

**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. 2020-35**
)
HARDY ENGINEERING, INC.)
)
RESPONDENT)
_____)

Received
SEP 07 2021
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 Hardy Engineering, Inc. [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 became licensed in Louisiana as a professional engineering firm, No. EF-6563, effective December 20, 2018.

An investigation was opened based upon the Board’s receipt of Respondent’s application for licensure as a professional engineering firm wherein Respondent indicated it had engaged in the practice of and/or offer to practice engineering in the State of Louisiana without being duly licensed by the Board. The investigation disclosed that between November 2017 and December 2018 Respondent had practiced and offered to practice engineering on three (3) projects in Louisiana. The investigation further revealed that prior to licensure in Louisiana, Respondent used the words “engineer” or “engineering” or any modifications or derivatives thereof in the firm name or business activity in Louisiana.

La. R.S. 37:681 and La. R.S. 37:700(A)(1), (7) and (9), *to wit* LAC Title 46:LXI§2301(B), collectively prohibit the practice and/or offer to practice of engineering and the use of the words “engineer”, “engineering” or any modifications or derivatives thereof 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), (7) and (9), *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), (7) and (9), 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, not authorized to practice and/or offer to practice engineering in Louisiana, **(b)** between November 2017 and December 2018, Respondent practiced and offered to practice engineering on three (3) projects in Louisiana without proper licensure; and **(c)** between November 2017 and December 2018, Respondent did business in Louisiana while having in its firm name the words engineer, engineering, or any modification thereof, and without being licensed by the Board.

By letter dated June 25, 2021, 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, La. R.S. 37:700(A)(1), (7) and (9), and LAC Title 46:LXI§2301(B), relative to practicing and/or offering to practice engineering without proper licensure and collectively prohibit the practice and/or offer to practice of engineering and the use of the words “engineer”, “engineering” or any modifications or derivatives thereof 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 Three Thousand and No/100 (\$3,000.00) Dollars, (b) pay administrative costs of Two Hundred Eleven and 28/100 (\$211.28 Dollars), (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 violations of La. R.S. 37:700 A(1), (7) and (9). 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

applicable laws and rules henceforth. Respondent has been advised of its right to 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 Three Thousand and No/100 (\$3,000.00) 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 Hundred Sixty-Six and 91/100 (\$166.91), 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: 11 October 2021

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

HARDY ENGINEERING, INC.,
Respondent

DATE: 8/31/21

BY: Timothy L. Hardy
TIMOTHY L. HARDY, P.E., Director, President
and Officer

Witnesses to the signature of
Hardy Engineering, Inc.

Angelina Berkstresser
Print Name: Angelina Berkstresser

Joel Murphy
Print Name: JOEL MURPHY