

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

Received
AUG 22 2011
By LAPELS Enforcement

IN THE MATTER OF:) CASE NO.: 2011-6
)
ARWIN D. PRIEST, 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 Arwin D. Priest, 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 – 28364. At all times material hereto, Priest Engineering, Inc. [hereinafter "PEI"] was not licensed in the State of Louisiana as a professional engineering firm and, therefore, it was not authorized to practice and/or offer to practice engineering in the State of Louisiana. PEI has subsequently become licensed in the State of Louisiana as a professional engineering firm, number EF-4830, effective June 1, 2011. At all times material hereto, Respondent was an owner and officer of PEI.

An investigation was opened based upon the Board's receipt of information and documents which suggested that PEI may have engaged in the unlicensed practice of and/or offering to practice engineering in Louisiana. The investigation disclosed that between 2006 and 2010 PEI admittedly provided engineering services on sixteen (16) projects in Louisiana, including preparing and issuing engineering plans to the City of Shreveport in 2010 for a Waffle House restaurant to be constructed in Shreveport, Louisiana which were sealed and signed by Respondent. The investigation also disclosed that during this same period PEI represented on its website that it was licensed as a professional engineering firm in Louisiana.

La. R.S. 37:681 and 37:700(A)(1), (7) and (9), *to wit* LAC Title 46:LXI§2301(B)(1), 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 the State of Louisiana without proper licensure. La. R.S. 37:700(A)(8) prohibits persons from falsely claiming to be licensed as a professional engineering firm in the State of Louisiana. La. R.S. 37:698(A)(12) prohibits licensees from aiding or assisting another person in violating the laws and/or rules of 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)(12), 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. 37:698(A)(12) and (H), La. R.S. 37:700(A)(1), (7), (8) and (9) and LAC Title 46:LXI§2301(B)(1) were in effect at all times material hereto.

It is undisputed that **(a)** at all times material hereto PEI was not licensed to practice and/or offer to practice engineering in Louisiana, **(b)** between 2006 and 2010 PEI practiced and/or offered to practice engineering and used a modification of the word "engineer" in its name or form of business or activity in Louisiana without proper licensure, **(c)** between 2006 and 2010 PEI represented on its website that it was licensed as a professional engineering firm in Louisiana and **(d)** Respondent aided or assisted PEI in violating the laws and/or rules of the Board.

By letter dated July 27, 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. 37:698(A)(12), relative to the aiding or assisting of another person in violating the laws and/or rules of 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 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 three hundred forty three and 17/100 (\$343.17) 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; and **(e)** 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 aiding or assisting of another person in violating the laws and/or rules of the Board. 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 (\$1,000.00) 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 three hundred forty three and 17/100 (\$343.17) 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 and return it to the Board within sixty (60) days of the effective date of this Consent Order; and

5. 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

6. 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 8/19/11


ARWIN D. PRIEST, P.E., Respondent

Witnesses to the signature of
Arwin D. Priest, P.E.

Paul J. Blecha
Print Name: Paul J. Blecha

Bonnie W. Settle
Print Name: Bonnie W. Settle