

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. 2019-45
)	
TOBY DUGAS ENGINEERING, LLC)	Received
)	NOV 25 2019
RESPONDENT)	
)	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 Toby Dugas Engineering, LLC [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 engineering firm and, therefore, was not authorized to practice and/or offer to practice engineering in the State of Louisiana. Respondent subsequently became licensed in the State of Louisiana as a professional engineering firm, number EF-6692, effective September 20, 2019.

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 between November 2015 and September 19, 2019 Respondent admittedly offered to provide engineering services in Louisiana and provided engineering services on three hundred forty two (342) projects in Louisiana.

La. R.S. 37:681 and La. R.S. 37:700(A)(1) and (7), *to wit* LAC Title 46:LXI§2301(B), prohibit the practicing of and/or offering to practice engineering and the use of the words “engineer”, “engineering” 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. 37:681 and La. R.S. 37:700(A)(1) and (7), *to wit* LAC Title 46:LXI§2301(B), 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. 37:700(A)(1) and (7), La. R.S. 37:700(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 not licensed in Louisiana as a professional engineering firm and, therefore, was not authorized to practice and/or offer to practice engineering in Louisiana and **(b)** between November 2015 and September 19, 2019 Respondent practiced and offered to practice engineering and used the word “engineering” in its name in Louisiana without proper licensure.

By letter dated October 7, 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 La. R.S. 37:681 and La. R.S. 37:700(A)(1) and (7), *to wit* LAC Title 46:LXI§2301(B), relative to practicing and/or offering to practice engineering and using the words “engineer”, “engineering” 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 One Thousand Five Hundred and No/100 (\$1,500.00) Dollars, (b) pay administrative costs of Four Hundred Thirty-Eight and 97/100 (\$438.97) Dollars and (c) 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 unintentional 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 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 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 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) 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 One Thousand Five Hundred and No/100 (\$1,500.00) 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 Four Hundred Thirty-Eight and 97/100 (\$438.97) 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. 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
4. 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: 28 Jan 2020

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

TOBY DUGAS ENGINEERING, LLC, Respondent

DATE: 25 Nov 2019

BY: Toby G Dugas, PE
TOBY G. DUGAS, P.E., Manager

Witnesses to the signature of
Toby Dugas Engineering, LLC

Chris Aaron
Print Name: Chris Aaron

Larasha Andrews
Print Name: Larasha Andrews