

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 BROOKLINE AVENUE, SUITE 121
BATON ROUGE, LOUISIANA 70809-1443
(225) 925-6291

Received
JUL 08 2013
By LAPELS Enforcement

IN THE MATTER OF:) CASE NO.: 2013-40
)
G. R. STUCKER AND ASSOCIATES, INC.)
)
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 G. R. Stucker and Associates, Inc. [hereinafter "Respondent"], by and through its duly authorized undersigned representative, hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as a professional engineering firm, number EF – 773; however, its license was in an expired status from April 1, 2000 through January 18, 2013.

An investigation was opened based upon the Board's receipt of an Application to Reinstate Expired Firm License, in which Respondent admitted that it had practiced or offered to practice engineering in Louisiana during which time its license was expired. The investigation disclosed that between April 2000 and January 17, 2013 Respondent admittedly offered to provide engineering services in Louisiana and provided engineering services on 40 projects in Louisiana, which included at least twelve such projects since 2009. The investigation also disclosed that in at least 2013 Respondent admittedly advertised itself on its website and elsewhere (and provided and offered to provide engineering services) in Louisiana under the firm name of "GRSA Consultants and Engineers, Inc."

La. R.S. 37:698(A)(9) and (16) prohibit licensees from practicing and/or offering to practice engineering in Louisiana with an expired license. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2307, requires firms providing or offering to provide engineering services in Louisiana to identify themselves by the exact firm name contained on their certificate of licensure issued by the Board. La. R.S. 37:698(H) permits the Board to take disciplinary action against

persons who violate La. R.S. 37:698(A)(9) and (16) and La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2307, upon a finding of guilt following notice and hearing and a majority vote of its entire membership authorized to participate in the proceeding. La. R.S. 37:698(A)(6), (9) and (16), La. R.S. 37:698(H) and LAC Title 46:LXI§2307 were in effect at all times material hereto.

It is undisputed that **(a)** Respondent's license to practice and/or offer to practice engineering in Louisiana was in an expired status from April 1, 2000 through January 17, 2013, **(b)** during that period Respondent practiced and/or offered to practice engineering in Louisiana and **(c)** in at least 2013 Respondent identified itself on its website and elsewhere (and provided and offered to provide engineering services) in Louisiana by a firm name which was different than the firm name contained on its certificate of licensure.

By letter dated July 2, 2013, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that it may have violated **(a)** La. R.S. 37:698(A)(9) and (16), relative to practicing and/or offering to practice engineering in Louisiana with an expired license and **(b)** La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2307, relative to firms providing or offering to provide engineering services in Louisiana with a firm name which is not the exact firm name contained on the firm's certificate of licensure issued by the Board.

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 its own free will consents to the issuance of a Consent Order by the Board, wherein Respondent agrees to **(a)** pay a fine of five thousand two hundred fifty (\$5,250.00) dollars, **(b)** pay administrative costs of five hundred nineteen and 19/100 (\$519.19) dollars, **(c)** pay past unpaid renewal fees of six hundred forty (\$640.00) dollars, 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 **(a)** the practicing of and/or offering to practice engineering in Louisiana with an expired license and **(b)** the providing or offering to provide engineering services in Louisiana with a firm name which is

not the exact firm name contained on the firm's certificate of licensure issued by the Board.

Respondent acknowledges awareness of said laws and/or rules and states that it will comply with all applicable laws and rules henceforth. Respondent has been advised of its 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 its own behalf, and it hereby waives this right and its right to appeal; and it states affirmatively that it has been afforded all administrative remedies due it 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 its right to a hearing before the Board, to the presenting of evidence and witnesses in its 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 it fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, **(b)** that it has voluntarily entered into this Consent Order and that no other promise or agreement of any kind has been made to or with it 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 thousand two hundred fifty (\$5,250.00) 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 five hundred nineteen and 19/100 (\$519.19) 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 past unpaid renewal fees of six hundred forty (\$640.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and

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

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD**

DATE: July 22 2013

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

**G.R. STUCKER AND ASSOCIATES, INC.,
Respondent**

DATE: 7/8/2013

BY: Gary W. Cadby
GARY W. CADBY, CEO/President

Witnesses to the signature of
G. R. Stucker and Associates, Inc.

Kendra Hill
Print Name: Kendra Hill

Skylar Morcel
Print Name: Skylar Morcel