

within the appropriate tolerances. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2909, states that the maximum allowable unadjusted closure for Class C surveys is 1:7,500 and that the calculation of area for Class C surveys must be carried to the nearest three decimal places for tracts under one acre.

La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(7) and (13), 2907(H)(9) and 2909, 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. 37:698(A)(6), La. R.S. 37:698(H) and LAC Title 46:LXI§2907(G)(7) and (13), 2907(H)(9) and 2909 were in effect at all times material hereto.

It is undisputed that Respondent signed, sealed and issued a survey plat for property located in Louisiana which failed to meet the Board's minimum standards for property boundary surveys.

By letter dated July 1, 2010 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)(6), *to wit* LAC Title 46:LXI§2907(G)(7) and (13), 2907(H)(9) and 2909, relative to failing to meet the Board's minimum standards for property boundary surveys.

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 one thousand fifteen and 44/100 (\$1,015.44) dollars; **(c)** successfully complete the Board's online Louisiana Professionalism and Ethics Examination; **(d)** successfully complete the Board's online Louisiana Minimum Standards Examination; **(e)** perform an in-house review of all survey plats prepared or sealed by him since October 1, 2009 for possible Louisiana minimum standards violations and, if any are discovered, correct the violations on the ground and on corrected survey plats, provide the corrected survey plats to his clients and the Board, and provide a summary of the results of his in-house review and satisfactory evidence of the accomplishment of these requirements to the Board; **(f)** the immediate suspension of his Louisiana professional land surveyor license for a period of two (2) years upon his failure to fully comply with all other terms of this Consent Order; and **(g)** 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 Board's minimum standards for property boundary surveys. 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 limit 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 on or before June 30, 2011; and
2. Respondent shall pay administrative costs one thousand fifteen and 44/100 (\$1,015.44) dollars, which shall be tendered to the Board by certified check payable to the Board, due on or before June 30, 2011; and
3. Respondent shall 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
4. Respondent shall successfully complete the Board's online Louisiana Minimum Standards 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. Respondent shall, within one hundred twenty (120) days of the effective date of this Consent Order, perform an in-house review of all survey plats prepared or sealed by him between

October 1, 2009 and the effective date of this Consent Order for possible Louisiana minimum standards violations and, if any are discovered, correct the violations on the ground and on corrected survey plats, provide the corrected survey plats to his clients and the Board, and provide a summary of the results of his in-house review and satisfactory evidence of the accomplishment of these requirements to the Board; and

6. Respondent's Louisiana professional land surveyor license, number PLS – 4253, shall be immediately suspended for a period of two (2) years upon Respondent's failure to fully comply with all other terms of this Consent Order; and

7. 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

8. 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 9.20.2010

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

DATED 9/09/10

Wm. J. Bodin, Jr.
WILLIAM J. BODIN, JR., P.E., P.L.S., Respondent

Witnesses to the signature of
William J. Bodin, Jr., P.E., P.L.S.

David Clark
Print Name: DAVID E. CLARK

Clifford D. Bigner
Print Name: CLIFFORD D. BIGNER