

the corner and identified as such in the description and on the plat). At all times material hereto, La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(F)(6), required that (a) all boundary discrepancies, visible encroachments, and visible indications of rights which may be acquired through prescription or adverse possession be physically located and (b) all evidence of servitudes that is visible without meticulous searching be physically located during the survey. At all times material hereto, La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(7)(c), required that (a) all plats, maps and drawings contain a statement indicating the origin of angles or bearings and (b) if bearings are used, the basis of bearings include either a reference to the true north as computed by astronomic observation, a reference to the Louisiana State Coordinate System, a reference to the record bearing of a well-established line found monumented on the ground as called for in a relevant deed or survey plat, or a magnetic bearing. At all times material hereto, La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(9), required that where the new survey results differ from the prior deed information in regard to course, distance, location or quantity, the plat indicate such differences or discrepancies. At all times material hereto, La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(13), required that a measurement of course and distance be shown to a parent tract corner, block corner, section corner, subdivision or grant corner. At all times material hereto, La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2909 listed the accuracy specification and positional tolerances for the calculation of area (acreage).

La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(C), §2907(E)(3)(f), §2907(F)(6), §2907(G)(7)(c), §2907(G)(9), §2907(G)(13) and §2909, 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) and (H) and LAC Title 46:LXI§2907(C), §2907(E)(3)(f), §2907(F)(6), §2907(G)(7)(c), §2907(G)(9), §2907(G)(13) and §2909 were in effect at all times material hereto.

It is undisputed that Respondent performed a survey and prepared, signed, sealed and issued a survey plat for a tract of land in Louisiana which failed to meet the Board's minimum standards for property boundary surveys.

By letter dated January 24, 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. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(C), §2907(E)(3)(f), §2907(F)(6), §2907(G)(7)(c), §2907(G)(9), §2907(G)(13) and §2909, 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 five hundred (\$500.00) dollars, (b) pay administrative costs of seven hundred twenty-seven and 46/100 (\$727.46) dollars, (c) correct the above described minimum standards violations on a revised survey plat (including properly monumenting all property corners), provide the revised survey plat to the Board for review, provide the revised survey plat to his clients after Board review and provide satisfactory evidence of the accomplishment of these requirements to the Board, (d) successfully complete the Board's online Louisiana Minimum Standards Quiz, (e) successfully complete the Board's online Louisiana Professionalism and Ethics Quiz and (f) 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, without identifying Respondent by name.

Respondent admits to violations of the referenced laws and/or rules regarding 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 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 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 seven hundred twenty-seven and 46/100 (\$727.46) 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 correct the above described minimum standards violations on a revised survey plat (including properly monumenting all property corners), provide the revised survey plat to the Board for review, provide the revised survey plat to his clients after Board review and provide satisfactory evidence of the accomplishment of these requirements to the Board within sixty (60) days of the effective date of this Consent Order; and
4. Respondent shall successfully complete the Board's online Louisiana Minimum Standards 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. 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, without identifying Respondent by name; and

7. 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, staff, attorneys or representatives from further participation, consideration, or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATED 3/20/2012

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

DATED 2/6/12


 Respondent

Witnesses to the signature of



Print Name: 

Print Name: 