

**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.: 2008-9
)	
ANDREW D. PRIMEAUX, 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 Andrew D. Primeaux, 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 – 11156, and as a professional land surveyor, number PLS – 3108.

An investigation was opened based upon the Board's receipt of a sworn Affidavit of Complaint and documents which suggested that in December, 2007 Respondent prepared, signed and sealed a survey map titled "ALTA/ACSM Land Title Survey Map of Tracts A-1 and A-2 Being a Portion of the Original Allendale Plantation Located in Secs. 26 and 27, T6S, R12E and in Secs. 38, 39, 40, 83, and 84, T7S, R12E, SED, West of River, West Baton Rouge Parish, Louisiana for Nova Scotia, LLC., Merķ, Inc., Charles B. Kahao, and Wendy K. Wilcombe" that constituted gross misconduct and that failed to meet the Board's minimum standards for property boundary surveys. The investigation disclosed that (a) the data used by Respondent in preparing the survey map was compiled and assembled by another licensee who was not under Respondent's responsible charge and (b) Respondent took the work of another licensee without permission and accepted that work without proving or disproving its correctness. The investigation also disclosed that (a) all corner monuments were not properly established and labeled on the survey map as "found" or "set", (b) Respondent failed to obtain the legal description or plats describing the property to be surveyed and to evaluate the

necessity to obtain the most recent recorded legal descriptions and plats of the tract to be surveyed and tracts adjoining or in proximity to the property to be surveyed, (c) witness monuments were not properly set and identified in the description and on the survey map, (d) Respondent failed to properly search for and evaluate corner monuments, (e) differences or discrepancies between new survey results and prior deed information in regard to course, distance, location or quantity were not properly indicated on the survey map, (f) separate details, blowups or inserts were not properly referenced to the portion of the survey map where they apply, (g) original section, grant, subdivision or survey lines were not shown in proper location with pertinent labeling, (h) a measurement of course and distance was not properly shown to a parent tract corner, block corner, section corner, subdivision or grant corner and (i) existing monuments were not indicated.

La. R.S. 37:698(A)(2) prohibits licensees from committing gross misconduct in the practice of land surveying. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(C) and (G)(4), require that property boundary surveys result in the establishment of monumented corners and that all corner monuments be properly 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(D)(1), requires that a professional land surveyor (a) be provided the legal description or plats describing the property to be surveyed and (b) evaluate the necessity to obtain the most recent recorded legal descriptions and plats of the tract to be surveyed and tracts adjoining or in proximity to the property to be surveyed. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(E)(3)(f), requires that when physically impossible to set a monument at the corner, witness monuments be set when possible, preferably on each converging line at measured distances from the corner and identified as such in the description and on the plat of the property. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(F)(4), requires that special consideration be afforded by the rules of evidence and “hierarchy of calls” before any decision is made regarding property boundaries. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(F)(5), requires that a careful search be made for corner monuments affecting the location of the boundaries of land to be

surveyed and any evidence discovered be evaluated for its agreement in description and location with the call in the relevant deeds and/or plats. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(9), requires that differences or discrepancies between new survey results and prior deed information in regard to course, distance, location or quantity be properly indicated on the survey plat. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(10), requires that where separate intricate details, blowups or inserts are required for clarity, they be properly referenced to the portion of the survey map where they apply. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(13), requires that on a survey plat (a) the original section, grant, subdivision or survey lines, when an integral part of the deed, be shown in proper location with pertinent labeling, (b) a measurement of course and distance be shown to a parent tract corner, block corner, section corner, subdivision or grant corner and (c) existing monuments be indicated.

La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(2) and La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(C), 2907(D)(1), 2907(E)(3)(f), 2907(F)(4) and (5), and 2907(G)(4), (9), (10) and (13), 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)(2) and (6), La. R.S. 37:698(H) and LAC Title 46:LXI§2907(C), 2907(D)(1), 2907(E)(3)(f), 2907(F)(4) and (5), and 2907(G)(4), (9), (10) and (13) were in effect at all times material hereto.

It is undisputed that (a) Respondent prepared, signed and sealed a survey map which failed to meet the Board's minimum standards for property boundary surveys and (b) Respondent committed gross misconduct by (i) using data in preparing a survey map which was compiled and assembled by another licensee who was not under Respondent's responsible charge and (ii) taking the work of another licensee without permission and accepting that work without proving or disproving its correctness.

By letters dated August 19, 2008, November 24, 2008 and March 9, 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 (a) La. R.S. 37:698(A)(2), relative to gross misconduct in the practice of land surveying and (b) La. R.S. 37:698(A)(6), *to*

wit LAC Title 46:LXI§2907(C), 2907(D)(1), 2907(E)(3)(f), 2907(F)(4) and (5), and 2907(G)(4), (9), (10) and (13), 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 (\$1,000.00) dollars, (b) pay administrative costs of eight hundred seventy and 44/100 (\$870.44) dollars, (c) successfully complete the Board's online Louisiana Laws and Rules Examination with a score of 90% or higher, (d) successfully complete the Board's online Louisiana Minimum Standards Examination with a score of 90% or higher, (e) successfully complete the New Mexico State University online or video Survey Ethics course, for which no CPD credit will be provided, (f) properly complete the above described survey, correct all minimum standards violations in the survey map and provide to the Board a copy of the corrected map along with a certification that Respondent has provided copies to the client(s) and any other person who had received the original map, and (g) the publication of this Consent Order on the Board's website and a summary of this matter in the Board's official journal, the Louisiana Engineer and Surveyor Journal, and the reporting of this matter 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 gross misconduct in the practice of land surveying and 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 prevent 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 (\$1,000.00) 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 eight hundred seventy and 44/100 ~~(\$870.44) 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 successfully complete, and submit to the Board, the Board's online Louisiana Laws and Rules Examination with a score of 90% or higher within sixty (60) days of the effective date of this Consent Order; and
4. Respondent shall successfully complete, and submit to the Board, the Board's online Louisiana Minimum Standards Examination with a score of 90% or higher within sixty (60) days of the effective date of this Consent Order; and
5. Respondent shall successfully complete, and submit to the Board, the New Mexico State University online or video Survey Ethics course (for which no CPD credit will be provided) within sixty (60) days of the effective date of this Consent Order; and
6. Respondent shall properly complete the above described survey, correct all minimum standards violations in the survey map and provide to the Board a copy of the corrected map along with a certification that Respondent has provided copies to the

client(s) and any other person who had received the original map within sixty (60) days of the effective date of this Consent Order; and

7. 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

8. 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 5/22/2009

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

DATED 4/1/09

Andrew D. Primeaux
ANDREW D. PRIMEAUX, P.E., P.L.S.,
Respondent

Witnesses to the signature of
Andrew D. Primeaux, P.E., P.L.S.

Melissa Melancon
Melissa Melancon

Robin Doherty
Robin Doherty

Alice M. Hunter
ALICE M. HUNTER, NOTARY PUBLIC
STATE OF LOUISIANA ID 653036
PARISH OF ASCENSION
COMMISSIONED FOR LIFE