

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

Received
JUN 18 2012
By LAPELS Enforcement

IN THE MATTER OF:)
)
JAMES H. ROBERTS)
)
RESPONDENT)
)
)
)

CASE NO.: 2011 - 128

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 James H. Roberts [hereinafter "Respondent"], hereby agree to the following:

At all times material hereto, Respondent was not licensed in the State of Louisiana as a professional land surveyor, and therefore was not authorized to practice and/or offer to practice land surveying in the State of Louisiana.

An investigation was opened based upon the Board's receipt of an affidavit of complaint 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 in 2009 Respondent performed a property boundary survey for Sammy Saucier (including locating property corners) of a tract of land located in Pine Grove, Louisiana.

La. R.S. 37:681 and 37:700(A)(1) prohibit the practicing and/or offering to practice land surveying 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) 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 37:700(H) were in effect at all times material hereto.

It is undisputed that at all times material hereto Respondent was not licensed to practice and/or offer to practice land surveying in Louisiana and that in 2009 Respondent practiced and/or offered to practice land surveying in Louisiana.

By letter dated June 6, 2012, 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), relative to practicing and/or offering to practice land surveying in 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 five hundred (\$500.00) dollars, **(b)** pay administrative costs of six hundred ninety and 27/100 (\$690.27) dollars, **(c)** immediately cease and desist the practicing of and/or offering to practice land surveying in Louisiana until such time as he is 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 land surveying in 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 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 five hundred (\$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 six hundred ninety and 27/100 (\$690.27) 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 practicing of and/or offering to practice land surveying in Louisiana until such time as he is duly licensed by the Board; and
4. The 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, staff, attorneys or representatives from further participation, consideration, or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATED July 23, 2012

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

DATED 6/13/12

James H. Roberts
JAMES H. ROBERTS, Respondent

Witnesses to the signature of
James H. Roberts

C. Glenn Westmoreland
Print Name: C. Glenn Westmoreland

JoAnn Westmoreland
Print Name: JoAnn Westmoreland