

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

IN THE MATTER OF:)
)
U.P. ENGINEERS AND ARCHITECTS, INC.)
)
RESPONDENT)
)
)
_____)

CASE NO. 2021-94

Received

MAY 16 2022

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 U.P. Engineers & Architects, 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-7226, effective January 3, 2022.

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 in May of 2012 the Ohio State Board of Registration for Professional Engineers and Surveyors [hereinafter “Ohio Board”] took disciplinary action against Respondent for offering and/or providing engineering services in Ohio at a time when Respondent did not possess an active Certificate of Authorization to offer or provide engineering services in Ohio. In a Settlement Agreement dated May 3, 2012 in connection with Case No. 2012-062, UPEA admitted this violation of Ohio law relating to the practice of engineering, and the Ohio Board fined Respondent in the amount of \$250.

The investigation also disclosed that on or about July 7, 2021 and December 16, 2021, Respondent submitted to the Board Applications for Engineering Firm Licensure, signed on behalf of UPEA by its supervising professional, Stephen E. Wright (La. PE-45751), confirming

thereon that **(a)** UPEA had never been the subject of a disciplinary action by the engineering licensing authority in another jurisdiction, **(b)** to the best of its knowledge, information and belief the statements and information in the application were true and correct in substance and effect and were made in good faith and **(c)** an omission or untrue response in 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. 37:700(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. 37:700(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. 37:700(A)(3) and La. R.S. 37:700(H) 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, **(b)** Respondent subsequently became licensed in Louisiana as a professional engineering firm, effective January 3, 2022, **(c)** in May of 2012 Respondent was the subject of a disciplinary action by the engineering licensing authority in another jurisdiction, the State of Ohio, and **(d)** on or about July 7, 2021 and/or December 16, 2021, Respondent falsely stated on its Louisiana applications for firm licensure that it had never been the subject of a disciplinary action by the engineering licensing authority in another jurisdiction.

By letter dated May 5, 2022, 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. 37:700(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 Seven Hundred Fifty and No/100 (\$750.00) Dollars, **(b)** pay administrative costs of Five Hundred Five and 93/100 (\$505.93) 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 an informal conference, to be represented by counsel before the Board, his right to the filing of formal charges and an administrative hearing and/or to appear at any hearing personally or by counsel and present witnesses and evidence in its own behalf, it hereby waives these rights, including its right to informal conference, to notice of charges, and to an administrative hearing 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 Seven Hundred Fifty and No/100 (\$750.00) 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 Five Hundred Five and 93/100 (\$505.93) 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.

Submitted to the Board for Approval by:

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATE: 7/25/2022

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

Agreed to by:

U.P. ENGINEERS AND ARCHITECTS, INC.,
Respondent

DATE: 05/12/22

BY: George Kiiskila, Jr.
GEORGE KIISKILA, Jr., P.E., Principal

Witnesses to the signature of
U.P. Engineers and Architects, Inc.

Kerry Auger
Print Name: Kerry Auger

Jodehl Usitalo
Print Name: Jodehl Usitalo