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MINUTES OF THE REGULAR MEETING OF THE  
LOUISIANA PROFESSIONAL ENGINEERING  
AND LAND SURVEYING BOARD  
9643 BROOKLINE AVENUE, SUITE 121  
BATON ROUGE, LOUISIANA 70809-1433  
February 1, 2022

At 9:03 a.m. on February 1, 2022, Jeffrey A. Pike, P.E. called the meeting to order at the Board's office in Baton Rouge, Louisiana, with the following members present:

Jeffrey A. Pike, P.E.	Chairman
Christopher K. Richard, P.E.	Vice Chairman
Chad C. Vosburg, P.E.	Treasurer
Edgar P. Benoit, P.E.	Secretary

Wilfred J. Fontenot, P.L.S.  
Linda H. Bergeron, P.E.  
Byron D. Racca, P.E.  
Connie P. Betts, P.E.  
Reginald L. Jeter, P.E.  
James H. Chustz, Jr., P.L.S.  
Janice P. Williams, P.E. (*via Zoom  
video conferencing*)

Also present:

Donna D. Sentell, Executive Director  
Cheron Seaman, Deputy Executive Director  
Bill Tripoli, IT Director  
D. Scott Landry, Board Attorney  
Joe Harman, P.E., Technical Advisor  
David Patterson, P.L.S., Technical Advisor  
LaTasha Andrews, Board Investigator (*via Zoom  
video conferencing*)  
William Hyatt, Board Investigator (*via Zoom  
video conferencing*)  
Andrew Zoutewelle, P.L.S.  
Craig Campbell, P.E.  
Foy Gadberry, P.E., P.L.S.

The invocation was led by Mr. Jeter and the pledge was led by Mr. Richard.

Public comment time was recognized by Chairman Pike. Mr. Zoutewelle, Mr. Campbell and Mr. Gadberry were recognized.

The Board unanimously approved the motion made by Mr. Benoit, seconded by Mr. Jeter, to accept the February 1, 2022 proposed Call and Agenda for the meeting.

The Board unanimously approved the motion made by Mr. Fontenot, seconded by Mr. Racca, to approve the minutes from the October 11, 2021 Board meeting.

Mr. Zoutewelle, Vice President for the NCEES Southern Zone, made an NCEES overview presentation and answered questions from Board members.

### **Committee Reports**

#### **Incidental Practice Task Force**

Mr. Richard briefed the Board on the recent meetings of the Incidental Practice Task Force.

The Board recessed at 10:23 a.m. and resumed at 10:35 a.m.

### **Compliance and Enforcement**

**Case # 2021-52** – Mr. Hyatt reported on a professional engineer who committed fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a renewal license with the Board. The respondent has signed

1 and returned the proposed consent order offered by the Complaint Review  
2 Committee. The proposed consent order contained the following sanctions:

- 3 1. Fine of \$1,000
- 4 2. Costs of \$424.40
- 5 3. Louisiana Laws & Rules Quiz
- 6 4. Louisiana Professionalism & Ethics Quiz
- 7 5. Publication on the Board's website and in the Journal with name.
- 8 6. Report to NCEES with name

9 After discussion, the Board unanimously approved the motion made by the Complaint  
10 Review Committee, consisting of Ms. Betts, Mr. Jeter, and Ms. Bergeron, to approve the  
11 signed consent order. The name of the respondent is **Timothy J. Tieaskie, P.E.**

12  
13 **Case # 2021-51** – Mr. Hyatt reported on a professional engineering firm which  
14 practiced and/or offered to practice engineering with an expired license. The  
15 respondent has signed and returned the proposed consent order offered by the  
16 Complaint Review Committee. The proposed consent order contained the following  
17 sanctions:

- 18 7. Fine of \$500
- 19 8. Costs of \$668.60
- 20 9. Past unpaid renewal fees of \$120
- 21 10. Louisiana Laws & Rules Quiz by each supervising professional
- 22 11. Louisiana Professionalism & Ethics Quiz by each supervising professional
- 23 12. Publication on the Board's website and in the Journal with name
- 24 13. Report to NCEES with name

25 After discussion, the Board unanimously approved the motion made by the Complaint  
26 Review Committee, consisting of Ms. Betts, Mr. Jeter and Ms. Bergeron, to approve the  
27 signed consent order. The name of the respondent is **Badeaux Engineers**  
28 **Incorporated.**

29  
30 **Case # 2021-89** – Mr. Hyatt reported on a professional engineer who aided or  
31 assisted another person in violating the laws and/or rules of the Board. The  
32 respondent has signed and returned the proposed consent order offered by the  
33 Complaint Review Committee. The proposed consent order contained the following  
34 sanctions:

