

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. 2016-40
)	
DAVID L. PATTERSON, P.L.S.)	
)	
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 David L. Patterson, 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-4784.

An investigation was opened based upon the Board’s receipt of information and documents which suggested that Respondent may have violated the Board’s standards of practice for boundary surveys. The investigation disclosed that (a) between November 28, 2012 and March 21, 2013 Respondent performed two (2) property boundary surveys and prepared, sealed, signed and issued survey plats for tracts of land located in East Baton Rouge Parish, Louisiana which failed to show dimensions or bearings of a property or boundary line; (b) between January 29, 2013 and June 19, 2015 Respondent performed fourteen (14) property boundary surveys and prepared, sealed, signed and issued survey plats for tracts of land located in East Baton Rouge Parish and West Baton Rouge Parish, Louisiana which failed to label monuments as “found” or “set”; (c) between March 8, 2013 and March 9, 2015 Respondent performed thirteen (13) property boundary surveys and prepared, sealed, signed and issued survey plats for tracts of land located in East Baton Rouge Parish, Louisiana which failed to mark bearings on the plats from the basis of bearing notes; (d) between March 8, 2013 and February 23, 2015 Respondent performed four (4) property boundary surveys and prepared, sealed, signed and issued survey plats for tracts of land located in East Baton Rouge Parish, Louisiana which failed to include the requisite certification statement; and (e) between October 25, 2012 and June 3, 2013 Respondent

performed three (3) route surveys and prepared, sealed, signed and issued survey plats for tracts of land located in East Baton Rouge Parish, Louisiana which failed to include the requisite certification statement.

La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(3), require that property boundary survey plats or maps show all dimensions, bearings or angles neatly and legibly with respect to each property or boundary line. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(4), require that property boundary survey plats or maps label monuments as “found” or “set” with a sufficient description of the monument. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(6), require that property boundary survey plats or maps which use bearings include (i) reference to true north as computed by astronomic observation, (ii) reference to the Louisiana State Plane Coordinate System, (iii) reference to the record bearing of a well-established line found monumented on the ground as called for in a relevant deed or survey plat or map and/or (iv) a magnetic bearing. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(14)(f), require that all property boundary survey plats or maps contain the signature and seal of the licensee under whose responsible charge the survey was done. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(15), require that all property boundary survey plats or maps issued to the client contain a certification statement by the licensee certifying its authenticity and stating that the property boundary survey is in accordance with the applicable standards of practice based on the current survey “classification”. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2909(B)(3), require that all final route survey plats or maps issued to the client contain a statement by the licensee certifying its authenticity and stating that the route survey complies with the applicable standards of practice. 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§2907(G)(3), 2907(G)(4), 2907(G)(6), 2907(G)(14)(f), 2907(G)(15) and 2909(B)(3), 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(H) and LAC Title 46:LXI§2907(G)(3), 2907(G)(4), 2907(G)(6), 2907(G)(14)(f), 2907(G)(15) and 2909(B)(3) were in effect at all times material hereto.

It is undisputed that Respondent performed boundary surveys and prepared, sealed, signed and issued survey plats for property located in Louisiana which failed to meet the Board's standards of practice for boundary surveys.

By letter dated October 2, 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. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(3), 2907(G)(4), 2907(G)(6), 2907(G)(14)(f), 2907(G)(15) and 2909(B)((3), relative to failing to meet the Board's standards of practice for boundary surveys.

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 and no/100 (\$1,000.00) dollars, (b) pay administrative costs of one thousand two hundred and one and 75/100 (\$1,201.75) dollars, (c) successfully complete the Board's online Louisiana Standards of Practice for Boundary Surveys Quiz, (d) correct the above-described standards of practice violations on revised survey plats, provide the revised survey plats to the Board for review, properly file the revised survey plats into the public record, and provide copies of the filed revised survey plats to the Board, and (e) 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 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 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 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 him 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 one thousand and no/100 (\$1,000.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
2. Respondent shall pay administrative costs of one thousand two hundred and one and 75/100 (\$1,201.75) 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 Standards of Practice for Boundary Surveys 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 correct the above-described standards of practice violations on revised survey plats, provide the revised survey plats to the Board for review, properly file the revised survey plats into the public record, and provide copies of the filed revised survey plats to the Board within sixty (60) days of the effective date of this Consent Order; and

5. 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

6. 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: 13 November 2017

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

DATE: 13 Oct. 2017

David L. Patterson
DAVID L. PATTERSON, P.L.S., Respondent

Witnesses to the signature of
David L. Patterson., P.L.S.

Michael C. Pitre
Print Name: MICHAEL C. PITRE

Sandra Wiley
Print Name: SANDRA WILEY