

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.: 2011-43

RON J. MCKINLEY)

RESPONDENT)

Received

OCT 31 2012

By LAPELS Enforcement

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 Ron J. McKinley [hereinafter "Respondent"], hereby agree to the following:

At all times material hereto, Respondent was not licensed in the State of Louisiana as a professional engineer and, therefore, was not authorized to practice and/or offer to practice engineering in the State of Louisiana.

An investigation was opened based upon the Board's receipt of information and documents which suggested that Respondent may have engaged in the unlicensed practice of and/or offering to practice engineering in Louisiana. The investigation disclosed that in 2009 Respondent (on behalf of and in the name of his unlicensed firm, "Engineering Design Consultants") prepared and issued an engineering report labeled as an "Engineering Report" and entitled *Examination of Electrical & Mechanical Equipment at the Lotoya Brock Residence in Plain Dealing, Louisiana* (along with a transmittal letter and invoice) which bore the acronym "P.E." and the term "Registered Professional Engineer" after Respondent's name and identified Respondent as the "Project Engineer". The investigation also disclosed that in 2009, in connection with his preparation of the engineering report, Respondent conducted an engineering examination of mechanical and electrical equipment at the residence of Lotoya Brock in Plain Dealing, Louisiana.

Additionally, the investigation disclosed that on January 13, 2010 Respondent gave a deposition in Shreveport, Louisiana in connection with the case entitled "Damione & Latoya Brock versus Allstate Insurance Company", 26th Judicial District Court, Parish of Bossier, State of Louisiana.

During his deposition, Respondent provided engineering opinions and testified that he was a "consulting and forensic engineer" and a "professional electrical engineer" and had used engineering

judgment during his 2009 examination of the mechanical and electrical equipment at the Brock residence in Plain Dealing, Louisiana.

La. R.S. 37:681 and 37:700(A)(1) and (7) prohibit the practicing of and/or the offering to practice engineering and the use of the words "engineer", "engineering" or any modification or derivative thereof in a person's name or form of business or activity in Louisiana without proper licensure. La. R.S. 37:700(H) permits the Board to take enforcement action against persons who violate La. R.S. 37:681 and 37:700(A)(1) and (7), 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. 37:700(A)(1) and (7) and La. R.S. 37:700(H) were in effect at all times material hereto.

It is undisputed that at all times material hereto Respondent was not licensed to practice and/or offer to practice engineering in Louisiana and that in 2009-10 Respondent practiced and/or offered to practice engineering and used the words "engineer", "engineering" and modifications or derivatives thereof in conjunction with his name and business in Louisiana without proper licensure.

By letter dated June 11, 2012, 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. 37:681 and 37:700(A)(1) and (7), relative to practicing and/or offering to practice engineering and using the words "engineer", "engineering" or any modification or derivative thereof in a person's name or form of business or activity in Louisiana without proper licensure.

Wishing to dispense with the need for further enforcement 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 two thousand five hundred (\$2,500.00) dollars; **(b)** pay administrative costs of eight hundred fifty eight and 84/100 (\$858.84) dollars; **(c)** immediately cease and desist the practicing of and/or offering to practice engineering and the use of the words "engineer", "engineering" or any modification or derivative thereof, or the acronym "P.E.", in connection with his name, business or activities in Louisiana until such time as he is duly licensed by the Board; and **(d)** 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 and the use of the words "engineer", "engineering" or any modification or derivative thereof in a person's name or form of business or activity in Louisiana without proper licensure. 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 to 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 two thousand five hundred (\$2,500.00) 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 eight hundred fifty eight and 84/100 (\$858.84) 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 and the use of the words "engineer", "engineering" or any modification or derivative thereof, or the acronym "P.E.", in connection with his name, business or activities in Louisiana until such time as he is duly licensed by the Board; and

4. 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

5. This Consent Order shall not become effective unless and until it is accepted 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, staff, attorneys or representatives from further participation, consideration or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATED 11/19/12

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

DATED 10-30-12

Ron J. McKinley
RON J. MCKINLEY, Respondent

Witnesses to the signature of
Ron J. McKinley

Loyce G. Pither
Print Name: Loyce G. Pither

Janelle McKinley
Print Name: Janelle McKinley