

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

IN THE MATTER OF:)	CASE NO. 2015-2
)	
THOMAS E. PITTMAN, P.E.)	
)	
RESPONDENT)	
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)	

Received
DEC 08 2015

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 Thomas E. Pittman, P.E. [hereinafter “Respondent”] hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as a professional engineer, number PE-19516. 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 information and documents 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 January 2012 Respondent prepared, sealed with his Louisiana professional engineer seal, signed and issued to Clayton Homes a map of survey for Ruth Bergeron, which resubdivided Lots BA-1-A and BA-2-A into Lots BA-1-A, BA-2-A and BA-3-A, located in Section 27, Township 7 South, Range 3 East, Livingston Parish, Louisiana.

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

It is undisputed that Respondent has never been licensed to practice and/or offer to practice land surveying in Louisiana and that in January 2012 Respondent practiced and/or offered to practice land surveying in Louisiana without proper licensure.

By letter dated October 15, 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 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) his Louisiana professional engineer license being placed on probation for a period of two (2) years [hereinafter the "Probation Period"] beginning on January 1, 2016; (b) submit to the Board, on a quarterly basis during the Probation Period and beginning on January 1, 2016, a complete and detailed list of projects of which he provided engineering services during the preceding quarter; (c) submit to the Board, within five (5) business days of a Board request, all documents relating to any project on any of said quarterly lists of projects; (d) pay-in-full, within thirty (30) days of a Board request, any administrative costs incurred by the Board in connection with reviewing any of said documents submitted by Respondent; (e) the immediate suspension of his Louisiana professional engineer license if, during the Probation Period, he fails to comply with any portion of this Consent Order, with said suspension continuing until he so complies; (f) pay a fine of two thousand (\$2,000.00) dollars; (g) pay administrative costs of five hundred sixty-three and 82/100 (\$563.82) dollars; (h) successfully complete the Board's online Louisiana Laws and Rules Quiz; (i) successfully complete the Board's online Louisiana Professionalism and Ethics Quiz; (j) immediately cease and desist the preparation, sealing (with his Louisiana professional engineer seal), signing and issuance of maps of survey or otherwise the practicing of and/or offering to practice land surveying in Louisiana until such time as he is duly licensed by the Board; (k) either (i) hire a Louisiana-licensed professional land surveyor to prepare a new map of survey of the above-described resubdivided lots, provide the new map of survey to the Board for review, provide the new map of survey to Clayton Homes and the current property

owner and properly file it into the Livingston Parish public record after Board review, and provide satisfactory evidence of the accomplishment of these requirements to the Board, or (ii) provide to the Board a letter from the current property owner indicating that they do not desire to resubdivide the lots as per Respondent's above-described map of survey; and (l) 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 his 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 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 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's Louisiana professional engineer license, number PE-19516, shall be placed on probation for a period of two (2) years beginning on January 1, 2016; and
2. Respondent shall submit to the Board, on a quarterly basis during the Probation Period and beginning on January 1, 2016, a complete and detailed list of projects of which he provided engineering services during the preceding quarter; and
3. Respondent shall submit to the Board, within five (5) business days of a Board request, all documents relating to any project on any of said quarterly lists of projects; and
4. Respondent shall pay-in-full any administrative costs incurred by the Board in connection with reviewing any of said documents submitted by Respondent, which payments shall be tendered to the Board by certified check payable to the Board and due within thirty (30) days of a Board request; and
5. Respondent's Louisiana professional engineer license, number PE-19516, shall be immediately suspended if, during the Probation Period, he fails to comply with any portion of this Consent Order, with said suspension continuing until he so complies; and
6. Respondent shall pay a fine of two thousand (\$2,000.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
7. Respondent shall pay administrative costs of five hundred sixty-three and 82/100 (\$563.82) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
8. 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
9. 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
10. Respondent shall immediately cease and desist the preparation, sealing (with his Louisiana professional engineer seal), signing and issuance of maps of survey or otherwise the practicing of and/or offering to practice land surveying in Louisiana until such time as he is duly licensed as a professional land surveyor by the Board; and

11. Respondent shall either (a) hire a Louisiana-licensed professional land surveyor to prepare a new map of survey of the above-described resubdivided lots, provide the map of survey to the Board for review, provide the new map of survey to Clayton Homes and the current property owner and properly file it into the Livingston Parish public record after Board review, and provide satisfactory evidence of the accomplishment of these requirements to the Board within sixty (60) days of the effective date of this Consent Order, or (b) provide to the Board within sixty (60) days of the effective date of this Consent Order a letter from the current property owner indicating that they do not desire to resubdivide the lots as per Respondent's above-described map of survey; and

12. 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

13. 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: 1-19-2006

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

DATE: 12-4-15

Thomas E. Pittman PE
THOMAS E. PITTMAN, P.E., Respondent

Witnesses to the signature of
Thomas E. Pittman, P.E.

Robbie Pittman
Print Name: ROBBIE PITTMAN

Malcolm Lloyd
Print Name: MALCOLM LLOYD