- 35 1. Fine of \$500
- 36 2. Costs of \$668.60
- 37 3. Louisiana Laws & Rules Quiz
- 38 4. Louisiana Professionalism & Ethics Quiz
- 39 5. Publication on the Board's website and in the Journal with name
- 40 6. Report to NCEES with name

41 After discussion, the Board unanimously approved the motion made by the Complaint  
42 Review Committee, consisting of Ms. Betts, Mr. Jeter and Ms. Bergeron, to approve the  
43 signed consent order. The name of the respondent is **Michael H. Badeaux, P.E.**

44  
45 **Case # 2020-80** – Mr. Hyatt reported on an unlicensed firm (that subsequently  
46 became licensed as a professional engineering firm) which practiced and/or offered  
47 to practice engineering and used the words “engineer”, “engineering” or any  
48 modifications or derivatives thereof in a person's name or form of business or  
49 activity without proper licensure. The respondent has signed and returned the  
50 proposed consent order offered by the Complaint Review Committee. The  
51 proposed consent order contained the following sanctions:

- 52 1. Fine of \$3,000
- 53 2. Costs of \$999.77
- 54 3. Publication on the Board's website and in the Journal with name
- 55 4. Report to NCEES with name

56 After discussion, the Board unanimously approved the motion made by the  
57 Complaint Review Committee, consisting of Mr. Benoit, Ms. Betts and Mr. Jeter, to  
58 approve the signed consent order. The name of the respondent is **Partner**  
59 **Assessment Corporation.**

60  
61 **Case # 2020-81** – Mr. Hyatt reported on an unlicensed individual (who  
62 subsequently became licensed as a professional engineer) who practiced and/or  
63 offered to practice engineering and used the words “engineer”, “engineering” or any  
64 modifications or derivatives thereof in a person's name or form of business or  
65 activity without proper licensure. The respondent has signed and returned the

1 proposed consent order offered by the Complaint Review Committee. The  
2 proposed consent order contained the following sanctions:

- 3 14. Fine of \$1,500
- 4 15. Costs of \$999.77
- 5 16. Publication on the Board's website and in the Journal with name
- 6 17. Report to NCEES with name

7 After discussion, the Board unanimously approved the motion made by the  
8 Complaint Review Committee, consisting of Mr. Benoit, Ms. Betts and Mr. Jeter, to  
9 approve the signed consent order. The name of the respondent is **Jonnae L. Hice,**  
10 **P.E.**

11  
12 **Case # 2020-82** – Mr. Hyatt reported on an unlicensed individual who practiced  
13 and/or offered to practice engineering and used the words “engineer”,  
14 “engineering” or any modifications or derivatives thereof in a person’s name or  
15 form of business or activity without proper licensure. The respondent has signed  
16 and returned the proposed consent order offered by the Complaint Review  
17 Committee. The proposed consent order contained the following sanctions:

- 18 1. Fine of \$1,500
- 19 2. Costs of \$999.77
- 20 3. Publication on the Board's website and in the Journal with name
- 21 4. Report to NCEES with name

22 After discussion, the Board unanimously approved the motion made by the  
23 Complaint Review Committee, consisting of Mr. Benoit, Ms. Betts and Mr. Jeter, to  
24 approve the signed consent order. The name of the respondent is **Tyler A.**  
25 **Palmatary.**

26  
27 **Case # 2021-02** – Mr. Hyatt reported on a professional engineer who committed  
28 fraud, deceit, material misstatement or perjury, or the giving of any false or forged  
29 evidence, in applying for a renewal license with the Board. The respondent has  
30 signed and returned the proposed consent order offered by the Complaint Review  
31 Committee. The proposed consent order contained the following sanctions:

- 32 1. Fine of \$1,000
- 33 2. Costs of \$881.93
- 34 3. Louisiana Laws & Rules Quiz
- 35 4. Louisiana Professionalism & Ethics Quiz
- 36 5. Publication on the Board's website and in the Journal with name
- 37 6. Report to NCEES with name

38 After discussion, the Board unanimously approved the motion made by the  
39 Complaint Review Committee, consisting of Mr. Benoit, Ms. Betts and Mr. Jeter, to  
40 approve the signed consent order. The name of the respondent is **John A. Fowler,**  
41 **P.E.**

42  
43 **Case # 2020-90** – Mr. Hyatt reported on a professional engineer who committed  
44 fraud, deceit, material misstatement or perjury, or the giving of any false or forged  
45 evidence, in applying for a renewal license with the Board. The respondent has  
46 signed and returned the proposed consent order offered by the Complaint Review  
47 Committee. The proposed consent order contained the following sanctions:

