

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.: 2012 - 59  
)  
LAM T. NGUYEN SR., 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 Lam T. Nguyen Sr., 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-23851.

An investigation was opened based upon the Board's receipt of information which suggested that Respondent may have violated the Board's requirements for continuing professional development [hereinafter "CPD"]. The investigation disclosed that since at least 1996 Respondent has been designing buildings and/or building systems in Louisiana.

The investigation also disclosed that on February 14, 2009 Respondent submitted to the Board his 2009 Louisiana professional engineer license renewal invoice, confirming thereon that **(a)** he had met the Board's requirements for CPD for the renewal period of April 1, 2007 to March 31, 2009, **(b)** if selected for a CPD audit by the Board he would be required to submit documentation to validate completion of all CPD requirements and **(c)** failure to comply with such CPD requirements or false statements made by him could be cause for disciplinary action by the Board.

Additionally, the investigation disclosed that on April 4, 2011 Respondent submitted to the Board his 2011 Louisiana professional engineer license renewal invoice, confirming thereon that **(a)** he had met the Board's requirements for CPD for the renewal period of April 1, 2009 to March 31, 2011, **(b)** if selected for a CPD audit by the Board he would be required to submit documentation to validate completion of all CPD requirements and **(c)** failure to comply with such CPD requirements or false statements made by him could be cause for disciplinary action by the Board.

In 2012 the Board audited Respondent's CPD records. In responding to the CPD audit, Respondent admitted that he had failed to earn the required minimum of eight (8) professional development hours in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines for the renewal periods of April 1, 2007 to March 31, 2009 and April 1, 2009 to March 31, 2011.

La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§3105(A)(2), require licensees who design buildings and/or building systems to earn a minimum of eight (8) professional development hours in Life Safety Code, building codes and/or the Americans with Disabilities Act Accessibility Guidelines during each biennial licensure renewal period. La. R.S. 37: 698(A)(6), *to wit* LAC Title 46:LXI§3115, 3117 and 3119, require licensees to maintain certain documentation of compliance with the Board's CPD requirements and to provide proof of such compliance to the Board upon request. La. R.S. 37:698(A)(1) prohibits licensees from committing any fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence in applying for a renewal license. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(1) and 37:698(A)(6), *to wit* LAC Title 46:LXI§3105(A)(2), 3115, 3117 and 3119, 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)(1) and (6), La. R.S. 37:698(H) and LAC Title 46:LXI§3105(A)(2), 3115, 3117 and 3119 were in effect at all times material hereto.

It is undisputed that **(a)** since at least 1996 Respondent has been designing buildings and/or building systems in Louisiana, **(b)** in 2009 Respondent submitted to the Board his 2009 Louisiana professional engineer license renewal invoice which confirmed that he had met the Board's CPD requirements for the renewal period of April 1, 2007 to March 31, 2009, **(c)** in 2011 Respondent submitted to the Board his 2011 Louisiana professional engineer license renewal invoice which confirmed that he had met the Board's CPD requirements for the renewal period of April 1, 2009 to March 31, 2011 and **(d)** Respondent failed to earn (and falsely stated that he had earned) the required minimum of eight (8) professional development hours in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines for the renewal periods of April 1, 2007 to March 31, 2009 and April 1, 2009 to March 31, 2011.

By letter dated October 23, 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)(6), *to wit* LAC Title 46:LXI§3105(A)(2), 3115, 3117 and 3119, relative to the Board's CPD requirements and **(b)** La. R.S. 37:698(A)(1), relative to fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence in applying for a renewal license.

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 seven hundred fifty (\$750.00) dollars; **(b)** pay administrative costs of eight hundred twenty-one and 34/100 (\$821.34) dollars; **(c)** successfully complete the Board's online Louisiana Laws and Rules Quiz; **(d)** successfully complete the Board's online Louisiana Professionalism and Ethics Quiz; **(e)** earn a minimum of eight (8) professional development hours in Life Safety Code, building codes and/or the Americans with Disabilities Act Accessibility Guidelines for

the biennial licensure renewal period of April 1, 2009 to March 31, 2011 and provide to the Board an up-to-date, complete Professional Development Activity Log with all supporting documentation relating to said professional development hours; 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, 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 **(a)** the CPD requirements of the Board and **(b)** fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence in applying for a renewal license. 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. 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 seven hundred fifty (\$750.00) 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 twenty-one and 34/100 (\$821.34) 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 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
4. 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
5. Respondent shall, within sixty (60) days of the effective date of this Consent Order, earn a minimum of eight (8) professional development hours in Life Safety Code, building codes and/or the Americans with Disabilities Act Accessibility Guidelines for the biennial licensure renewal period of April 1, 2009 to March 31, 2011 and provide to the Board an up-to-date, complete Professional Development Activity Log with all supporting documentation relating to said professional development hours; 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, and reported to the National Council of Examiners for Engineering and Surveying (NCEES), 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**

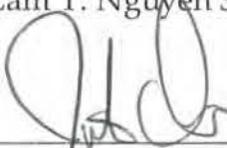
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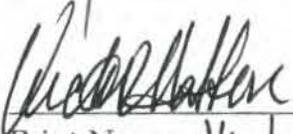
BY: Donna D. Sentell  
DONNA D. SENTELL, Executive Director

DATE: \_\_\_\_\_

  
LAM T. NGUYEN SR., P.E., Respondent

Witnesses to the signature of  
Lam T. Nguyen Sr., P.E.

  
Print Name: Justin Owens

  
Print Name: Victoria Halton