

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

Received
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By LAPELS Enforcement

IN THE MATTER OF:) CASE NO. 2015-12
LEE M. ALEXANDER)
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 Lee M. Alexander [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, was not authorized to practice and/or offer to practice engineering in the State of Louisiana. Respondent subsequently became licensed in the State of Louisiana as a professional engineer, number PE-39610, effective February 25, 2015. Alexander Engineering is not licensed, nor has it ever been licensed, in the State of Louisiana as a professional engineering firm and, therefore, it is not now, nor has it ever been, authorized to practice and/or offer to practice engineering in the State of Louisiana. At all times material hereto, “Alexander Engineering” has been the business name of Respondent’s unincorporated sole proprietorship.

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 and/or offering to practice engineering in Louisiana. The investigation disclosed that (a) since at least November 2010 Respondent has been representing himself on his *LinkedIn* page as the principal of “Alexander Engineering” and in the *Louisiana Civil Engineer* magazine as a “PE” and associated with “Alexander Engineering” and (b) since at least 2010 Respondent has been residing and conducting business in Louisiana.

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(A)(9), *to wit* LAC Title 46:LXI§2301(C), require that a sole proprietorship be licensed with the Board as a professional engineering firm if it does not bear the full name of a professional engineer owner. 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), (7) and (9), *to wit* LAC Title 46:LXI§2301(C), 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, La. R.S. 37:700(A)(1), (7) and (9), La. R.S. 37:700(H) and LAC Title 46:LXI§2301(C) were in effect at all times material hereto.

It is undisputed that between November 2010 and February 24, 2015 Respondent was not licensed to practice and/or offer to practice engineering in Louisiana and that during this time period Respondent practiced and/or offered to practice engineering and used modifications or derivatives of the words “engineer” and “engineering” in conjunction with his business activities in Louisiana without proper licensure.

By letter dated July 30, 2015, 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. 37:681 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 and (b) La. R.S. 37:700(A)(9), *to wit* LAC Title 46:LXI§2301(C), relative to failing to separately license a sole proprietorship as a professional engineering firm when it does not bear the full name of a professional engineer owner.

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 (\$1,000.00) dollars, (b) pay administrative costs of five hundred eighty six and 53/100 (\$586.53) dollars, (c) immediately cease and desist the use of the business name “Alexander Engineering” in Louisiana until such time as either the business is duly licensed by the Board as a professional engineering firm or the business name is changed to include Respondent’s full name 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 that his conduct as set forth above constitutes violations of the above referenced laws and/or rules as stated herein. 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 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 on 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 (\$1,000.00) 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 eighty six and 53/100 (\$586.53) 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 use of the business name "Alexander Engineering" in Louisiana until such time as either the business is duly licensed by the Board as a professional engineering firm or the business name is changed to include Respondent's full name; 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: 11/16/15

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

DATE: 10/1/15

Lee M. Alexander
LEE M. ALEXANDER, Respondent

Witnesses to the signature of
Lee M. Alexander

Kaci Boudreaux
Print Name: Kaci Boudreaux

Kayleigh Portier
Print Name: Kayleigh Portier