

1 MINUTES OF THE REGULAR MEETING
2 LOUISIANA PROFESSIONAL ENGINEERING
3 AND LAND SURVEYING BOARD
4 9643 BROOKLINE AVENUE, SUITE 121
5 BATON ROUGE, LOUISIANA 70809-1433
6 May 10-11, 2010
7
8

9 At 8:05 a.m. on May 10, 2010, the Chairman called the meeting to order at
10 9643 Brookline Avenue, Baton Rouge, Louisiana, with the following members
11 present:

12
13 Rhaoul A. Guillaume, P.E. Chairman
14 Mark A. Jusselin, P.E. Vice Chairman
15 Roger D. Danzy, P.E. Treasurer
16 Ali M. Mustapha, P.E. Secretary

17
18 Richard L. Savoie, P.E.
19 Norma Jean Mattei, Ph.D., P.E.
20 Miles B. Williams, P.E.
21 James E. Bowie, Ph.D., P.E.
22 Timothy J. Allen, P.L.S.
23 Theodore H. Thompson, P.E.
24

25 Also present: Donna D. Sentell, Executive Secretary
26 D. Scott Landry, Board Attorney
27 Victoria Hatton, Director of Enforcement
28 Justin Owens, Board Investigator
29 Tyson Ducote, Board Investigator
30

31 Not Present: M. Ernest Gammon, P.L.S.
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33 The invocation was led by Mr. Savoie and the pledge by Dr. Bowie.
34

35 The Board unanimously approved the motion made by Mr. Danzy, seconded by
36 Mr. Allen, to add "Subsidizing the Intern Exams" to the New Business portion
37 of the Agenda and to accept the May 10-11, 2010 Call for the Meeting and the
38 Agenda.
39

40 The Board unanimously approved the motion made by Mr. Mustapha,
41 seconded by Dr. Mattei, to approve the Minutes from the March 8-9, 2010
42 Board meeting.
43

44 The Board unanimously approved the motion made by Mr. Williams, seconded
45 by Mr. Savoie, to schedule the Board's next regular meeting for July 19-20,
46 2010.
47

48 **Enforcement**
49

50 **Case #2009-111** - Mr. Owens reported on a licensed engineering firm who
51 admitted to practicing and/or offering to practice engineering in Louisiana
52 with an expired license for a little over 3 years and 5 months. The respondent
53 has signed and returned the proposed Consent Order offered by the Complaint
54 Review Committee. After discussion, the Board unanimously approved the
55 motion made by Mr. Mustapha, seconded by Dr. Mattei, to approve the signed
56 Consent Order.
57

58 **Case #2010-9** - Mr. Owens reported on a licensed engineering firm who
59 admitted to practicing and/or offering to practice engineering in Louisiana
60 with an expired license for over 6 months. The respondent has signed and
61 returned the proposed Consent Order offered by the Complaint Review
62 Committee. After discussion, the Board unanimously approved the motion

1 made by Dr. Bowie, seconded by Mr. Williams, to approve the signed Consent
2 Order.

3
4 **Case #2009-101** – Mr. Owens reported on a licensed engineer who (a)
5 admitted to practicing and/or offering to practice engineering in Louisiana
6 with an expired license for a little over 1 year and 9 months and (b) aided or
7 assisted his two licensed engineering firms in violating the laws and/or rules
8 of the Board. The respondent has signed and returned the proposed Consent
9 Order offered by the Complaint Review Committee. After discussion, the
10 Board unanimously approved the motion made by Mr. Mustapha, seconded by
11 Mr. Allen, to approve the signed Consent Order.

12
13 **Case #2009-102** – Mr. Owens reported on a licensed engineering firm who
14 admitted to practicing and/or offering to practice engineering in Louisiana
15 with an expired license for a little over 1 year and 9 months. The respondent
16 has signed and returned the proposed Consent Order offered by the Complaint
17 Review Committee. After discussion, the Board unanimously approved the
18 motion made by Mr. Williams, seconded by Dr. Bowie, to approve the signed
19 Consent Order.

20
21 **Case #2009-103** – Mr. Owens reported on a licensed engineering firm who
22 admitted to practicing and/or offering to practice engineering in Louisiana
23 with an expired license for a little over 1 year and 9 months. The respondent
24 has signed and returned the proposed Consent Order offered by the Complaint
25 Review Committee. After discussion, the Board unanimously approved the
26 motion made by Mr. Mustapha, seconded by Dr. Mattei, to approve the signed
27 Consent Order.

