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By LAPELS Enforcement

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

IN THE MATTER OF:)
)
TY J. HAGEN, P.E.)
)
RESPONDENT)
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)
)
)

CASE NO.: 2010-26

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 Ty J. Hagen, P.E. [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 – 25995; however, his license has been in an expired status since April 1, 2002. At all times material hereto, Hagen Engineering International, Inc. was not licensed in the State of Louisiana as a professional engineering firm, and therefore was not authorized to practice and/or offer to practice engineering in the State of Louisiana. At all times material hereto, Respondent was the owner and supervising professional of Hagen Engineering International, Inc.

An investigation was opened based upon the Board's receipt of information and documents which suggested that (a) Respondent may have practiced and/or offered to practice engineering in the State of Louisiana during which time his Louisiana professional engineer license was expired and (b) Hagen Engineering International, Inc. may have engaged in the unlicensed practice of and/or offering to practice engineering in Louisiana. The investigation disclosed that since 2006 Respondent and Hagen Engineering International, Inc. admittedly provided engineering services on the following five (5) projects in Louisiana: one project for HMT, Inc. in St. James, Louisiana in 2006; two projects for HMT, Inc. in New Orleans, Louisiana in 2009; one project for Veolia Environmental Services in Lake Charles, Louisiana in 2009-10; and one project for Specialty Tank Services in Westlake, Louisiana in 2010.

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. 37:681 and

37:700(A)(1), (7) and (9), *to wit* LAC Title 46:LXI§2301(B)(1), prohibit the practicing of and/or offering to practice engineering and the use of the word “engineering” or any modification or derivative thereof in a person’s name or form of business or activity in the State of Louisiana without proper licensure. La. R.S. 37:698(A)(12) prohibits licensees from aiding or assisting another person in violating the laws and/or rules of the Board. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(9), (12) 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. 37:681, La. R.S. 37:698(A)(9), (12) and (16), La. R.S. 37:698(H), La. R.S. 37:700(A)(1), (7) and (9) and LAC Title 46:LXI§2301(B)(1) were in effect at all times material hereto.

It is undisputed that (a) Respondent’s license to practice and/or offer to practice engineering in Louisiana has been expired since April 1, 2002, (b) at all times material hereto Hagen Engineering International, Inc. was not licensed to practice and/or offer to practice engineering in Louisiana, (c) since 2006 Respondent and Hagen Engineering International, Inc. have practiced and/or offered to practice engineering in Louisiana without proper licensure, (d) since 2006 Hagen Engineering International, Inc. has used the word “engineering” in its name or form of business or activity in Louisiana without proper licensure and (e) Respondent aided or assisted Hagen Engineering International, Inc. in violating the laws and/or rules of the Board.

By letter dated April 28, 2011, 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)(9) and (16), relative to practicing and/or offering to practice engineering in the State of Louisiana with an expired license and (b) La. R.S. 37:698(A)(12), relative to the aiding or assisting of another person in violating the laws and/or rules of the Board.

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 five thousand (\$5,000.00) dollars, (b) pay administrative costs of five hundred sixty-nine and 85/100 (\$569.85) dollars, (c) pay past unpaid renewal fees of eight hundred twenty-five (\$825.00) dollars, (d) successfully complete the Board’s online Louisiana

Laws and Rules Quiz and (e) successfully complete the Board's online Louisiana Professionalism and Ethics Quiz, (f) immediately cease and desist the practicing of and/or offering to practice engineering in Louisiana until such time as his expired Louisiana professional engineer license is renewed by the Board 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 laws and/or rules regarding the practicing of and/or offering to practice engineering in the State of Louisiana with an expired license and the aiding or assisting of another person in violating the laws and/or rules of the Board. 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 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 five thousand (\$5,000.00) 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 five hundred sixty-nine and 85/100 (\$569.85) 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 eight hundred twenty-five (\$825.00) 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 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. Respondent shall successfully complete the Board's online Louisiana Professionalism and Ethics 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
6. Respondent shall immediately cease and desist the practicing of and/or offering to practice engineering in Louisiana until such time as his expired Louisiana professional engineer license is renewed by the Board; 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 7/25/11

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

DATED 6/6/2011

Ty J. Hagen
TY J. HAGEN, P.E., Respondent

Witnesses to the signature of
Ty J. Hagen, P.E.

Jason R. Erickson
Print Name: JASON R. ERICKSON

Joel L. Nickerson
Print Name: JOEL L. NICKERSON