

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

IN THE MATTER OF:

THOMAS A. PALARZ JR., P.E.

RESPONDENT

CASE NO. 2018-57

Received

FEB 25 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 Thomas Anthony Palarz Jr., 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-39054. At all times material hereto, Respondent’s firm, NEHIL – SIVAK, P.C. - Corporation [hereinafter “NSC”], was not licensed as a professional engineering firm. NSC became licensed as a professional engineering firm, number EF-6432 on April 25, 2018.

An investigation was opened based upon the Board’s receipt of NSC’s application for licensure as a professional engineering firm in Louisiana wherein it was indicated that Respondent’s firm engaged in the unlicensed practice of and/or offer to practice engineering in Louisiana. The investigation disclosed that between May 2014 and April 25, 2018 Respondent aided and assisted his firm in the unlicensed practice of and/or offer to practice engineering in the State of Louisiana on one (10 project.

La. R.S. 37:681 and La. R.S. 37:700(A)(1) and (9), *to wit* LAC Title 46:LXI§2301(B), collectively prohibit the practice and/or offer to practice of engineering without proper licensure. La. R.S. 37:698(A)(12) prohibits licensees from aiding and assisting any person in violating the laws and rules of the Board. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(12), 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, La. R.S. 37:698(A)(12), La. R.S. 37:700(A)(1)

and (9), La. R.S. 37:698(H) and LAC Title 46:LXI§2301(B) were in effect at all times material hereto.

It is undisputed that **(a)** at all times material hereto, Respondent was president, and member of NSC, **(b)** NSC was not licensed as a professional engineering firm in State of Louisiana, **(c)** between May 2014 and April 25, 2018 Respondent aided and assisted his firm in the unlicensed practice of engineering on one (1) project in Louisiana.

By letter dated August 31, 2018, 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)(12), relative to aiding and assisting his firm in the unlicensed practice of engineering in Louisiana.

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 Five Hundred and No/100 (\$500.00) Dollars, **(b)** pay administrative costs of One Hundred Twenty-Nine and 08/100 (\$129.08) Dollars, **(c)** successfully complete the Board's online Louisiana Laws and Rules Quiz, **(d)** successfully complete the Board's online Louisiana Professionalism and Ethics Quiz, 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 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 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 Hundred Twenty-Nine and 08/100 (\$129.08) 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 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
4. 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
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*

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATE: 4/8/2019

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

NEHIL – SIVAK, P.C. - CORPORATION,
Respondent

DATE: 2/19/19

BY: *Thomas A. Palarz Jr.*
THOMAS A. PALARZ JR., P.E., President

Witnesses to the signature of
NEHIL – SIVAK, P.C. - Corporation

Chad A. Cook
Print Name: Chad A. Cook

Kathleen M. Cikota
Print Name: KATHLEEN M. CIKOLA