28
29 **Case #2008-148** - Mr. Owens reported that an informal conference was held,
30 but the matter has not been resolved. Mr. Owens recommended that the Board
31 prefer formal charges against the respondent for the alleged violation of La.
32 R.S. **37:698(A)(9) and (16)** (*i.e.*, practicing and/or offering to practice
33 engineering in Louisiana with an expired license) and **37:698(A)(12)** (*i.e.*,
34 aiding or assisting another person in violating the laws and/or rules of the
35 Board). After discussion, the Board unanimously approved the motion made
36 by Mr. Williams, seconded by Mr. Jusselin, to prefer formal charges against the
37 respondent as recommended and to schedule the matter for a joint hearing
38 (with Case #2009-61) on July 19, 2010 at 9:00 a.m.

39
40 **Case #2009-61** - Mr. Owens reported that an informal conference was held,
41 but the matter has not been resolved. Mr. Owens recommended that the Board
42 prefer formal charges against the respondent for the alleged violation of La.
43 R.S. **37:698(A)(9) and (16)** (*i.e.*, practicing and/or offering to practice
44 engineering in Louisiana with an expired license). After discussion, the Board
45 unanimously approved the motion made by Mr. Savoie, seconded by Mr.
46 Mustapha, to prefer formal charges against the respondent as recommended
47 and to schedule the matter for a joint hearing (with Case #2008-148) on July
48 19, 2010 at 9:00 a.m.

49
50 Ms. Celia Cangelosi entered the meeting at 8:55 a.m.

51
52 **Survey America case** – Ms. Cangelosi briefed the Board on the recent
53 settlement proposal from Survey America.

54
55 Mr. Savoie made the motion to offer to pay \$6,000 in settlement. The motion
56 failed for lack of a second.

57
58 The Board approved the motion made by Mr. Williams, seconded by Dr. Bowie,
59 with Mr. Allen, Mr. Williams, Mr. Jusselin, Mr. Mustapha, Mr. Danzy, Dr. Mattei,
60 Dr. Bowie and Mr. Thompson for and Mr. Savoie against, to pay the \$7,000
61 settlement amount offered by Survey America and to pay court costs of \$1,962.

1 Ms. Cangelosi exited the meeting at 9:40. The Board recessed and reconvened
2 at 9:50 a.m.

3
4 Mr. Landry exited the meeting at 10:15 a.m.

5
6 Mr. Gammon entered the meeting at 10:45 a.m.

7
8 **Committee Reports**

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10 **Policy and Procedure Ad Hoc Committee**

11
12 The Board unanimously approved the motion made by Mr. Savoie, seconded by
13 Mr. Williams, to adopt the following Board Member Compensation Guidelines.
14 The guidelines will be utilized by Ms. Mayeux, or the current office accounting
15 tech, and the Finance Committee when reviewing and approving expenses
16 submitted by Board members. If necessary, Board members will be allowed to
17 appeal the decisions of the Finance Committee to the full Board.

18
19 **Board Policy**
20 **Board Member Compensation**
21 **Adopted May 10, 2010**

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23
24 Service on the Board is one of the highest honors and privileges
25 accorded members of the engineering and land surveying professions
26 in Louisiana. The history of the Board is a long and honored one, and
27 the traditions of the Board are founded on a commitment of service to
28 the citizens of Louisiana. Compensation of Board members is tied to
29 this tradition of service. It is the practice of members to consider the
30 minor compensation allowed by law to be secondary to the privilege of
31 providing responsible oversight to our professions. Many Board
32 members consider this to be a voluntary position and receive little to
33 no compensation relative to the amount of time they commit to the
34 Board's work.

35
36 To establish a better understanding for all Board members, past,
37 present and future, on what both the practice and tradition of the
38 Board is regarding compensation, the following guidelines were
39 compiled:

- 40
41 • Compensation and reimbursement of expenses is based on time
42 reported and documented expenses as submitted by each Board
43 member. It is at the discretion of the Board member what they
44 request for compensation up to actual time spent along with
45 documented expenses within the applicable laws and rules.
46 Traditionally, Board members often choose to be compensated for
47 only a portion of the time they spend on Board work.
- 48
49 • The following are generally accepted times required to perform
50 routine work of the Board:
- 51 ○ Review of Applications 30 minutes maximum
52 (if more submit justification)
 - 53 ○ Committee Task 15 minutes maximum
54 (if more submit justification)
 - 55 ○ Preparation for Board Meetings 2 hours maximum
56 (if more submit justification)
 - 57 ○ Attending Board Meetings 1 per diem (\$100) per
58 day maximum
 - 59 ○ Travel by state guidelines
60 (reviewed by committee)
 - 61 ○ Mileage by state guidelines
62 (reviewed by committee)
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- Other Compensation Considerations:
 - Reimbursement of fees to attend local professional/technical society meetings will be allowed if the Board member is representing the Board at the event.
 - Travel expenses to NCEES zone and national meetings will be paid according to state guidelines.
 - All other activities associated with “volunteer” work with NCEES (*e.g.*, exam question development, exam review, NCEES committee work) are not compensated or reimbursed by the Board. Arrangements shall be made by the participating Board member with NCEES regarding these activities.

