

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

IN THE MATTER OF:)
)
WALTER F. ZEHNER, III, P.E.)
)
RESPONDENT)
)
_____)

CASE NO. 2016-16

Received

JUL 16 2019

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 Walter F. Zehner, III, 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-14623; however, his license was in an expired status from April 1, 2017 through March 26, 2019.

An investigation was opened based upon the Board’s receipt of information and documents which suggested that Respondent 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 between April 1, 2017 and March 26, 2019 Respondent admittedly offered to provide engineering services in Louisiana and provided engineering services on at least sixty-four (64) projects in Louisiana.

The investigation also disclosed that on April 14, 2016, May 31, 2016, July 31, 2018 and September 5, 2018 the Board sent letters to Respondent by certified mail (return receipt requested) advising him of possible violations of the Board’s laws and/or rules and requesting that he provide to the Board certain information and/or documents related thereto. Furthermore, on April 2, 2019 the Board served on Respondent a subpoena which required him to produce to the Board certain documents related to the investigation by April 17, 2019. Respondent has never responded to any of the letters or the subpoena.

La. R.S. 37:688(B) requires persons to produce documents requested by the Board pursuant to a subpoena. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2501(E), require

licensees to timely respond to all inquiries and correspondence from the Board. La. R.S. 37:698(A)(9) and (16) prohibit licensees from practicing and/or offering to practice engineering with an expired license. La. R.S. 37:698(A)(10) requires licensees to provide, within thirty calendar days of receipt of notice by certified mail, information or documents requested by the Board relating to any alleged violation of the Board's laws. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:688(B), La. R.S. 37:698(A)(6), (9), (10) and (16), and LAC Title 46:LXI§2501(E), 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. 37:688(B), La. R.S. 37:698(A)(6), (9), (10) and (16), La. R.S. 37:698(H) and LAC Title 46:LXI§2501(E) were in effect at all times material hereto.

It is undisputed that **(a)** at all times material hereto Respondent was licensed in Louisiana as a professional engineer, however his license was in an expired status from April 1, 2017 through March 26, 2019, **(b)** between April 1, 2017 and March 26, 2019 Respondent admittedly practiced and offered to practice engineering in Louisiana and **(c)** Respondent has failed to respond to certified mail letters from the Board in 2016 and 2018 and a subpoena from the Board in 2019 requesting that he provide certain information and/or documents related to this matter.

By letter dated May 15, 2019, 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. 37:688(B), relative to the failure to produce documents requested by the Board pursuant to a subpoena, **(b)** La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2501(E), relative to the failure to timely respond to inquiries and correspondence from the Board, **(c)** La. R.S. 37:698(A)(9) and (16), relative to practicing and/or offering to practice engineering with an expired license and **(d)** La. R.S. 37:698(A)(10), relative to the failure to provide, within thirty calendar days of receipt of notice by certified mail, information or documents requested by the Board relating to any alleged violation of the Board's laws.

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)** the immediate suspension of his Louisiana professional engineer license if he fails to comply with any part of this Consent Order, with such suspension continuing until he so complies, **(b)** pay a fine of Four Thousand Five Hundred and no/100 (\$4,500.00) Dollars, **(c)** pay administrative costs of Two Thousand Eight Hundred Thirty Three and 63/100 (\$2,833.63) Dollars, **(d)** pay past unpaid renewal fees of One Hundred Twenty and no/100 (\$120.00) Dollars, **(e)** provide to the Board the information and documents requested by the Board in its 2016 and 2018 certified mail letters and 2019 subpoena to Respondent, **(f)** successfully complete the Board's online Louisiana Laws and Rules Quiz, **(g)** successfully complete the Board's online Louisiana Professionalism and Ethics Quiz and **(h)** 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 an informal conference, 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 his own behalf, he hereby waives this right and 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 an informal conference, to a hearing before the Board, to the presenting of evidence and witnesses on his 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)** he fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, **(b)** he 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's Louisiana professional engineer license, number PE-14623, shall be immediately suspended if he fails to comply with any part of this Consent Order, with such suspension continuing until he so complies; and
2. Respondent shall pay a fine of Four Thousand Five Hundred and no/100 (\$4,500.00) Dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
3. Respondent shall pay administrative costs of Two Thousand Eight Hundred Thirty Three and 63/100 (\$2,833.63) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
4. Respondent shall pay past unpaid renewal fees of One Hundred Twenty and no/100 (\$120.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
5. Respondent shall provide to the Board within fifteen (15) days of the effective date of this Consent Order the information and documents requested by the Board in its April 14, 2016, May 31, 2016, July 31, 2018 and September 5, 2018 certified mail letters and April 2, 2019 subpoena to Respondent; and
6. 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
7. 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
8. 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

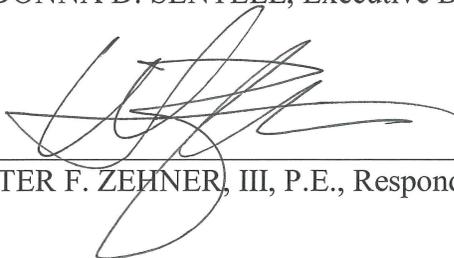
9. This Consent Order shall not become effective unless and until it is accepted and signed by and on behalf of the Board. Should the Board not accept and sign this Consent Order, it is agreed that presentation of this matter to the Board shall not prejudice the Board or any of its members, staff, attorneys or representatives from further participation, consideration, or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATE: 9/9/19

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

DATE: July 16, 2019


WALTER F. ZEHNER, III, P.E., Respondent

Witnesses to the signature of
Walter F. Zehner, III, P.E.

William Hyatt
Print Name: WILLIAM HYATT

Christopher Aaron
Print Name: CHRISTOPHER AARON