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 Fulton V. Clinkscale, Jr., P.L.S. [hereinafter “Respondent”], hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as a professional land surveyor, number PLS-5005. At all times material hereto, Freeland-Clinkscale & Associates, Inc. of N.C. [hereinafter “Freeland”] was not licensed in the State of Louisiana as a professional engineering firm or professional land surveying firm and, therefore, was not authorized to practice and/or offer to practice engineering or land surveying in the State of Louisiana. Freeland subsequently became licensed in the State of Louisiana as a professional land surveying firm, number VF-729, effective November 14, 2014. At all times material hereto, Respondent was an employee, the President and the owner of Freeland. Respondent is now the supervising professional of Freeland.

An investigation was opened based upon the Board’s receipt of information and documents which suggested that Freeland may have engaged in the unlicensed practice of and/or offering to practice engineering and/or land surveying in Louisiana. The investigation disclosed that in 2013 Respondent (in the name and on behalf of Freeland) (a) prepared and issued to their client a preliminary ALTA/ACSM Land Title Survey plat dated January 21, 2013 for the MacArthur Business Park project located in Alexandria, Louisiana, which did not contain the requisite preliminary work disclaimer and (b) prepared, signed, sealed and issued to their client a final ALTA/ACSM Land Title Survey plat for the same project. Furthermore, Freeland identified itself on both plats as “engineers” and “land surveyors”.

Page 1 of 5
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 or land surveying and use of the
words “engineer”, “engineering”, “land surveyor”, “land surveying” 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. 37:698(A)(6), to wit LAC Title 46:LXI§ 2701(A)(4)(b)(i), requires that all
preliminary documents (a) be so marked in large bold letters, (b) contain a statement that the
documents are not to be used for construction, bidding, recordation, conveyance, sales or as the
basis for the issuance of a permit and (c) bear the name and licensure number of the licensee and
the firm’s name, if applicable. La. R.S. 37:698(A)(12) prohibits licensees from aiding or assisting
another person in violating the laws and/or rules of the Board. 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§ 2701(A)(4)(b)(i), and La. R.S. 37:698(A)(12), upon a finding of guilt following the
preferral of charges, notice and hearing and a majority vote of its entire membership authorized to
37:698(H), La. R.S. 37:700(A)(1), (7) and (9), LAC Title 46:LXI§ 2301(B) and LAC Title
46:LXI§ 2701(A)(4)(b)(i) were in effect at all times material hereto.

It is undisputed that (a) in 2013 Freeland was not licensed to practice and/or offer to
practice engineering or land surveying in Louisiana, (b) during this time period Freeland practiced
and/or offered to practice engineering and/or land surveying and used the words “engineers” and
“land surveyors” to identify itself in conjunction with its business activities in Louisiana without
proper licensure, (c) in 2013 Respondent aided or assisted Freeland in violating the laws and/or
rules of the Board and (d) in 2013 Respondent (in the name and on behalf of Freeland) prepared
and issued to their client a preliminary land surveying document for property located in Louisiana
which did not contain the requisite preliminary work disclaimer.

By letter dated March 23, 2015, the Board gave notice to Respondent that it was
considering the preferral of charges against Respondent on the grounds that he may have violated
(a) La. R.S. 37:698(A)(12), relative to the aiding or assisting of another person in violating the
laws and/or rules of the Board and (b) La. R.S. 37:698(A)(6), to wit LAC Title
46:LXI§2701(A)(4)(b)(i), relative to placing the appropriate disclaimer on all preliminary
documents, along with the licensee’s name, licensure number and firm name.

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 two hundred fifty ($1,250.00) dollars, (b) pay
administrative costs of five hundred eighty-three and 20/100 ($583.20) dollars, (c) successfully
complete the Board’s online Louisiana Laws and Rules Quiz, (d) successfully complete the
Board’s online Louisiana Professionalism and Ethics Quiz, (e) immediately cease and desist
committing violations of the above referenced laws and/or rules and (f) 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 that its conduct as set forth above constitutes violations of the above
referenced laws and/or rules as stated herein. 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 appeal; and he states affirmatively that he has been
afforded all administrative remedies due him 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 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 one thousand two hundred fifty ($1,250.00) 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 eighty-three and 20/100
   ($583.20) 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 successfully complete the Board’s online Louisiana Laws and
   Rules Quiz 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
   Professionalism and Ethics Quiz 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 immediately cease and desist committing violations of the above
   referenced laws and/or rules; and

6. 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

7. 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: June 1, 2015

BY: DONNA D. SENTELL, Executive Director

DATE: 4/9/15

FULTON V. CLINKSCALES, JR., P.L.S., Respondent

Witnesses to the signature of
Fulton V. Clinkscales, Jr., P.L.S.

Print Name: Lewis C. Nort

Print Name: Karen A. Corr

Page 5 of 5