13 The Board is interested in recording, documenting and reporting the
14 amount of effort that Board members expend on Board work and the
15 expenditures of the Board on each Board member’s behalf. The
16 following guidelines shall be followed to further this goal:

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- By the end of each Board regular meeting, Board members shall report the hours they expended on Board work for the previous two months. This report shall include both hours for which compensation is requested and hours for which the Board member voluntarily works. It is not the intent of this item to create an undue burden of tracking and reporting for Board members. A reasonable estimate of time expended is acceptable.
 - Board member reimbursement requests from the previous two months will be listed in the Board Meeting Documents under the Finance Committee report. This will lend transparency to all Board member expenditures.
 - Board staff, as directed by the Chairman, shall generate reports documenting expenditures by Board members along with the amount of uncompensated effort expended by Board members. This information may be used by Board members and staff through the Journal or other means to communicate to the professions and the public the actual amount of effort the Board members expend on the public’s behalf.

39 The Board unanimously approved the motion made by Mr. Danzy, seconded by
40 Mr. Williams, that Board members document time expended on the work of the
41 Board by utilizing the compensation log and that this information be included
42 in the Board book at each meeting.

43

44 Chairman Guillaume charged the Law and Liaison Review Committee with
45 reviewing and recommend changes to Rule 703 and La. R.S. 37:685, where
46 they conflict with the State Travel Regulations.

47

48 **Land Surveying Committee**

49

50 The Board unanimously approved the motion made by Mr. Allen, seconded by
51 Mr. Danzy, to approve \$8,000, above the budgeted amount of \$3,000 in account
52 #5335, to fund an Item Writing Workshop for the Louisiana Laws of Surveying
53 Exam on June 11-12, 2010

54

55 **Enforcement (continued)**

56

57 **Case #2008-91 & 2009-12** - The Board unanimously approved the motion
58 made by Mr. Mustapha, seconded by Mr. Danzy, to enter into executive session
59 for deliberations. Mr. Mustapha, Mr. Danzy, Dr. Bowie, Mr. Guillaume and Mr.
60 Gammon exited the meeting and did not participate in the deliberations. Ms.
61 Sentell, Ms. Hatton, Mr. Owens and Mr. Ducote also exited the meeting.

62

1 The Board unanimously approved a motion made by Mr. Allen, seconded by
2 Mr. Thompson, to end the executive session.

3
4 Mr. Thomas Poole, Mr. Gilbert Buras, Ms. Cangelosi, Ms. Sentell, Ms. Hatton, Mr.
5 Owens and Mr. Ducote entered the meeting.

6
7 Respondents, their attorney and the prosecuting attorney all stipulated and
8 consented to making the Proposed Findings of Fact and Conclusions of Law
9 and Proposed Decision and Order as final, with the following modifications:

- 10 o Poole Engineers is only guilty of violating Rule 2301(C) due to
11 its practicing or offering to practice engineering with an expired
12 firm license as a sole proprietorship which did not bear Mr. Poole's
13 full name
- 14 o Reduction of the fine to \$3,000
- 15 o The modified Final Findings of Fact and Conclusions of Law and
16 modified Final Decision and Order are final and non-appealable
17 effective today and respondents are waiving their right to appeal
18 or seek judicial review

19
20 The Board unanimously approved the motion made by Mr. Williams, seconded
21 by Mr. Savoie , to adopt the Stipulated Findings of Fact and Conclusions of Law
22 and Stipulated Decision and Order as final and non-appealable.

23
24 The Board recessed at 12:25 and reconvened at 1:30. Mr. Savoie and Dr.
25 Mattei were not present.

26
27 **Liaison and Law Review Committee**

28
29 Mr. Landry entered the meeting at 1:30 and briefed the Board on pending state
30 legislation of interest to the Board.

31
32 Dr. Mattei entered the meeting at 3:10 p.m.

