At 8:00 a.m. on January 19, 2016, Theodore H. Thompson, P.E. called the meeting to order at the Board’s office in Baton Rouge, Louisiana, with the following members present:

Theodore H. Thompson, P.E. Chairman
Kevin E. Crosby, P.E., P.L.S. Vice Chairman
John W. “Billy” Moore, P.E. Secretary
David L. Patterson, P.L.S. Treasurer
Christopher P. Knotts, P.E.
Paul N. Hale, Jr., Ph.D., P.E.
Alan D. Krouse, P.E.
Thomas R. Carroll, III, P.E., P.L.S.
Wilfred J. Fontenot, P.L.S.

Absent:
Terry J. Huval, P.E.
D. Scott Phillips, P.E., P.L.S.

Also present:
Donna D. Sentell, Executive Director
Richard L. Savoie, Jr., P.E., Deputy Executive Director
Tyson Ducote, Director of Enforcement
Joe H. Harman, P.E., Technical Support Staff
William Hyatt, Board Investigator
D. Scott Landry, Board Attorney
Bill Tripoli, Board Staff

The invocation was led by Mr. Knotts and the pledge by Mr. Fontenot.

The Board unanimously approved the motion made by Mr. Crosby, seconded by Mr. Fontenot, to accept the January 19, 2016 proposed Call for the Meeting.

The Board unanimously approved the motion made by Mr. Knotts, seconded by Mr. Carroll, to accept the January 19, 2016 proposed Board Meeting Agenda, as amended.

Public comment time was recognized by Chairman Thompson.

The Board unanimously approved the motion made by Mr. Crosby, seconded by Mr. Krouse, to approve the Minutes from the November 19, 2015 Board meeting.

The Board unanimously approved the motion made by Mr. Crosby, seconded by Mr. Knotts, to schedule the Board’s next regular meeting for March 21, 2016.

Compliance and Enforcement

Case #2013-113 - Mr. Ducote reported on a professional engineer who (a) committed fraud, deceit, material misstatement or perjury, or gave false or forged evidence, in applying for a renewal license, (b) committed gross negligence, gross incompetence and gross misconduct in the practice of engineering, (c) approved and sealed design documents which were not safe for public health, property and welfare, which were not complete and accurate, which were not in conformity with accepted engineering standards or practice and/or which did not conform to applicable laws and ordinances, (d) sealed, signed and issued engineering documents not prepared by the licensee or under his responsible charge, (e) performed services outside his area of competence and when not qualified by education or experience in the specific technical fields of engineering involved, (f) sealed or signed engineering documents dealing with subject matters in which the licensee lacked competence, (g) failed to comply with the Board’s CPD requirements, (h) aided or assisted another person in violating the laws and/or rules of the Board and (i) practiced or offered to practice engineering when not qualified. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:
1. Fine of $3,500
2. Costs of $1,240.70
3. Louisiana Laws and Rules Quiz
4. Louisiana Professionalism and Ethics Quiz
5. Cease and desist
6. Publication on the Board's website and in the Journal with name
7. Report to NCEES with name

After discussion, the Board approved the motion made by the Complaint Review Committee, consisting of Mr. Knotts, Mr. Thompson and Dr. Hale, to approve the signed consent order. The name of the respondent is Deric J. Murphy, P.E.

Case #2015-16 - Mr. Ducote reported on a professional engineering and land surveying firm which had a representative who (a) committed gross negligence, gross incompetence and gross misconduct in the practice of engineering, (b) approved and sealed design documents which were not safe for public health, property and welfare, which were not complete and accurate, which were not in conformity with accepted engineering standards or practice and/or which did not conform to applicable laws and ordinances, (c) sealed, signed and issued engineering documents not prepared by the licensee or under his responsible charge, (d) performed services outside his area of competence, (e) sealed or signed engineering documents dealing with subject matters in which the licensee lacked competence and (f) practiced or offered to practice engineering when not qualified. The firm also aided or assisted another person in violating the laws and/or rules of the Board. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of $2,500
2. Costs of $1,240.71
3. Louisiana Laws and Rules Quiz by each of its supervising professionals
4. Louisiana Professionalism and Ethics Quiz by each of its supervising professionals
5. Cease and desist
6. Publication on the Board's website and in the Journal with name
7. Report to NCEES with name

After discussion, the Board approved the motion made by the Complaint Review Committee, consisting of Mr. Knotts, Mr. Thompson and Dr. Hale, to approve the signed consent order. The name of the respondent is Quality Engineering & Surveying, LLC.

Case #2015-02 - Mr. Hyatt reported on a professional engineer who practiced and/or offered to practice land surveying in Louisiana without proper licensure. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Professional engineer license placed on probation for 2 years beginning January 1, 2016
2. Submit to the Board on a quarterly basis during the probation period a complete and detailed list of projects of which respondent provided engineering services during the preceding quarter
3. Submit to the Board, within 5 business days of a Board request, all documents relating to any project on any of said quarterly lists of projects
4. Pay-in-full any administrative costs incurred by the Board in connection with reviewing any of said documents submitted by respondent
5. Immediate suspension of respondent's professional engineer license, if during the probation period, respondent fails to comply with any portion of the Consent Order, with the suspension continuing until he so complies
6. Fine of $2,000
7. Costs of $563.82
8. Louisiana Laws and Rules Quiz
9. Louisiana Professionalism and Ethics Quiz
10. Cease and desist
11. Either (a) hire a Louisiana-licensed professional land surveyor to prepare a new map of survey of the re-subdivided lots, provide the new map of survey to the Board for review, provide the new map of survey to the client and current property owner and properly file it into the parish public record after Board review, and provide satisfactory evidence of accomplishment of these requirements to the Board within 60 days, or (b) provide to the Board within 60 days a letter from the current property owner indicating that they do not desire to resubdivide the lots as per respondent's map of survey
12. Publication on the Board's website and in the Journal with name
After discussion, the Board approved the motion made by the Complaint Review Committee, consisting of Mr. Phillips, Mr. Crosby and Mr. Knotts, to approve the signed consent order. The name of the respondent is Thomas E. Pittman, P.E.

