

**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. 2020-40**
)
EXISTING STRUCTURES)
ENGINEERING, INC.)
)
RESPONDENT)

Received
NOV 20 2020
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 Existing Structures 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 subsequently became licensed in the State of Louisiana as a professional engineering firm, number EF-6899, effective August 28, 2020.

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 October 2017 and February 2018 Respondent admittedly provided engineering services and used your firm name on one (1) project in Louisiana.

The investigation also disclosed that on or about July 21, 2020 Respondent submitted to the Board an Application for Engineering Firm Licensure, confirming thereon that **(a)** it had never practiced or offered to practice engineering in Louisiana, **(b)** to the best of its knowledge, information and belief the statements and information on the application were true and correct in substance and effect and were made in good faith, **(c)** it had not omitted any information requested on the application and **(d)** an omission or untrue response on the application could

constitute fraud, deceit, material misstatement, perjury or the giving of false or forged evidence under La. R.S. 37:698 and 37:700.

La. R.S. 37:681 and La. R.S. 37:700(A)(1), (7) and (9), *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 modifications or derivatives thereof in a person’s name or form of business or activity without proper licensure. La. R.S. 37:700(A)(3) prohibits any fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a license with the Board. La. R.S. 37:700(H) permits the Board to take enforcement action against persons who violate La. R.S. 37:681, La. R.S. 37:700(A)(1), (7) and (9), *to wit* LAC Title 46:LXI§2301(B), and La. R.S. 37:700(A)(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. 37:681, La. R.S. 37:700(A)(1), (3), (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) prior to August 28, 2020 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, (b) between October 2017 and February 2018 Respondent admittedly practiced engineering and used its firm name in Louisiana without proper licensure and (c) on or about July 21, 2020 Respondent submitted to the Board an Application for Engineering Firm Licensure which falsely stated that Respondent never practiced or offered to practice engineering in Louisiana.

By letter dated November 12, 2020 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. 37:681 and La. R.S. 37:700(A)(1), (7) and (9), *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, and (b) La. R.S. 37:700(A)(3), relative to fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a license with the Board.

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 Two Thousand Two Hundred Fifty and No/100 (\$2,250.00) Dollars, (b) pay administrative costs of Four Hundred Sixty-Four and 33/100 (\$464.33) 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 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 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 Two Thousand Two Hundred Fifty and No/100 (\$2,250.00) 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 Sixty-Four and 33/100 (\$464.33) 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 January 2021

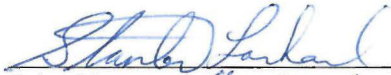
BY: 
DONNA D. SENTELL, Executive Director

EXISTING STRUCTURES ENGINEERING, INC.,
Respondent

DATE: 11/17/2020

BY: 
JAMES B. EVETTS, P.E., President

Witnesses to the signature of
Existing Structures Engineering, Inc.


Print Name: Stanley Lockard


Print Name: Ruth J. Evetts