

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

Received

MAR 15 2018

By LAPELS Enforcement

IN THE MATTER OF:)	CASE NO. 2015-89
)	
COMMERCIAL & INDUSTRIAL)	
LAYOUT, INC.)	
)	
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 Commercial & Industrial Layout, Inc. [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 land surveying firm or professional engineering firm and, therefore, was not authorized to practice and/or offer to practice land surveying or engineering in the State of Louisiana. At all times material hereto, Russell T. Koch was not licensed in the State of Louisiana as a professional land surveyor or professional engineer and, therefore, was not authorized to practice and/or offer to practice land surveying or engineering in the State of Louisiana. At all times material hereto, Tony Koch was not licensed in the State of Louisiana as a professional land surveyor or professional engineer and, therefore, was not authorized to practice and/or offer to practice land surveying or engineering in the State of Louisiana. At all times material hereto, Russell T. Koch was an employee and the President and owner of Respondent. At all times material hereto, Tony Koch was an employee of Respondent.

An investigation was opened based upon the Board's receipt of an Affidavit of Complaint which suggested that Respondent may have engaged in the unlicensed practice of and/or offering to practice land surveying and/or engineering in Louisiana. The investigation disclosed that since at least September 2015 Respondent has (a) operated in Louisiana under the name "Survey Support", including using that name on signage for its office and on its work vehicles in Louisiana; (b) maintained a website with the URL, *surveysupportinc.com*; (c) represented on its

website and in its promotional brochures that (i) it has a Louisiana office, (ii) its “objective is to provide clients with timely, professional and quality surveying services”, (iii) it offers services which include “establish site horizontal and vertical control”, “as-built drawings”, “cross-sections”, “topographic survey and quantity reports” and “pipe tie ins”, (iv) its “survey equipment” includes “Leica Geo systems robotic total stations, which provides the precise accuracy needed in construction surveying”, (v) its “survey personnel” include “12 survey crews, all of which have extensive experience in civil surveying” and each of which is “self-sufficient operating robotic and GPS equipped with laptops that are loaded with AutoCAD and are capable of producing field calculations and stakeout files onsite”, (vi) its owner and President, Russell T. Koch, has “over 26 years of surveying experience” and (vii) its “Survey Coordinator”, Tony Koch, has “over 28 years of surveying experience”; **(d)** conducted business in Louisiana; **(e)** maintained an office in Sulphur, Louisiana; and **(f)** employed individuals in Louisiana.

La. R.S. 37:700(A)(7) prohibits the use of the words “land surveyor”, “land surveying” or any modification or derivative thereof in a person’s name or form of business or activity without proper licensure. La. R.S. 37:700(H) permits the Board to take enforcement action against persons who violate La. R.S. 37:700(A)(7), 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. 37:700(A)(7) and La. R.S. 37:700(H) were in effect at all times material hereto.

It is undisputed that **(a)** Respondent has never been licensed to practice and/or offer to practice land surveying or engineering in Louisiana; **(b)** Russell T. Koch and Tony Koch have never been licensed to practice and/or offer to practice land surveying or engineering in Louisiana; **(c)** at all times material hereto Russell T. Koch was an employee and the President and owner of Respondent; **(d)** at all times material hereto, Tony Koch was an employee of Respondent and **(e)** since at least September 2015 Respondent has used the words “land surveyor”, “land surveying” or modifications or derivatives thereof in its name, in promoting its business and in describing its services and employees in Louisiana without proper licensure.

By letter dated September 26, 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 La. R.S. 37:700(A)(7), relative to using the words “land surveyor”, “land

surveying” or any modification or derivative thereof in a person’s name or form of business or activity 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 five hundred and no/100 (\$500.00) dollars, (b) pay administrative costs of one thousand thirty-four and 02/100 (\$1,034.02) dollars, (c) immediately cease and desist the use of the words “surveyor”, “surveying” or any modifications or derivatives thereof in its name or in describing or promoting its business, services or employees in Louisiana until such time as it is 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 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 five hundred and no/100 (\$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 one thousand thirty-four and 02/100 (\$1,034.02) 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 use of the words "surveyor", "surveying" or any modifications or derivatives thereof in its name or in describing or promoting its business, services or employees in Louisiana until such time as it is 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: 4/10/18

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

COMMERCIAL & INDUSTRIAL
LAYOUT, INC., Respondent

DATE: MARCH 8 2018

BY:



RUSSELL T. KOCH, President

Witnesses to the signature of
Commercial & Industrial Layout, Inc.



Print Name: MELINDA NELSON



Print Name: CHASE WILSON