

**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.: 2009 - 61

**GENERAL ENGINEERING AND
CONSTRUCTION, INC.**

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 General Engineering and Construction, Inc. [hereinafter "Respondent"], by and through its undersigned representative, pursuant to authorization by its Board of Directors, hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as a professional engineering firm, number EF – 358; however its license has been in an expired status since April 1, 2004.

An investigation was opened based upon the Board's receipt of information and documents indicating Respondent had practiced and/or offered to practice engineering in the State of Louisiana during which time its Louisiana professional engineering firm license was expired. The investigation disclosed that in 2008 Respondent's licensed employee (Alvin A. Amy, P.E.), on behalf of and in the name of Respondent, prepared drawings for two projects in Louisiana (Motel 52 and Roggwiller Tanery of Louisiana) and submitted them to the Lafayette Utilities System in Lafayette, Louisiana for approval. These drawings contained the seal of Respondent's employee, but were not signed. The transmittal letter for one set of drawings referred to Respondent's employee as a "P.E.". The investigation also disclosed that Respondent has continued to operate using its firm name since the expiration of its license.

La. R.S. 37:698(A)(9) and (16) prohibit licensees from practicing and/or offering to practice engineering in the State of Louisiana with an expired license. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(9) and (16), upon a finding of guilt following notice and hearing and a majority vote of its entire



membership authorized to participate in the proceeding. La. R.S. 37:698(A)(9) and (16) and 37:698(H) were in effect at all times material hereto.

It is undisputed that Respondent's license to practice and/or offer to practice engineering in Louisiana expired on April 1, 2004 and since that date Respondent practiced and/or offered to practice engineering in Louisiana.

By letter dated June 12, 2009, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that it may have violated La. R.S. 37:698(A)(9) and (16), relative to practicing and/or offering to practice engineering in the State of Louisiana with an expired license.

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 its own free will consents to the issuance of a Consent Order by the Board, wherein Respondent agrees that (a) it will pay a fine of five thousand (\$5,000.00) dollars, (b) it will pay administrative costs four hundred ninety and 59/100 (\$490.59) dollars, (c) it will immediately cease and desist the practicing of and/or offering to practice engineering in the State of Louisiana until such time as it renews its expired Louisiana professional engineering firm license, (d) it will pay all past unpaid renewal fees in the amount of three hundred sixty (\$360.00) dollars, (e) it will have its supervising professional successfully complete the Board's online Louisiana Laws and Rules Examination, (f) it will submit to the Board satisfactory evidence it has notified the Lafayette Utilities System that its Louisiana professional engineering firm license was expired when it submitted the drawings in question, (g) it will remove the word "Engineering" and any derivative thereof from its firm name and (h) 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 practicing of and/or offering to practice engineering in the State of Louisiana with an expired license. Respondent acknowledges awareness of said laws and/or rules and states that it will comply with all applicable laws and rules henceforth. Respondent has been advised of its 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 its own behalf, and it hereby waives this right and its right to appeal; and it states affirmatively that it has been afforded all administrative remedies due it under the law.

Therefore, in consideration of the foregoing and by its signing this Consent Order, Respondent does hereby waive its right to a hearing before the Board, to the presenting of evidence and witnesses in its 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 it fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, (b) that it has voluntarily entered into this Consent Order and that no other promise or agreement of any kind has been made to or with it 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 five thousand (\$5,000.00) dollars, which shall be tendered to the Board by certified check payable to the to the Board, due upon the signing of this Consent Order; and

2. Respondent shall pay administrative costs of four hundred ninety and 59/100 (\$490.59) 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 immediately cease and desist the practicing of and/or offering to practice engineering in Louisiana until such time as it renews its expired Louisiana professional engineering firm license; and

4. Respondent shall pay all past unpaid renewal fees in the amount of three hundred sixty (\$360.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and

5. Respondent shall have its supervising professional successfully complete the Board's online Louisiana Laws and Rules 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

6. Within fifteen (15) days of the effective date of this Consent Order, Respondent shall submit to the Board satisfactory evidence it has notified the Lafayette Utilities System that its Louisiana professional engineering firm license was expired when it submitted the drawings in question; and

7. Within fifteen (15) days of the effective date of this Consent Order, Respondent shall file the appropriate documents with the Board and the Louisiana Secretary of State to remove the word "Engineering" and any derivative thereof from its firm name; and

8. 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

9. 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 7/19/2010

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

GENERAL ENGINEERING AND
CONSTRUCTION, INC.

DATED 5/4/10

BY: Alvin A. Amy
ALVIN A. AMY, P.E., President

Witnesses to the signature of
General Engineering and
Construction, Inc.

[Signature]
Print Name: EDWIN BECNAUD

[Signature]
Print Name: KIRK DAVIS

Received

MAY 10 2010

By LAPELS Enforcement