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

IN THE MATTER OF:

MATTHEW J. FALATI, P.E.

RESPONDENT

CASE NO. 2024-31

Received

MAY 1 3 2025

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 Matthew J. Falati, P.E. [hereinafter "Respondent"] hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as a professional engineer, number PE-31848. At all times material hereto, Falati Consulting, LLC [hereinafter "FAL"] 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. FAL subsequently became licensed in the State of Louisiana as a professional engineering firm, number EF-7899, effective August 23, 2024. At all times material hereto, Respondent was an owner, manager, employee and representative of FAL. Respondent has been the supervising professional of FAL since August 23, 2024. At all times material hereto, Charles T. Knight, P.E. was licensed in the State of Louisiana as a professional engineer, number PE-22165.

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 2011 Mr. Knight prepared, sealed, signed and issued to his client (the Southern Yacht Club) engineering plans for bulkhead and site improvements at the client's facility in New Orleans, Louisiana. The investigation also disclosed that in February 2023 Respondent prepared, sealed, signed and issued to the same client Mr. Knight's original plans with a few changes; however, Respondent failed to either (a) exercise responsible charge over the work involved in the preparation of the original plans or (b) provide to Mr. Knight timely written notice of Respondent's engagement by the client and properly describe on Respondent's plans the work done by Respondent.

The investigation also disclosed that between at least February 2022 and August 22, 2024 (a) FAL admittedly offered to provide engineering services in Louisiana and provided engineering services on at least thirteen (13) projects in Louisiana and (b) Respondent provided engineering services for and on behalf of FAL in Louisiana in connection with said projects.

Additionally, the investigation disclosed that on or about July 19, 2024 Respondent signed and submitted to the Board on behalf of FAL an application for engineering firm licensure, in which Respondent admitted that FAL had engaged in the unlicensed practice of and/or offering to practice engineering in Louisiana.

La. R.S. 37:681 and La. R.S. 37:700(A)(1) and (9), to wit LAC Title 46:LXI§2301(B), prohibit the practicing and/or offering to practice engineering without proper licensure. La. R.S. 37:698(A)(6), to wit LAC Title 46:LXI§2503(C) and (D), 2505(C) and 2701(A)(3), prohibit licensees from sealing, signing or issuing engineering documents not prepared by the licensee or under their responsible charge. La. R.S. 37:698(A)(6), to wit LAC Title 46:LXI§2503(D), require that licensees who are engaged to complete, correct, revise or add to the engineering work of another licensee or other related design professionals (a) provide written notice of their engagement to the other licensee or other related design professional within five business days and (b) include a notation in their work product which describes the work done by the licensee now in responsible charge. 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. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(6), to wit LAC Title 46:LXI§2503(C) and (D), 2505(C) and 2701(A)(3), La. R.S. 37:698(A)(6), to wit LAC Title 46:LXI§2503(D), and La. R.S. 37:698(A)(12), 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. 37:698(A)(6), La. R.S. 37:698(A)(12), La. R.S. 37:698(H), La. R.S. 37:700(A)(1) and (9), and LAC Title 46:LXI§2301(B), 2503(C) and (D), 2505(C) and 2701(A)(3), were in effect at all times material hereto.

It is undisputed that (a) at all times material hereto Respondent was licensed in Louisiana as a professional engineer, (b) until August 23, 2024 FAL 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, (c) at all times material hereto Respondent was an owner, manager, employee and representative of FAL, (d) Respondent has been the supervising professional of FAL since August 23, 2024, (e) at all times material hereto Mr. Knight was licensed in Louisiana as a professional engineer, (f) in 2011 Mr. Knight prepared, sealed, signed and issued to his client engineering plans for a facility in Louisiana, (g) in February 2023 Respondent prepared, sealed, signed and issued to the same client Mr. Knight's original plans with a few changes, (h) Respondent failed to either exercise responsible charge over the work involved in the preparation of the original plans or provide to Mr. Knight timely written notice of Respondent's engagement by the client and properly describe on Respondent's plans the work done by Respondent, (i) between at least February 2022 and August 22, 2024 FAL admittedly practiced and offered to practice engineering in Louisiana without proper licensure and (j) Respondent aided or assisted FAL in violating the laws and/or rules of the Board.

By letter dated October 7, 2024, 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. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C) and (D), 2505(C) and 2701(A)(3), relative to sealing, signing or issuing engineering documents not prepared by the licensee or under their responsible charge, (b) La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(D), relative to licensees who are engaged to complete, correct, revise or add to the engineering work of another licensee or other related design professionals providing written notice of their engagement to the other licensee or other related design professional within five business days and including a notation in their work product which describes the work done by the licensee now in responsible charge, and (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.

Wishing to dispense with the need for further disciplinary 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 a fine of Two Thousand and No/100 (\$2,000.00) Dollars, (b) pay administrative costs of Two Thousand Five Hundred Sixty-Two and 98/100 (\$2,562.98) Dollars, (c)

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successfully complete the Board's online Louisiana Laws and Rules Quiz, (d) successfully complete the Board's online Louisiana Professionalism and Ethics Quiz, (e) the immediate suspension of his Louisiana professional engineer license <u>if</u> he fails to comply with any portion of this Consent Order, with said suspension continuing until he so complies, and (f) 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 his 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:

 Respondent shall pay a fine of Two Thousand and No/100 (\$2,000.00) Dollars, which shall be tendered to the Board by certified checks payable to the Board in six (6) installments as follows:

a. An initial payment of Five Hundred and No/100 (\$500.00) Dollars shall be due upon the signing of this Consent Order; and

b. The remaining balance of One Thousand Five Hundred and No/100 (\$1,500.00) Dollars shall be payable in five (5) installments of Three Hundred and No/100 (\$300.00) 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 shall pay administrative costs of Two Thousand Five Hundred Sixty-Two and 98/100 (\$2,562.98) Dollars, which shall be tendered to the Board by certified checks payable to the Board in six (6) installments as follows:

a. An initial payment of Six Hundred Forty and 73/100 (\$640.73) Dollars shall be due upon the signing of this Consent Order; and

b. The remaining balance of One Thousand Nine Hundred Twenty-Two and 25/100 (\$1,922.25) Dollars shall be payable in five (5) installments of Three Hundred Eighty-Four and 45/100 (\$384.45) Dollars each, beginning thirty (30) days after the signing of this Consent Order and every thirty (30) days thereafter until paid in full; and

3. Respondent shall successfully complete the Board's online Louisiana Laws and Rules Quiz with a score of 90% or higher and return it to the Board within sixty (60) days of the effective date of this Consent Order; and

Respondent shall successfully complete the Board's online Louisiana
Professionalism and Ethics Quiz with a score of 90% or higher and return it to the Board within sixty (60) days of the effective date of this Consent Order; and

5. Respondent's Louisiana professional engineer license, number PE-31848, shall be immediately suspended <u>if</u> he fails to comply with any portion of this Consent Order, with said suspension continuing until he so complies; and

6. 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

7. 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.

DATE: June 16, 2025

DATE:

Witnesses to the signature of Matthew J. Falati, P.E.

Print Name: SHAWAN WOODWARD

int Name

Approved by:

de la

Julie Quinn 112 Founders Drive Baton Rouge, LA 70810 Telephone: (225) 372-6510

Attorney for Matthew J. Falati, P.E.

LOUISIANA PROFESSIONAL ENGINEERING AND LAND SURVEYING BOARD

BY: DONNA D. SENTELL, Executive Director

MATTHEW J. FALATI, P.E., Respondent