

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

Received
OCT 05 2020
By LAPELS Enforcement

IN THE MATTER OF:) CASE NO. 2018-101
DEXTER G. ISTRE, P.E.)
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 Dexter G. Istre, 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-38622.

An investigation was opened based upon the Board's receipt of information and/or documents which suggested that Respondent may have committed violations of the Board's laws and/or rules. The investigation disclosed that on or about June 17, 2016 Respondent prepared, sealed, signed and issued to his client a third revision to electrical engineering layout plans for the Inail Distribution Warehouse project in Lafayette, Louisiana [hereinafter "Design Plans"] which contained the following deficiencies:

- a) receptacle and light fixture mounting height not indicated;
- b) no circuiting requirements for HVAC, lighting or receptacles;
- c) no load summary or calculations for electrical service;
- d) no electrical riser provided;
- e) no fault current or calculations indicated; and
- f) no panel schedule provided.

In addition to the Design Plans, Respondent acknowledges that he may have prepared, sealed, signed and issued to his clients electrical engineering layout plans for other projects in Louisiana.

Additionally, the investigation disclosed that Respondent had no prior experience performing the type of electrical engineering work involved in the Design Plans or in the other

electrical engineering layout plans and lacked the skills and ability necessary to perform the work.

La. R.S. 37:698(A)(2) prohibits licensees from committing any gross misconduct in the practice of engineering. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C), require licensees to approve and seal only those design documents which are safe for public health, property and welfare, which are complete and accurate, which are in conformity with accepted engineering standards or practice, and which conform to applicable laws and ordinances. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2505(A) and (B), require licensees to perform services only in the area of their competence and when qualified by education or experience in the specific technical fields of engineering involved. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2505(C), prohibit licensees from sealing or signing engineering documents dealing with subject matters in which they lack competence. La. R.S. 37:698(A)(18) prohibits licensees from practicing or offering to practice engineering when not qualified. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(2), La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C), La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2505(A), (B) and (C), and La. R.S. 37:698(A)(18), 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)(2), La. R.S. 37:698(A)(6), La. R.S. 37:698(A)(18), La. R.S. 37:698(H), LAC Title 46:LXI§2503(C), and LAC Title 46:LXI§2505(A), (B) and (C) 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, (b) on or about June 17, 2016 Respondent prepared, sealed, signed and issued electrical engineering layout plans for a project in Louisiana which contained deficiencies, (c) Respondent acknowledges that he may have prepared, sealed, signed and issued electrical engineering layout plans for other projects in Louisiana and (d) Respondent had no prior experience performing the type of electrical engineering work involved in any electrical engineering layout plans and lacked the skills and ability necessary to perform the work.

By letter dated October 22, 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. 37:698(A)(2), relative to gross misconduct in the practice of

engineering; (b) La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C), relative to approving and sealing only those design documents which are safe for public health, property and welfare, which are complete and accurate, which are in conformity with accepted engineering standards or practice, and which conform to applicable laws and ordinances; (c) La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2505(A) and (B), relative to performing services only in the area of the licensee's competence and when qualified by education or experience in the specific technical fields of engineering involved; (d) La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2505(C), relative to sealing or signing engineering documents dealing with subject matters in which the licensee lacks competence; and (e) La. R.S. 37:698(A)(18), relative to practicing or offering to practice engineering when not qualified.

After investigation and wishing to dispense with the need for further 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 Three Thousand Five Hundred and No/100 (\$3,500.00) Dollars, (b) pay administrative costs of Five Hundred Sixty-Four and 41/100 (\$564.41) Dollars, (c) immediately cease and desist providing and/or offering to provide electrical engineering services in Louisiana until such time as he is properly qualified and competent to do so, (d) provide written notification to the client of this case and the deficiencies in the Design Plans, provide the client with the options available to the client to remedy said deficiencies at no cost to the client, and provide satisfactory evidence of the accomplishment of these requirements to the Board, (e) successfully complete the Board's online Louisiana Laws and Rules Quiz, (f) successfully complete the Board's online Louisiana Professionalism and Ethics Quiz and (g) 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.

The Board asserts that Respondent's 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 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) 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 Three Thousand Five Hundred and No/100 (\$3,500.00) 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 Five Hundred Sixty-Four and 41/100 (\$564.41) 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 providing and/or offering to provide electrical engineering services in Louisiana until such time as he is properly qualified and competent to do so; and

4. Respondent shall provide written notification to the client of this case and the deficiencies in the Design Plans, provide the client with the options available to the client to remedy said deficiencies at no cost to the client, 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: and

5. 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

6. 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

7. 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

8. 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: 10/26/2020

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

DATE: 9-28-2020

Dexter G. Istre
DEXTER G. ISTRE, P.E., Respondent

Witnesses to the signature of
Dexter G. Istre, P.E.

Tanya Istre
Print Name: Tanya Istre

Caldonia B. Istre
Print Name: Caldonia B. Istre

Approved by:



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Attorneys for Dexter G. Istre, P.E.