the National Council of Examiners for Engineering and Surveying (NCEES), identifying Respondent by name.

Respondent admits to violations of the referenced statutes and/or rules regarding the Board's minimum standards for property boundary surveys. Respondent acknowledges awareness of said laws and/or rules and states that he will comply with all applicable laws and rules henceforth. Respondent has been advised of his right to be represented by counsel before the Board and/or to appear at any hearing personally or by counsel and present witnesses and evidence in his own behalf, and he hereby waives this right and his right to appeal; and he states affirmatively that he has been afforded all administrative remedies due him under the law.

Therefore, in consideration of the foregoing and by his signing this Consent Order, Respondent does hereby waive his right to a hearing before the Board, to the presenting of evidence and witnesses in his behalf, to Findings of Fact and Conclusions of Law in this case, and to judicial review of this Consent Order.

Respondent hereby represents (a) that he fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, (b) that he has voluntarily entered into this Consent Order and that no other promise or agreement of any kind has been

made to or with him by any person whatsoever to cause the execution of this instrument and (c) that the sanctions set forth in this Consent Order do not limit the Board from taking further disciplinary or enforcement action against Respondent on matters not specifically addressed in this Consent Order.

WHEREFORE, the Louisiana Professional Engineering and Land Surveying Board and Respondent agree that:

1. ✓ Respondent shall pay a fine of one thousand five hundred (\$1,500.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
2. ✓ Respondent shall pay administrative costs of one thousand two hundred thirty eight and 42/100 (\$1,238.42) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
3. ✓ Respondent shall correct all minimum standards violations in the above described survey plats, provide the corrected survey plat to the Board for review, re-submit the corrected survey plat to the appropriate Tangipahoa Parish authorities for signature, record the corrected survey plat in the Tangipahoa Parish public records, provide the corrected survey plat to his client and provide satisfactory evidence of the accomplishment of these requirements to the Board, within sixty (60) days of the effective date of this Consent Order; and
4. Respondent shall successfully complete the Board's online Louisiana Minimum Standards Examination with a score of 90% or higher and return it to the Board within sixty (60) days of the effective date of this Consent Order; and
5. Respondent's Louisiana professional land surveyor's license shall be suspended for a period of six months, with said suspension being stayed based upon Respondent's compliance with all other terms of this Consent Order; and
6. This Consent Order shall be published on the Board's website and a summary of this matter shall be printed in the official journal of the Board, the Louisiana Engineer and Surveyor Journal, and reported to the National Council of Examiners for Engineering and Surveying (NCEES), identifying Respondent by name; and
7. This Consent Order shall not become effective unless and until it is accepted and signed by and on behalf of the Board. Should the Board not accept and sign this Consent Order,

it is agreed that presentation of this matter to the Board shall not prejudice the Board or any of its members from further participation, consideration or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATED 11/18/09

BY: Donna D. Sentell
DONNA D. SENTELL, Executive Secretary

DATED 9/28/09

William J. Bodin, Jr.
WILLIAM J. BODIN, JR., P.E., P.L.S., Respondent

Witnesses to the signature of
William J. Bodin, Jr., P.E., P.L.S.

Out File

April Penicore