

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

Received
OCT 14 2011
By LAPELS Enforcement

IN THE MATTER OF:)
)
BRIONES CONSULTING)
& ENGINEERING, LTD.)
)
RESPONDENT)
)
)
_____)

CASE NO.: 2011-32

Received
OCT 19 2011
By LAPELS Enforcement

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 Briones Consulting & Engineering, Ltd. [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 engineering firm and, therefore, was not authorized to practice and/or offer to practice engineering in the State of Louisiana. Respondent subsequently became licensed in the State of Louisiana as a professional engineering firm, number EF-4852, effective June 22, 2011.

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 engineering in Louisiana. The investigation disclosed that since at least May 2007 Respondent has conducted business in Louisiana with the word “engineering” in its name, including providing project management services for a FEMA-funded repairs project in St. Bernard Parish, Louisiana in 2007 and for the Louisiana Land Trust demolition project in Louisiana in 2009. The investigation also disclosed that Respondent later sought to be certified as a disadvantaged business enterprise contractor with the Louisiana Department of Transportation and Development and the Louis Armstrong New Orleans International Airport. Since 2010 Respondent has been listed on the Louisiana Department of Transportation and Development’s website as able to provide “Construction Management” services in Louisiana and on the Louis Armstrong New Orleans International Airport’s website as able to provide “Engineering-Civil, Structural; Construction Management; Project Management” services in

Louisiana. Respondent acknowledges that although it was working in Louisiana prior to being licensed as a professional engineering firm, neither Respondent nor its supervising professional (Rolando H. Briones, Jr., P.E.) performed any engineering work in Louisiana prior to licensure and the work being performed was strictly project management services in association with the Hurricane Katrina relief effort.

La. R.S. 37:681 and 37:700(A)(1), (7) and (9), *to wit* LAC Title 46:LXI§2301(B)(1), prohibit the practicing of and/or offering to practice engineering and the use of the word “engineering” or any modification or derivative thereof in a person’s name or 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), (7) and (9), *to wit* LAC Title 46:LXI§2301(B)(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, La. R.S. 37:700(A)(1), (7) and (9), La. R.S. 37:700(H) and LAC Title 46:LXI§2301(B)(1) 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 engineering in Louisiana and that Respondent practiced and/or offered to practice engineering and used the word “engineering” in its name and in conjunction with its business in Louisiana without proper licensure.

By letter dated September 9, 2011, 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), (7) and (9), *to wit* LAC Title 46:LXI§2301(B)(1), relative to practicing and/or offering to practice engineering and using the word “engineering” or any modification or derivative thereof in a person’s name or form of business or activity 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 its 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 five hundred forty-nine and 47/100 (\$549.47) dollars, and (c) 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 engineering and the use of the word "engineering" 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 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 one thousand (\$1,000.00) 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 five hundred forty-nine and 47/100 (\$549.47) 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. 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

4. 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 11-21-11

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

BRIONES CONSULTING & ENGINEERING, LTD.

DATED 10/11/11

BY: Rolando H. Briones, Jr.
ROLANDO H. BRIONES, JR., P.E., President

Witnesses to the signature of
Briones Consulting & Engineering, Ltd.

Loni P. Wiltz
Print Name: Loni P. Wiltz

Kevin Johnston
Print Name: KEVIN JOHNSTON