

**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.: 2009-108
)	
DAVID W. KNIGHT)	
)	
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 David W. Knight [hereinafter "Respondent"], hereby agree to the following:

Respondent is not licensed, nor has he ever been licensed, in the State of Louisiana as a professional engineer, and therefore is not now, nor has he ever been, authorized to practice and/or offer to practice engineering in the State of Louisiana. At all times material hereto, Respondent was an owner and/or employee of Cable-Lock Foundation Repair, Inc. [hereinafter "Cable Lock"].

An investigation was opened based upon the Board's receipt of a formal affidavit of complaint which suggested that Respondent may have engaged in the unlicensed practice of and/or offering to practice engineering in Louisiana. The investigation disclosed that in 2008 and 2009 Cable-Lock was advertised as being "owned & operated by engineers, Paul Knight & David Knight" through a listing in the Baton Rouge, Louisiana AT&T Real Yellow Pages. Respondent states that he was unaware of these advertisements at the time. Cable-Lock is not licensed, nor has it ever been licensed, in the State of Louisiana as a professional engineering firm, and therefore is not now, nor has it ever been, authorized to practice and/or offer to practice engineering in the State of Louisiana. Paul Knight is not licensed, nor has he ever been licensed, in the State of Louisiana as a professional engineer, and therefore he is not now, nor has he ever been, authorized to practice and/or offer to practice engineering in the State of 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 the State of Louisiana without proper licensure. 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) and (7), 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, 37:700(A)(1) and (7) and 37:700(H) were in effect at all times material hereto.

It is undisputed that Respondent has never been licensed to practice and/or offer to practice engineering in Louisiana and that in 2008 and 2009 Respondent ~~practiced and/or offered to practice engineering and~~ used the word "engineer" or a modification or derivative thereof in identifying himself and advertising Cable-Lock in Louisiana without proper licensure. SMK

By letter dated January 13, 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. 37:681 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 the State of Louisiana without proper licensure.

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 seven hundred nine and 48/100 (\$709.48) dollars, (c) immediately cease and desist the practicing of and/or offering to practice engineering and the use of the words "engineer", "engineering" or any modification or derivative thereof in identifying himself, in advertising Cable-Lock or in describing his or Cable-Lock's business, activities, owners, managers or operators in the State of Louisiana until such time as they are duly licensed by the Board, 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 the practicing of and/or offering to practice engineering and the use of the words "engineer" 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. 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 his 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 seven hundred nine and 48/100 (\$709.48) 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 practicing of and/or offering to practice engineering and the use of the words "engineer", "engineering" or any modification or

derivative thereof in identifying himself, in advertising Cable-Lock or in describing his or Cable-Lock's business, activities, owners, managers or operators in State of Louisiana until such time as they are duly licensed by the Board; 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 from further participation, consideration or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

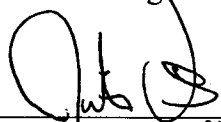
DATED 7/25/11

BY: 
DONNA D. SENTELL, Executive Director

DATED 4-29-11


DAVID W. KNIGHT, Respondent

Witnesses to the signature of
David W. Knight


Print Name: Justin Owens

Print Name: _____