- 48 1. Fine of \$1,000
- 49 2. Costs of \$1,471.62
- 50 3. Louisiana Laws & Rules Quiz
- 51 4. Louisiana Professionalism & Ethics Quiz
- 52 5. Publication on the Board's website and in the Journal with name
- 53 6. Report to NCEES with name

54 After discussion, the Board unanimously approved the motion made by the  
55 Complaint Review Committee, consisting of Ms. Betts, Mr. Jeter and Ms.  
56 Bergeron, to approve the signed consent order. The name of the respondent is  
57 **Christopher T. Johnson, P.E.**

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1 **Case # 2021-31** – Mr. Hyatt reported on a professional engineer who practiced  
2 and/or offered to practice engineering with an expired license. The respondent has  
3 signed and returned the proposed consent order offered by the Complaint Review  
4 Committee. The proposed consent order contained the following sanctions:

- 5 1. Fine of \$1,500
- 6 2. Louisiana Laws & Rules Quiz
- 7 3. Louisiana Professionalism & Ethics Quiz
- 8 4. Publication on the Board’s website and in the Journal with name
- 9 5. Report to NCEES with name

10 After discussion, the Board unanimously approved the motion made by the  
11 Complaint Review Committee, consisting of Ms. Betts, Mr. Jeter and Ms.  
12 Bergeron, to approve the signed consent order. The name of the respondent is  
13 **Jason L. Ward, P.E.**  
14

## 15 **Committee Reports (continued)**

### 16 **Laws and Rules Committee**

17  
18  
19 Mr. Richard presented the Petition for a Declaratory Order and Ruling filed by John G.  
20 Williams, P.E.

21  
22 After discussion, the Board unanimously approved the motion made by Mr. Richard,  
23 seconded by Mr. Racca, to approve the following ruling on Mr. Williams’ Petition for  
24 Declaratory Order and Ruling:  
25

#### 26 **RULING ON PETITION FOR DECLARATORY ORDER**

27 1.

28 On November 2, 2021, John G. Williams, P.E. (“Petitioner”) filed with the  
29 Louisiana Professional Engineering and Land Surveying Board (the “Board”) a  
30 petition for declaratory order and ruling pursuant to LAC Title 46:LXI\$727.  
31

32 2.

33 Petitioner seeks a declaratory order as to whether a professional engineer  
34 is required to seal and sign documents in connection with a public water  
35 system’s switch of its secondary (distribution system) disinfection residual  
36 type from free to total chlorine where (a) the system is already permitted by  
37 the Louisiana Department of Health to feed chlorine, (b) the system is under  
38 the control and direction of a certified operator holding the appropriate  
39 professional certification in the category of water treatment, (c) the existing  
40 feed equipment for the system is adequate to accomplish the dosage required  
41 to achieve the desired residual (free or total chlorine) and no additional feed  
42 equipment is required and (d) only an adjustment of chlorine dose is required.  
43

44 3.

45 La. R.S. 37:682(13) defines the “practice of engineering” as follows:

46 (13)(a) "Practice of engineering" shall mean responsible professional  
47 service which may include consultation, investigation, evaluation,  
48 planning, designing, or inspection of construction in connection with  
49 any public or private utilities, structures, machines, equipment,  
50 processes, works, or projects wherein the public welfare or the  
51 safeguarding of life, health, and property is concerned or involved,  
52 when such professional service requires the application of engineering  
53 principles and the interpretation of engineering data.

54 (b) A person shall be construed to practice or offer to practice  
55 engineering: who practices in any discipline of the profession of  
56 engineering; or who, by verbal claim, sign, advertisement, letterhead,  
57 card, or in any other way represents himself to be a professional  
58 engineer; or who represents himself as able to perform; or who does  
59 perform any engineering service or work or any other professional  
60 service designated by the practitioner or recognized by educational  
61 authorities as engineering. The practice of engineering shall not  
62 include the work ordinarily performed by a person who himself  
63 operates or maintains machinery or equipment.  
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4.

La. R.S. 37:682(16) defines "responsible professional services" as follows:

(16) "Responsible professional services" shall mean the technical responsibility, control, and direction of the investigation, design, or construction of engineering service or work requiring initiative, engineering ability, and its use of independent judgment.

**ORDER**

After due consideration of the petition for declaratory order and ruling filed by Petitioner and after discussion by the Board during its meeting on February 1, 2022:

**IT IS THE RULING** of the Board that:

5.