33
34 Justin Owens and Tyson Ducote exited the meeting at 3:20 p.m.

35
36 **Enforcement Ad Hoc Committee**

37
38 Mr. Williams informed the Board that the Board's job posting for hiring the
39 technical support staff person was in the most recent issue of the *Journal*. It
40 was also suggested that Board staff notify professional societies of the job
41 posting.

42
43 The Board recessed at 3:40 p.m. in order to allow committees to meet and
44 reconvened at 8:10 a.m. on Tuesday, May 11, 2010.

45
46 **Education/Accreditation Committee**

47
48 Dr. Bowie made the motion, seconded by Dr. Mattei, to amend Rules 901(A)(2)
49 and 1303(C) regarding technology degrees.

50
51 The Board unanimously approved the substitute motion made by Mr.
52 Thompson, seconded by Mr. Mustapha, to table the previous motion.

53
54 Chairman Guillaume charged the Liaison and Law Review Committee and the
55 Education/Accreditation Committee with working with the Board attorney on
56 amending the laws and rules regarding technology degrees and making a
57 recommendation at the July Board meeting.

58
59 Ms. Hatton exited the meeting at 9:30 a.m.

60
61 **Finance Committee**

1 The Board unanimously approved the motion made by the Finance Committee
2 to accept the changes made to the 2009-10 Board budget.
3

4 The Board unanimously approved the motion made by the Finance Committee
5 to authorize Ms. Sentell to purchase four (4) \$200,000 certificates of deposit
6 using funds in the checking account as well as funds from the three (3)
7 certificates of deposit which mature on June 1, June 2 and July 9, 2010.
8

9 Chairman Guillaume charged the Finance Committee and the Strategic
10 Planning Committee with formulating a plan for the use of Board excess funds
11 and with making a presentation at the September Board meeting.
12

13 The Board unanimously approved the motion made by Mr. Danzy, seconded by
14 Mr. Williams, to add \$9,000 to the budget in order to pay the Survey America
15 settlement and court costs. The Executive Secretary is to work with the
16 accountant to determine which account(s) should be used.
17

18 The Board approved the motion made by Mr. Danzy, seconded by Mr.
19 Thompson, to authorize the Executive Secretary to enter into a contract with
20 Gator T to provide IT and desktop support. The term of the contract will be for
21 one year beginning **July 1, 2010 and ending June 30, 2011**, in the amount not
22 to exceed **\$48,000**.
23

24 The Board approved the motion made by Mr. Danzy, seconded by Mr.
25 Thompson, to authorize the Executive Secretary to enter into a contract with
26 Tri-Core, Inc. for network and website support and maintenance. The term of
27 the contract will be for one year beginning **July 1, 2010 and ending June 30,**
28 **2011**, in the amount not to exceed **\$24,000**.
29

30 **Enforcement (continued)**

31

32 The Board discussed the Deepwater Horizon incident which occurred in April
33 2010. The Board unanimously approved the motion made by Mr. Williams,
34 seconded by Mr. Danzy, to authorize the Executive Committee to communicate
35 the Board's interests and issues concerning the regulation and enforcement of
36 professional engineering to the appropriate state and federal regulatory
37 authorities and to the state and federal legislative and administrative bodies
38 having regulatory oversight or interest in the incident and its impact on the
39 State of Louisiana. The Executive Committee shall formulate and deliver said
40 communication with no further authorization from the Board. The items of
41 interest and issues to be communicated include:

- 42 • Regulation and requirements that apply to the engineered components
43 of this facility
- 44 • Type and extent of engineering oversight and authority exercised at the
45 job site, the site of fabrication and the areas impacted
- 46 • What local, state and federal regulatory authorities have jurisdiction
47 relative to the practice of engineering?
- 48 • What entity will review and determine whether applicable engineering
49 requirements and practices were implemented on this project?
50

51 A copy of the letter will also be sent to the professional engineering licensing
52 boards in the states of Texas, Alabama, Mississippi and Florida.
53

54 Mr. Allen and Mr. Gammon exited the meeting at 11:00 a.m.
55

56 The Board unanimously approved the motion made by Mr. Williams, seconded
57 by Mr. Danzy, directing Board staff in consultation with the Board Attorney to
58 investigate the jurisdictional issues involving the professional engineering
59 practice relative to the Deepwater Horizon incident and similar incidents with
60 specific reference to how the Board should be involved in such incidents. The
61 Board is interested in areas of its laws and rules which are relevant to this and
62 similar incidents. The Board is also interested in determining how to
63 coordinate investigative matters with other regulatory entities to ensure that a

1 comprehensive review of the engineered components of the facility is
2 achieved.

