

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.: 2011-98
)	
ROBERT D. LEE, P.E.)	
)	
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 Robert D. Lee, 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 – 26842.

An investigation was opened based upon the Board's receipt of an affidavit of complaint which suggested that Respondent may have committed various violations in connection with his practice of engineering in Louisiana. The investigation disclosed that in 2010 Respondent prepared, sealed, signed and issued design drawings for the construction of a timber pile-supported concrete slab and masonry pier and wall foundation and the first floor framing for a two-story wood-framed residence for Debbie C. Miller in River Ridge, Louisiana. The investigation also disclosed that the foundation and the first floor framing as depicted in the design drawings were inadequate to support the applied loads of the residence. Respondent (a) failed to include a proper notation regarding the addition of double and triple joists as necessary; (b) failed to consider additional floor framing introduced by wall partition and load-bearing walls and similar loading; and (c) failed to properly coordinate as necessary with the other design professionals involved in the design of the portions of the residence above the first floor. Respondent also included first floor joists which exceeded the maximum span lengths allowed by applicable building codes.

Additionally, the investigation disclosed that in 2011 Respondent prepared, sealed, signed and issued a "High Wind-Resistant Construction Certificate" for the same residence which certified that he had personally inspected the construction of the entire structure upon completion of the framing stage and that it was in compliance with the applicable building code for 130-mph wind speeds. However, Respondent had actually only inspected the foundation. Furthermore, the wind-resisting capabilities of the structure were not in compliance with the applicable building code requirements because (a) the connections between the rafters and the intermediate support walls and between the intermediate support walls and the underlying rafters were not adequate to transfer the required forces from wind uplift, (b) the connections between the rafters and the end support walls were not adequate to support wind uplift, (c) the connections between the rafter slope transitions were not adequate for wind uplift, (d) there were not adequate ties at the ridge to keep rafters from lifting up from the ridge plate, (e) the (gable) end walls were not adequately tied in or braced and (f) a number of load bearing walls did not appear to be properly supported for either the required gravity loads or wind uplift.

The investigation also disclosed that due to the above errors the residence required remedial repairs. Respondent prepared and issued a remedial repair design drawing which was not sealed, signed or dated by Respondent. The remedial repairs resulted in the residence sustaining further damage, including cracking sheetrock, cracked granite countertops, cracking cabinets and cabinet molding, and separation of wood flooring.

La. R.S. 37:698(A)(2) prohibits gross negligence in the practice of engineering in Louisiana. La. R.S. 37:698(A)(13) prohibits licensees from knowingly making or signing false statements, certificates or affidavits in connection with the practice of engineering in Louisiana. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C) requires licensees to approve and seal only those design documents which are safe for public health, property and welfare, which are complete and accurate, which are in conformity with accepted engineering standards or practice, and which conform to applicable laws and ordinances. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(i), requires licensees to seal, sign and place the date of execution on all engineering documents that have been issued by the licensee to a client or any public or governmental agency as completed work. La. R.S. 37:698(H) permits the Board to take

disciplinary action against persons who violate La. R.S. 37:698(A)(2) and (13) and 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C) and §2701(A)(4)(a)(i), 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)(2), (6) and (13), La. R.S. 37:698(H), LAC Title 46:LXI§2503(C) and LAC Title 46:LXI §2701(A)(4)(a)(i) were in effect at all times material hereto.

It is undisputed that Respondent **(a)** prepared, sealed, signed and issued design drawings for the construction of a residence in Louisiana which contained a number of material deficiencies, **(b)** prepared, sealed signed and issued a "*High Wind-Resistant Construction Certificate*" for the same residence which contained a false statement and a number of material deficiencies and **(c)** prepared and issued a remedial repair design drawing for the same residence which was not sealed, signed or dated.

By letter dated August 22, 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 **(a)** La. R.S. 37:698(A)(2), relative to gross negligence in the practice of engineering in Louisiana, **(b)** La. R.S. 37:698(A)(13), relative to knowingly making or signing false statements, certificates or affidavits in connection with the practice of engineering in Louisiana, **(c)** La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C), relative to approving and sealing only those design documents which are safe for public health, property and welfare, which are complete and accurate, which are in conformity with accepted engineering standards or practice, and which conform to applicable laws and ordinances and **(d)** La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI §2701(A)(4)(a)(i), relative to sealing, signing and placing the date of execution on all engineering documents that have been issued by the licensee to a client or any public or governmental agency as completed work.

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 three thousand five hundred (\$3,500.00) dollars, **(b)** pay administrative costs of one-thousand seven-hundred three and 78/100 (\$1,703.78) dollars, **(c)** pay to Debbie C.

Miller one thousand five hundred (\$1,500.00) dollars as reimbursement of her homeowner's insurance deductible relating to her claim for damages to her residence and then provide to the Board satisfactory evidence of the payment, **(d)** successfully complete the Board's online Louisiana Laws and Rules Quiz, **(e)** successfully complete the Board's online Louisiana Professionalism and Ethics Quiz, **(f)** appear before a complaint review committee of the Board on a date, time and place of the committee's choosing to discuss the particulars of the violations referenced in this Consent Order, 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 practice of engineering in Louisiana. 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 its right to appeal; and he states affirmatively that he has been afforded all administrative remedies due him under the law. Respondent further acknowledges awareness of the fact that the signed original of this Consent Order will remain in the custody of the Board as a public record and will be made available for public inspection and copying upon request.

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 three thousand five hundred (\$3,500.00) 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 one-thousand seven-hundred three and 78/100 (\$1,703.78) 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 to Debbie C. Miller one thousand five hundred (\$1,500.00) dollars as reimbursement of her homeowner's insurance deductible relating to her claim for damages to her residence, which shall be tendered to Ms. Miller by certified check payable to Ms. Miller, and then provide to the Board satisfactory evidence of the payment within sixty (60) days of the effective date 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, within sixty (60) days of the effective date of this Consent Order, appear before a complaint review committee of the Board on a date, time and place of the committee's choosing to discuss the particulars of the violations referenced in this Consent Order; 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, staff, attorneys or representatives from further participation, consideration or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATE: 11/19/12

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

DATE: 02 Nov 12

Robert D. Lee
ROBERT D. LEE, P.E., Respondent

Witnesses to the signature of
Robert D. Lee, P.E.

Victoria Hatton
Print Name: Victoria Hatton

Nancy Donald
Print Name: NANCY DONALD