Under the scenario presented above, the preparation and issuance of documents in connection with the public water system's switch of its secondary (distribution system) disinfection residual type from free to total chlorine would not constitute the "practice of engineering", particularly since no changes are being made to the feed equipment for the system. Therefore, the Board's laws and rules would not require that such documents be prepared, sealed and signed by a professional engineer.

6.

However, this ruling does not affect any other applicable laws or rules (such as those of the Louisiana Department of Health) which may require that such documents be prepared, sealed, signed or issued by a professional engineer, certified operator and/or other qualified person.

**Land Surveying Committee**

The Board unanimously approved the motion made by the Land Surveying Committee to approve \$5,000 for the proposed Item Writing Workshop with Jack Warner, PhD on May 13, 2022.

The Board recessed at 11:20 a.m. and resumed at 11:30 a.m. Mr. Landry and Mr. Campbell were not present.

**Finance Committee**

Mr. Vosburg presented the report for the Finance Committee.

The Board unanimously approved the motion made by the Finance Committee to renew the certificate of deposit at United Community Bank when it matures on March 10, 2022.

The Board unanimously approved the motion made by the Finance Committee to renew the four certificates of deposit at Investar Bank when they mature on April 4, 2022.

The Board unanimously approved the motion made by the Finance Committee to accept the year-to-date finance report for FY 21-22 as presented.

The Board unanimously approved the motion made by the Finance Committee to accept the proposed budget for FY 22-23 as presented.

**Nominations and Awards Committee**

Mr. Pike presented the report for the Nominations and Awards Committee. After discussion, the Board unanimously approved the motion made by the Nominations and Awards Committee to elect the following Board officers for 2022-2023:

- Christopher K. Richard, P.E. – Chairman
- Chad C. Vosburg, P.E. – Vice Chairman
- Edgar P. Benoit, P.E. – Secretary
- Wilfred J. Fontenot, P.L.S. – Treasurer

1 The Board recessed at 12:05 p.m. and resumed at 12:25 p.m. Mr. Zoutewelle was not  
2 present.  
3

4 **Old/New Business**  
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6 The Board unanimously approved the motion made by Mr. Richard, seconded by Ms.  
7 Bergeron, to have Board staff provide a webinar for licensees on Professional Ethics in  
8 late December, 2022.  
9

10 The Board unanimously approved the motion made by Mr. Richard, seconded by Mr.  
11 Vosburg, to schedule the next Board meeting for April 4, 2022.  
12

13 The Board unanimously approved the motion made by Mr. Richard, seconded by Mr.  
14 Vosburg, to reschedule the Board's Alumni/Emeritus meeting for October 9-10, 2022.  
15

16 The Board unanimously approved the motion made by Mr. Richard, seconded by Ms.  
17 Betts, to approve Board and staff members to attend the 2022 NCEES  
18 Southern/Central Zone meeting in Oklahoma City on April 21-23, 2022.  
19

20 At 1:42 p.m., the Board unanimously approved the motion made by Mr. Richard,  
21 seconded by Mr. Fontenot, to enter into Executive Session to discuss personnel  
22 matters.  
23

24 At 1:53 p.m., the Board unanimously approved the motion made by Mr. Richard,  
25 seconded by Mr. Fontenot, to exit the Executive Session.  
26

27 The Board unanimously approved the motion made by Mr. Chustz, seconded by Ms.  
28 Bergeron, to authorize a 5% salary increase for the Executive Director, effective  
29 February 1, 2022.  
30

31 **Closing Business**  
32

33 The Board unanimously approved the motion made by Mr. Richard, seconded by Ms.  
34 Betts, to approve all committee recommendations and actions.  
35

36 The Board unanimously approved the motion made by Ms. Betts, seconded by Mr.  
37 Chustz, to acknowledge and confirm all licenses and certificates issued and renewed  
38 since the last Board meeting.  
39

40 The Board unanimously approved the motion made by Mr. Jeter, seconded by Mr.  
41 Chustz, to approve all Board expenses.  
42

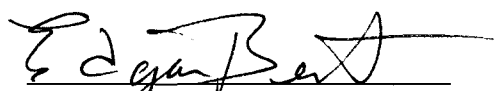
43 Mr. Pike recognized Mr. Richard as the new Chairman of the Board and presented him  
44 with the Chairman's gavel.  
45

46 The Board unanimously approved the motion made by Mr. Pike, seconded by Mr.  
47 Benoit, to adjourn.  
48

49 The meeting adjourned at 2:04 p.m. on February 1, 2022.  
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54  
55 Jeffrey A. Pike, P.E.  
56 Chairman  
57



Edgar P. Benoit, P.E.  
Secretary