

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

IN THE MATTER OF:)
)
DANIEL R. ROSEMAN, P.E.)
)
RESPONDENT)
)
)
_____)

CASE NO. 2020-44

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 Daniel R. Roseman, P.E. (*expired*) [hereinafter “Respondent”] hereby agree to the following:

Prior to April 13, 2020, Respondent was not licensed in the State of Louisiana as a professional engineer 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 engineer, number PE-44516, effective April 13, 2020; however, this license has been in an expired status since October 1, 2020. At all times material hereto, U.S. Aquatics, Inc. [hereinafter “Aquatics”] 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. At all times material hereto, Respondent was an owner, officer, employee and representative of Aquatics.

An investigation was opened based upon the Board’s receipt of an Affidavit of Complaint and documents which suggested that Respondent may have committed violations of the Board’s laws and/or rules. The investigation disclosed that between June 2019 and at least April 17, 2020 (a) Respondent and Aquatics allegedly offered to provide engineering services in Louisiana and provided engineering services on a waterslide complex for the Lakeshore Amenity Center project located in Slidell, Louisiana [hereinafter the “LAC Project”], (b) Respondent allegedly prepared, sealed, signed and issued to the client in Louisiana engineering documents in connection with the LAC Project, and (c) in allegedly sealing and signing said engineering documents, Respondent allegedly used the Louisiana professional engineer seal and signature of

another licensee of the Board (Kevin S. Boehringer, P.E.) without the knowledge or consent of such licensee.

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. 37:698(A)(6), *to wit* La. R.S. 37:693(C), renders ineligible for renewal of licensure as a professional engineer an individual who is not, in the opinion of the Board, of good character and reputation. La. R.S. 37:698(A)(12) prohibits licensees from aiding or assisting another person in violating the laws and/or rules of the Board. La. R.S. 37:700(A)(2) prohibits persons from presenting or attempting to use as one’s own the license, certificate, seal, or stamp of another person. La. R.S. 37:700(A)(4) prohibits persons from falsely impersonating any licensee or certificate holder of a like or different name. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(6), *to wit* La. R.S. 37:693(C), and La. R.S. 37:698(A)(12), upon a finding of guilt following the preferral of charges, notice of hearing and a majority vote of its entire membership authorized to participate in the proceeding. 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), La. R.S. 37:700(A)(2), and La. R.S. 37:700(A)(4), 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. 37:693(C), La. R.S. 37:698(A)(6) and (12), La. R.S. 37:698(H), La. R.S. 37:700(A)(1), (2), (4), (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 April 13, 2020 Respondent was not licensed in Louisiana as a professional engineer and, therefore, was not authorized to practice and/or offer to practice engineering in Louisiana; **(b)** Respondent subsequently became licensed in Louisiana as a professional engineer, number PE-44516, effective April 13, 2020; **(c)** Aquatics has never been licensed in Louisiana as a professional engineering firm and, therefore, has never been authorized to practice and/or offer to practice engineering in Louisiana; and **(d)** at all times material hereto Respondent was an owner, officer, employee and representative of Aquatics. Furthermore,

Respondent neither admits nor denies that **(a)** between June 2019 and at least April 17, 2020 Respondent and Aquatics practiced and offered to practice engineering and used the words “engineer”, “engineering” or modifications or derivatives thereof in connection therewith in Louisiana without proper licensure; **(b)** between June 2019 and at least April 17, 2020 Respondent prepared, sealed, signed and issued to the client in Louisiana engineering documents in connection with the LAC Project; **(c)** in sealing and signing said engineering documents, Respondent used the Louisiana professional engineer seal and signature of another licensee of the Board without the knowledge or consent of such licensee; and **(d)** between April 13, 2020 and at least April 17, 2020 Respondent aided or assisted Aquatics in violating the laws and/or rules of the Board.

By letter dated April 1, 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 **(a)** La. R.S. 37:681 and La. R.S. 37:700(A)(1) and (7), relative to practicing and/or offering to practice engineering and using the words “engineer”, “engineering” or any modifications or derivatives thereof in a person’s name or form of business or activity without proper licensure; **(b)** La. R.S. 37:698(A)(6), *to wit* La. R.S. 37:693(C), relative to being rendered ineligible for renewal of licensure as a professional engineer if an individual is not, in the opinion of the Board, of good character and reputation; **(c)** La. R.S. 37:698(A)(12), relative to aiding or assisting another person in violating the laws and/or rules of the Board; **(d)** La. R.S. 37:700(A)(2), relative to presenting or attempting to use as one’s own the license, certificate, seal, or stamp of another person; and **(e)** La. R.S. 37:700(A)(4), relative to falsely impersonating any licensee or certificate holder of a like or different name.

Wishing to dispense with the need for further disciplinary and 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 his own free will consents to the issuance of a Consent Order by the Board, wherein Respondent agrees to **(a)** pay administrative costs of Three Thousand Seven Hundred Thirty and 64/100 (\$3,730.64) Dollars, **(b)** his Louisiana professional engineer license being permanently ineligible for renewal, **(c)** the immediate revocation of his Louisiana professional engineer license if he fails to comply with any portion of this Consent Order and **(d)** 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.

For the purposes of this proceeding only, Respondent admits that his alleged 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 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 administrative costs of Three Thousand Seven Hundred Thirty and 64/100 (\$3,730.64) Dollars, which shall be tendered to the Board by certified checks payable to the Board in twelve (12) monthly installments as follows:

a. An initial payment of Three Hundred Ten and 96/100 (\$310.96) Dollars shall be due upon the signing of this Consent Order; and

b. The remaining balance of Three Thousand Four Hundred Nineteen and 68/100 (\$3,419.68) Dollars shall be payable in eleven (11) monthly installments of Three Hundred Ten and 88/100 (\$310.88) Dollars each, beginning thirty (30) days after the signing of this Consent Order and every thirty (30) days thereafter until paid in full; and

2. Respondent's expired Louisiana professional engineer license, number PE-44516, shall be permanently ineligible for renewal; and

3. Respondent's Louisiana professional engineer license, number PE-44516, shall be immediately revoked if he fails to comply with any portion of this Consent Order; and

4. 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

5. 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

DATE: 9/1/21

[Signature]
DANIEL R. ROSEMAN, P.E. (expired), Respondent

Witnesses to the signature of
Daniel R. Roseman, P.E. (expired)

Gavin Roseman
Print Name: Gavin Roseman

Christine Roseman
Print Name: Christine Roseman

Approved by:

Stephanie K. McGuire
Hilder & Associates, P.C.
819 Lovett Boulevard
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Attorneys for Daniel R. Roseman