3
4 Chairman Guillaume charged the Enforcement Ad Hoc Committee with also
5 being involved in the efforts referenced in the previous motion.

6
7 The Board unanimously approved the motion made by Mr. Williams, seconded
8 by Mr. Jusselin, that the Board, through the Executive Committee, open
9 dialogue with other state licensure boards and professional engineering
10 regulatory authorities (including but not limited to Mississippi, Alabama,
11 Florida and Texas) relative to the Deepwater Horizon incident.

12
13 The Board recessed at 11:15 a.m. and reconvened at 11:25 a.m. Ms. Watts was
14 present.

15 16 **Applications**

17
18 The Board unanimously approved the motion made by Dr. Bowie, seconded by
19 Mr. Mustapha, to *disapprove* the application appeal of **Mr. Anthony Huebel's**
20 Application for Licensure by Comity, as the applicant does not meet the
21 educational requirements of the Board .

22
23 The Board approved the motion made by Dr. Mattei, seconded by Mr. Williams,
24 with Mr. Williams, Mr. Mustapha, Mr. Danzy, Dr. Mattei, Dr. Bowie and Mr.
25 Thompson for and Mr. Jusselin and Mr. Savoie against, to *approve* the
26 application of Mr. **John Templeton** for certification as an engineer intern.

27
28 The Board recessed at noon and reconvened at 12:45 p.m. Ms. Watts was not
29 present.

30 31 **Old Business**

32
33 Chairman Guillaume reviewed the notes from the March Board member
34 continuity workshop and charged the Continuing Professional Development
35 Committee with studying the feasibility of developing a website for licensees to
36 upload CPD logs and documentation, as well as reviewing whether licensees at
37 a certain age should be allowed to be exempted from the CPD requirements.

38
39 Chairman Guillaume charged the Other Disciplines Engineering Committee and
40 the Liaison and Law Review Committee with reviewing the industrial
41 exemption.

42
43 Chairman Guillaume charged the Liaison and Law Review Committee with
44 discussing ways in which the Board can better communicate with the
45 professional societies.

46 47 **Applications (continued)**

48
49 The Board unanimously approved the motion made by the
50 Education/Accreditation Committee to *approve* the application of **Ms.**
51 **Amerson Gray** for certification as an engineer intern.

52 53 **New Business**

54
55 The Board unanimously approved the motion made by Mr. Mustapha,
56 seconded by Dr. Mattei, to request approval of the NCEES Board of Directors
57 for Emeritus Status for James D. Garber, Ph.D., P. E.

58
59 The Board approved the motion made by Mr. Williams, seconded by Dr. Mattei,
60 with Mr. Williams, Mr. Savoie, Mr. Mustapha, Mr. Danzy, Dr. Mattei and Dr.
61 Bowie for and Mr. Jusselin and Mr. Thomson against, to budget \$500 for
62 designated representatives of the Board to be reimbursed for travel expenses.

1 Expenses must be for work associated with Board activities and must be
2 approved by the Board.
3

4 The Board unanimously approved the motion made by Mr. Jusselin, seconded
5 by Mr. Williams, to hold the September 20-21, 2010 Board meeting at the
6 engineering college on the campus of LSU in Baton Rouge and for future
7 September board meetings to be rotated between the seven universities with
8 engineering programs.
9

10 Chairman Guillaume charged the Strategic Planning Committee and the
11 Finance Committee with meeting to discuss ways in which excess funds of the
12 Board can be used for the licensees of the Board.
13

14 Mr. Gammon and Ms. Hatton entered the meeting at 2:00 p.m.
15

16 **Closing Business**
17


18 The Board unanimously approved the motion made by Dr. Mattei, seconded by
19 Mr. Mustapha, to approve all committee recommendations and actions.
20


21 The Board unanimously approved the motion made by Mr. Williams, seconded
22 by Mr. Savoie, to acknowledge and confirm all licenses and certificates issued
23 by the Board.
24

25 The Board unanimously approved the motion made by Mr. Gammon, seconded
26 by Dr. Mattei, to approve all Board expenses.
27

28 The Board unanimously approved the motion made by Mr. Williams, seconded
29 by Dr. Mattei, to adjourn.
30

31 The meeting adjourned at 2:12 p.m. on May, 11, 2010.
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37 Rhaoul A. Guillaume, P.E.
38 Chairman


Ali M. Mustapha, P.E.
Secretary