

**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.: 2010-46
)	
JOHN B. TALLEY & ASSOCIATES, INC.)	
)	
RESPONDENT)	
)	
)	
)	

CONSENT ORDER

The Louisiana Professional Engineering and Land Surveying Board [hereinafter the “Board”], by and through its Executive Secretary, pursuant to authorization by the Board, and John B. Talley & Associates, Inc. [hereinafter “Respondent”], by and through its duly authorized undersigned representative, hereby agree to the following:

At all times material hereto, Respondent was not licensed in the State of Louisiana as a professional land surveying firm, and therefore was not authorized to practice and/or offer to practice land surveying in the State of Louisiana. Respondent subsequently became licensed in the State of Louisiana as a professional land surveying firm, number VF-635, effective March 3, 2010.

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 land surveying in Louisiana. The investigation disclosed that between May 21, 1998 and March 3, 2010 Respondent admittedly provided land surveying services on over five hundred thirty (530) jobs in Louisiana and advertised itself as able to provide “professional land surveying” services through a listing in the Farmerville, Louisiana AT&T Real Yellow Pages.

La. R.S. 37:681 and 37:700(A)(1) and (7) prohibit the practicing of and/or offering to practice land surveying and the use of the words “land surveying” or any modification or derivative thereof in a person’s 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 between May 21, 1998 and March 3, 2010 Respondent was not licensed to practice and/or offer to practice land surveying in Louisiana and that during this time Respondent practiced and/or offered to practice land surveying and used the words “land surveying” in advertising its business in Louisiana without proper licensure.

By letter dated May 26, 2010, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that it may have violated La. R.S. 37:681 and 37:700(A)(1) and (7), relative to the practicing of and/or offering to practice land surveying and the use of the words “land surveying” or any modification or derivative thereof in a person’s 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 its own free will consents to the issuance of a Consent Order by the Board, wherein Respondent agrees to (a) pay a fine of two thousand five hundred (\$2,500.00) dollars, (b) pay administrative costs of three hundred twenty-five and 58/100 (\$325.58) dollars, (c) have its supervising professional successfully complete the Board’s online Louisiana Laws and Rules Examination, (d) have its supervising professional successfully complete the Board’s online Louisiana Professionalism and Ethics Examination and (e) the publishing 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 statutes and/or rules regarding the practicing of and/or offering to practice land surveying and the use of the words “land surveying” or any modification or derivative thereof in a person’s 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 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 on 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.

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 on 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 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 two thousand five hundred (\$2,500.00) 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 twenty-five and 58/100 (\$325.58) 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 have its supervising professional successfully complete the Board's online Louisiana Laws and Rules Examination 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 have its supervising professional successfully complete the Board's online Louisiana Professionalism and Ethics Examination 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. 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 7/19/2010

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

JOHN B. TALLEY & ASSOCIATES, INC.

DATED 6/25/2010

BY: John B. Talley, III, P.L.S.
JOHN B. TALLEY, III, P.L.S., President

Witnesses to the signature of
John B. Talley & Associates, Inc.

Debbie B Takewell
Print Name Debbie B Takewell

Karen B Hanna
Print Name Karen B Hanna