

**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.: 2010-111
)	
MOODY SURVEYING, L.L.C.)	
)	
RESPONDENT)	
)	
)	
)	

CONSENT ORDER

The Louisiana Professional Engineering and Land Surveying Board [hereinafter the “Board”], by and through its Executive Director, pursuant to authorization by the Board, and Moody Surveying, L.L.C. [hereinafter “Respondent”], by and through its duly authorized undersigned representative, hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as a professional land surveying firm, number VF – 552; however, its license was in an expired status from April 1, 2010 through October 29, 2010. At all times material hereto, Jeffrey M. Moody, P.L.S. was licensed in the State of Louisiana as a professional land surveyor, number PLS – 4666; however, his license was in an expired status from April 1, 2010 through October 7, 2010.

At all times material hereto, Mr. Moody was the owner and supervising professional of Respondent.

An investigation was opened based upon the Board’s receipt of an Application to Renew Expired Firm License, in which Respondent disclosed to the Board that it practiced or offered to practice land surveying in the State of Louisiana during which time its Louisiana professional land surveying firm license was expired, and upon the Board’s receipt of an Application to Renew Expired Professional License, in which Mr. Moody disclosed to the Board that he practiced or offered to practice land surveying in the State of Louisiana during which time his Louisiana professional land surveyor license was expired. Respondent disclosed that between April 1, 2010 and October 7, 2010 Respondent and Mr. Moody provided land surveying services on seventeen (17) projects in Louisiana.

La. R.S. 37:698(A)(9) and (16) prohibit licensees from practicing and/or offering to practice land surveying in the State of Louisiana with an expired license. La. R.S. 37:698(A)(6),

to wit LAC Title 46:LXI§2305, requires that (a) all firms designate one or more supervising professionals who are active employees of the firm and (b) all professional services provided by a firm must be performed under the responsible charge of one or more of its supervising professionals. 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) and La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2305, 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), (9) and (16), La. R.S. 37:698(H) and LAC Title 46:LXI§2305 were in effect at all times material hereto.

It is undisputed that (a) Respondent's license to practice and/or offer to practice land surveying in Louisiana was expired from April 1, 2010 through October 29, 2010, (b) Mr. Moody's license to practice and/or offer to practice land surveying in Louisiana was expired from April 1, 2010 through October 7, 2010, (c) from April 1, 2010 to October 7, 2010 Respondent and Mr. Moody practiced and/or offered to practice land surveying in Louisiana, and (d) from April 1, 2010 to October 7, 2010 Respondent practiced and/or offered to practice land surveying in Louisiana without a supervising professional whose license was in an active status.

By letter dated January 14, 2011, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that it may have violated (a) La. R.S. 37:698(A)(9) and (16), relative to practicing and/or offering to practice land surveying in the State of Louisiana with an expired license, and (b) La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2305, relative to practicing and/or offering to practice land surveying in the State of Louisiana without a supervising professional whose license is in an active status.

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 to (a) pay a fine of five hundred (\$500.00) dollars, (b) pay administrative costs of two hundred eighty-seven and 80/100 (\$287.80) dollars, (c) pay past unpaid renewal fees of one hundred eighty (\$180.00) dollars, (d) have its supervising professional successfully complete the Board's online Louisiana Laws and Rules Quiz, and (e) the publishing 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 acknowledges violations of the referenced laws and/or rules regarding the practicing of and/or offering to practice land surveying in the State of Louisiana with an expired license and without a supervising professional whose license is in an active status. 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 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 hundred (\$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 two hundred eighty-seven and 80/100 (\$287.80) 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 pay past unpaid renewal fees of one hundred eighty (\$180.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and

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

6. 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 5/16/2011

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

MOODY SURVEYING, L.L.C., Respondent

DATED 3/17/2011

BY: Jeffrey M. Moody
JEFFREY M. MOODY, Member

Witnesses to the signature of
Moody Surveying, L.L.C.

Anna H. Simmons
Print Name: ANNA H. SIMMONS

Kelli M. Midnight
Print Name: KELLI M. MIDNIGHT