

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

Received
AUG 12 2013
By LAPELS Enforcement

IN THE MATTER OF:) CASE NO.: 2012-131
)
LINX ELECTRIC, L.L.C.)
)
RESPONDENT)
)
_____)

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 Linx Electric, L.L.C. [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.

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 between 2009 and 2010 Respondent (through its unlicensed owner, Brian T. Linxwiler) prepared, signed and issued engineering drawings and documents relative to a transfer switch project for the Harvest Manor Nursing Home in Denham Springs, Louisiana. The investigation also disclosed that between 2009 and 2011 Mr. Linxwiler (on behalf of and in the name of Respondent) prepared, signed and issued documents in Louisiana in which he referred to himself as an “Electrical Engineer” or “Engineer” or in which he referred to himself in conjunction with his Louisiana engineer intern certification number and the words “Electrical Engineering”, “Electrical Engineer” or “Engineer”. Additionally, the investigation disclosed that since at least this same time period Respondent has maintained a website which (a) claims that Respondent offers “complete engineering, procurement and construction (EPC)” services and can provide “full

turnkey engineering-procurement-construction (EPC) of large projects” and (b) states that Respondent’s corporate headquarters are in St. Amant, Louisiana.

La. R.S. 37:681 and 37:700(A)(1), (7) and (9), *to wit* LAC Title 46:LXI§2301(B), prohibit the practicing of and/or offering to practice engineering and the use of the words “engineer”, “engineering” or any modification or derivative thereof in a person’s name or form of business or activity in 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), 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), 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 between 2009 and 2011 Respondent practiced and/or offered to practice engineering and used the words “engineer” and “engineering” in conjunction with his name and business activities in Louisiana without proper licensure.

By letter dated July 10, 2013, 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), relative to practicing and/or offering to practice engineering and using the words “engineer”, “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 five hundred (\$1,500.00) dollars, (b) pay administrative costs of six hundred thirty and 39/100 (\$630.39) dollars, and (c) immediately cease and desist the practicing of and/or offering to practice engineering and the use of the words “engineer”, “engineering” or any modification or derivative thereof (i) in referring to itself or its unlicensed

owners or employees, (ii) in conjunction with the name of any of its unlicensed owners or employees, (iii) on its website or (iv) in describing or promoting its business or activities, in Louisiana until such time as it and its unlicensed owners and employees are 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 engineering and the use of the words "engineer", "engineering" or any modification or derivative thereof in a person's name or form of business or activity in 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. Respondent further acknowledges awareness of the fact that the signed original of this Consent Order will remain in the custody of the Board as a public record and will be made available for public inspection and copying upon request.

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 five hundred (\$1,500.00) 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 thirty and 39/100 (\$630.39) 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 the practicing and/or offering to practice engineering and the use of the words "engineer", "engineering" or any modification or derivative thereof (a) in referring to itself or its unlicensed owners or employees, (b) in conjunction with the name of any of its unlicensed owners or employees, (c) on its website or (d) in describing or promoting its business or activities, in Louisiana until such time as it and its unlicensed owners and employees are duly licensed by the Board; and
4. 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
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

DATE: 9/16/13

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

LINX ELECTRIC, L.L.C., Respondent

DATE: 8/5/2013

BY: Brian T. Linxwiler, EI
BRIAN T. LINXWILER, Member

Witnesses to the signature of
Linx Electric, L.L.C.

Wanda B. Fugler
Print Name: WANDA B. FUGLER

Margie Vickers
Print Name: MARGIE VICKERS