

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

IN THE MATTER OF:)
)
CARUBBA ENGINEERING, INC.)
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RESPONDENT)
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CASE NO. 2015-11

Received

SEP 06 2018

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 Carubba Engineering, Inc. [hereinafter "Respondent"], by and through its duly authorized undersigned representative, hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as a professional engineering firm, number EF-2156. At all times material hereto, Roy M. Carubba, P.E. was licensed in the State of Louisiana as a professional engineer, number PE-24653; however, he was not listed by the Board in the discipline of structural engineering. At all times material hereto, Mr. Carubba was the President, owner and supervising professional of Respondent. At all times material hereto, Travis A. Fox, P.E. was licensed in the State of Louisiana as a professional engineer, number PE-31631. At all times material hereto, Fox-Nesbit Engineering, LLC [hereinafter "FNE"] was licensed in the State of Louisiana as a professional engineering firm, number EF-3562.

An investigation was opened based upon the Board's receipt of an Affidavit of Complaint which suggested that Mr. Carubba may have committed violations of the Board's laws and/or rules in connection with his practice of engineering in Louisiana. The investigation disclosed that in January 2014 Mr. Fox of FNE prepared, sealed, signed and submitted to their client engineering plans for a La Capitol Federal Credit Union building in Metairie, Louisiana. The investigation also disclosed that in March 2014 Mr. Carubba (on behalf of and in the name of Respondent) prepared, sealed, signed and submitted to the same client revisions to Mr. Fox's

original plans; however, Mr. Carubba failed to provide to Mr. Fox written notice of his and Respondent's engagement by the client immediately upon acceptance of the engagement.

Additionally, in his written proposal to provide said engineering services in connection with the project, Mr. Carubba (on behalf of and in the name of Respondent) inadvertently referred to himself as a "structural engineer" and an "SE".

La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(D), require that licensees who are engaged to complete, correct, revise or add to the engineering work of another licensee or other related design professionals provide immediate written notice of their engagement to the other licensee or other related design professional. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2511, prohibit licensees from making exaggerated or deceptive statements or claims about professional qualifications in correspondence or other public communications. La. R.S. 37:698(C) permits the Board to take disciplinary action against a firm if one or more of its officers, directors, managers, employees, agents or representatives is found by the Board to be guilty of any of the acts or offenses listed in La. R.S. 37:698(A). La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(6) and LAC Title 46:LXI§2503(D) and 2511, 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(C), La. R.S. 37:698(H), and LAC Title 46:LXI§2503(D) and 2511 were in effect at all times material hereto.

It is undisputed that (a) in January 2014 Mr. Fox of FNE prepared, sealed, signed and submitted to their client engineering plans for a building in Louisiana, (b) in March 2014 Mr. Carubba (on behalf of and in the name of Respondent) prepared, sealed, signed and submitted to the same client revisions to Mr. Fox's original plans; however, Mr. Carubba failed to provide to Mr. Fox written notice of his and Respondent's engagement by the client immediately upon acceptance of the engagement, (c) Mr. Carubba has never been listed by the Board in the discipline of structural engineering, (d) in his written proposal to provide said engineering services in connection with the project, Mr. Carubba (on behalf of and in the name of Respondent) inadvertently referred to himself as a "structural engineer" and an "SE" and (e) at all times material hereto Mr. Carubba was the President, owner and supervising professional of Respondent.

Notwithstanding any language in this Consent Order, the Board acknowledges that this Consent Order in no way reflects on Respondent's or Mr. Carubba's competency or their ability to provide structural engineering services.

By letter dated May 30, 2017, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that Respondent may have violated (a) La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(6) and LAC Title 46:LXI§2503(D), relative to licensees who are engaged to complete, correct, revise or add to the engineering work of another licensee or other related design professionals providing immediate written notice of their engagement to the other licensee or other related design professional and (b) La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(6) and LAC Title 46:LXI§2511, relative to making exaggerated or deceptive statements or claims about professional qualifications in correspondence or other public communications.

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 its own free will consents to the issuance of a Consent Order by the Board, wherein Respondent agrees to (a) pay a fine of two thousand and no/100 (\$2,000.00) dollars, (b) pay administrative costs of two thousand four hundred ninety-five and 83/100 (\$2,495.83) dollars, (c) have its supervising professional successfully complete the Board's online Louisiana Laws and Rules Quiz, (d) have its supervising professional successfully complete the Board's online Louisiana Professionalism and Ethics Quiz, (e) ensure that Mr. Carubba immediately ceases and desists committing violations of the above referenced laws and/or rules, including but not limited to referring to himself as a "structural engineer" or an "SE" in Louisiana 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 it will comply with all applicable laws and rules henceforth.

Respondent has been advised of its 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 its own behalf, it hereby waives this right and 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 that (a) it fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, (b) it has voluntarily entered into this Consent Order and that no other promise or agreement of any kind has been made to or with it by any person whatsoever to cause the execution of this instrument and (c) 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 two thousand and no/100 (\$2,000.00) dollars, which shall be tendered to the Board by certified check payable to the Board, with an initial payment of five hundred and no/100 (\$500.00) dollars due upon the signing of this Consent Order, five hundred and no/100 (\$500.00) dollars due within thirty (30) days of the signing of this Consent Order, five hundred and no/100 (\$500.00) dollars due within sixty (60) days of the signing of this Consent Order, and the balance due within ninety (90) days of the signing of this Consent Order; and

2. Respondent shall pay administrative costs of two thousand four hundred ninety-five and 83/100 (\$2,495.83) dollars, which shall be tendered to the Board by certified check payable to the Board, with an initial payment of six hundred twenty-three and 96/100 (\$623.96)

dollars due upon the signing of this Consent Order, six hundred twenty-three and 96/100 (\$623.96) dollars due within thirty (30) days of the signing of this Consent Order, six hundred twenty-three and 96/100 (\$623.96) dollars due within sixty (60) days of the signing of this Consent Order, and the balance due within ninety (90) days of the signing of this Consent Order; and

3. Respondent shall have its supervising professional 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 have its supervising professional 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 ensure that Mr. Carubba immediately ceases and desists committing violations of the above referenced laws and/or rules, including but not limited to referring to himself as a "structural engineer" or an "SE" in Louisiana; 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: 10 September 2018 BY: Donna D. Sentell
DONNA D. SENTELL, Executive Director


CARUBBA ENGINEERING, INC., Respondent

DATE: 9.5.13


BY: 
ROY M. CARUBBA, P.E., President

Witnesses to the signature of
Carubba Engineering, Inc.


Print Name: Alan Harris


Print Name: Cherie Callaghan

Approved by:


Christopher K. LeMieux
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Attorneys for Carubba Engineering, Inc.