

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

Received
SEP 22 2011
By LAPELS Enforcement

IN THE MATTER OF:)
)
RAY A. DAVEZAC, P.E.)
)
RESPONDENT)
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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 Ray A. Davezac, 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 – 20405.

An investigation was opened based upon the Board's receipt of information which suggested that Respondent had pled guilty to and was convicted of a felony under the laws of the United States. The investigation disclosed that Respondent pled guilty to, and on November 18, 2010 was convicted of, the felony of conspiracy to solicit and give bribes involving a public official under 18 U.S.C. §§ 371 and 666 in the United States District Court for the Eastern District of Louisiana (Docket No. 10-025-CJB-DEK-1). The conviction arose out of the following: at approximately the same time as Respondent's licensed professional engineering firm (Davezac Consulting Engineers, L.L.C.) received a contract to provide engineering services to St. John the Baptist Parish [hereinafter "SJBP"], in May 2009 the SJBP president solicited money from Respondent to be used to purchase an automobile for a friend. Respondent responded to the solicitation by issuing to the SJBP president a \$5,000 check made payable to a local automobile dealership.

La. R.S. 37:698(A)(3) prohibits licensees from being convicted of or entering a guilty plea to a felony under the laws of the United States or any state, territory, or district of the United States. La. R.S. 37:698(A)(4) prohibits licensees from being convicted of or entering a guilty plea to any criminal charge an element of which is fraud or which arises out of such licensee's practice of engineering. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2509(C), prohibits licensees from paying or offering to pay, directly or indirectly, any commission, gift or other valuable consideration in order to secure

work. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(3) and (4) and La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2509(C). La. R.S. 37:698(A)(3), (4) and (6), La. R.S. 37:698(H) and LAC Title 46:LXI§2509(C) were in effect at all times material hereto.

It is undisputed that **(a)** Respondent entered a guilty plea to and was convicted of a felony under the laws of the United States, **(b)** an element of the felony was fraud, **(c)** the felony arose out of Respondent's practice of engineering and **(d)** Respondent paid and/or offered to pay a commission, gift or other valuable consideration in order to secure work.

By letter dated June 16, 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 **(a)** La. R.S. 37:698(A)(3), relative to being convicted of or entering a guilty plea to a felony under the laws of the United States or any state, territory, or district of the United States, **(b)** La. R.S. 37:698(A)(4), relative to being convicted of or entering a guilty plea to any criminal charge an element of which is fraud or which arises out of a licensee's practice of engineering and **(c)** La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2509(C), relative to paying or offering to pay, directly or indirectly, any commission, gift or other valuable consideration in order to secure work.

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)** the revocation of his Louisiana professional engineer license, number PE-20405, **(b)** immediately cease and desist the practicing of and/or offering to practice engineering in Louisiana, **(c)** return his Louisiana certificate of professional engineering licensure and professional engineering seal to the Board, **(d)** pay administrative costs of six hundred thirty nine and 78/100 (\$639.78) dollars, 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 **(a)** being convicted of or entering a guilty plea to a felony under the laws of the United States or any state, territory, or district of the United States, **(b)** being convicted of or entering a guilty plea to any

criminal charge an element of which is fraud or which arises out of such licensee's practice of engineering and (c) paying or offering to pay, directly or indirectly, any commission, gift or other valuable consideration in order to secure work. 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's Louisiana professional engineer license, number PE-20405, is hereby revoked; and
2. Respondent shall immediately cease and desist the practicing of and/or offering to practice engineering in Louisiana; and
3. Respondent shall return his Louisiana certificate of professional engineering licensure and professional engineering seal to the Board within ten (10) business days of the effective date of this Consent Order; and
4. Respondent shall pay administrative costs of six hundred thirty nine and 78/100 (\$639.78) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing 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 9/19/11

Ray A. Davezac PE
RAY A. DAVEZAC, P.E., Respondent

Witnesses to the signature of
Ray A. Davezac, P.E.

Sharon A. Davezac
Print Name: SHARON A. DAVEZAC

Steve P. Breeding PE
Print Name: STEVE P. BREEDING, P.E.