

**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.: 2011-8**
)
HADI ELMI)
)
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 Hadi Elmi [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, he was not authorized to practice and/or to offer to practice engineering in the State of Louisiana. At all times material hereto, Environmental Systems Design and Management, Inc. a/k/a ESDM, Inc. [hereinafter "ESDMI"] was not licensed in the State of Louisiana as a professional engineering firm and, therefore, it was not authorized to practice and/or to offer to practice engineering in the State of Louisiana. At all times material hereto, Respondent was the President of ESDMI.

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 engineering in Louisiana. The investigation disclosed that in 2010 Respondent (on behalf of and in the name of ESDMI) prepared and submitted to the Iberville Parish Council a drainage study containing engineering calculations for the St. Gabriel Tank Truck Terminal facility in St. Gabriel, Louisiana. The drainage study indicated that ESDMI was a "Texas Registered Engineering Firm F-001153", and it was sealed and signed by Respondent using his Texas professional engineer seal and the acronym "P.E." after his name.

La. R.S. 37:681 and 37:700(A)(1) and (7) prohibit 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. 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, 37:700(A)(1) and (7), and 37:700(H) were in effect at all times material hereto.

It is undisputed that **(a)** at all times material hereto Respondent and ESDMI were not licensed to practice and/or offer to practice engineering in Louisiana and **(b)** in 2010 Respondent practiced and/or offered to practice engineering and used of the words "engineer", "engineering" or a modification or derivative thereof in connection with his name or form of business or activity in Louisiana without proper licensure.

By letter dated June 30, 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 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 one thousand (\$1,000) dollars, **(b)** pay administrative costs of two hundred sixty two and 87/100 (\$262.87) dollars, **(c)** immediately cease and desist the practicing of and/or offering to practice engineering and the use of the words "engineer", "engineering", "P.E." or any modification or derivative thereof in advertising himself or ESDMI or in connection with his or ESDMI's 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 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 one thousand (\$1,000) 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 sixty two and 87/100 (\$262.87) 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", "P.E." or any modification or derivative thereof in advertising himself or ESDMI or in connection with his or ESDMI's 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 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: 11-21-11

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

DATED: 10-6-2011

Hadi Elmi
HADI ELMI, Respondent

Witnesses to the signature of
Hadi Elmi

Amy Elmi
Print Name: Amy Elmi

Carole E. Fitzgerald
Print Name: Carole E. Fitzgerald