Case #2015-23 - Mr. Hyatt reported on an unlicensed firm which practiced and/or offered to practice engineering and used the words "engineer", "engineering" or any modification or derivative thereof in a person's name or form of business or activity in Louisiana without proper licensure. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of $1,000
2. Costs of $353.37
3. Publication on the Board's website and in the Journal with name
4. Report to NCEES with name

Case #2015-21 - Mr. Hyatt reported on a dual licensee who aided or assisted another person in violating the laws and/or rules of the Board. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of $1,000
2. Costs of $353.37
3. Louisiana Laws and Rules Quiz
4. Louisiana Professionalism and Ethics Quiz
5. Publication on the Board's website and in the Journal with name
6. Report to NCEES with name

Case #2015-22 - Mr. Hyatt reported on a dual licensed firm which aided or assisted another person in violating the laws and/or rules of the Board. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of $500
2. Costs of $353.37
3. Louisiana Laws and Rules Quiz by each of its supervising professionals
4. Louisiana Professionalism and Ethics Quiz by each of its supervising professionals
5. Publication on the Board's website and in the Journal with name
6. Report to NCEES with name

After discussion, the Board approved the motion made by the Complaint Review Committee, consisting of Mr. Knotts, Mr. Huval and Mr. Carroll, to approve the signed consent order. The name of the respondent is Earthcore, LLC.

Case #2015-23 - Mr. Hyatt reported on an unlicensed firm which practiced and/or offered to practice engineering and used the words "engineer", "engineering" or any modification or derivative thereof in a person's name or form of business or activity in Louisiana without proper licensure. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of $1,000
2. Costs of $353.37
3. Publication on the Board's website and in the Journal with name
4. Report to NCEES with name

After discussion, the Board approved the motion made by the Complaint Review Committee, consisting of Mr. Knotts, Mr. Huval and Mr. Carroll, to approve the signed consent order. The name of the respondent is Earthcore, LLC.

The Board unanimously approved the motion made by Mr. Fontenot, seconded by Mr. Crosby, to deny the request of Anthony R. Venson to reinstate his revoked professional engineer license.

The Board recessed at 9:20 a.m. and resumed at 9:30 a.m.

Committee Reports

Liaison and Law Review Committee

Mr. Knotts presented the report for the Liaison and Law Review Committee.

The Board approved the motion made by the Liaison and Law Review Committee, with Mr. Fontenot, Dr. Hale, Mr. Crosby, Mr. Patterson, Mr. Knotts, Mr. Krouse and Mr. Carroll for and Mr. Moore against, to withdraw the committee's proposal to amend Rule 1505.

The Board unanimously approved the motion made by the Liaison and Law Review Committee to amend Rule 1301 to read as follows:
§1301. General

A.1. - C.1. ...

2. To be considered for the following examinations, the application for the examination must be submitted to NCEES:

a. fundamentals of engineering; and
b. fundamentals of land surveying.

3. To be considered for a specific examination date, the application for the principles and practice of engineering examination must be received at the board office no later than December 1 for the April examination administration and June 1 for the October examination administration.

4. To be considered for the following examinations, the application for the examination must be submitted to the board:

a. principles and practice of land surveying; and
b. Louisiana laws of land surveying.

D. - F.2. ...

The Board unanimously approved the motion made by the Liaison and Law Review Committee to amend Rules 707, 3103, 3105, 3109, 3111, 3113, 3115, 3119 and 3121 to read as follows:

§707. Board Organization

A. - E.10. ...

11. Continuing Professional Development Committee. The chairman of the board shall appoint a continuing professional development committee composed of not less than two board members. The continuing professional development committee shall review and make recommendations to the board regarding continuing professional development rules and policies.

12. - 13. ...

§3103. Definitions

A. Terms used in this Chapter are defined as follows.

* * *

Board-Approved Sponsor/Provider—the Louisiana Engineering Society; the Louisiana Society of Professional Surveyors; professional and technical engineering or land surveying societies; federal, state or local governmental agencies; and colleges or universities. All sponsors/providers must conduct courses which will enhance and improve a licensee’s professional development as a professional engineer or a professional land surveyor, and/or serve to safeguard life, health and property and promote the public welfare.

* * *

§3105. Requirements

A. During each biennial licensure renewal period beginning before January 1, 2017, every professional engineer licensee, including those licensed in two or more disciplines, is required to obtain 30 PDHs in engineering related activities. Effective January 1, 2017 and beginning with professional engineer licensees whose biennial licensure renewal periods begin after January 1, 2017, every professional engineer licensee, including those licensed in two or more disciplines, is required to obtain 15 PDHs per calendar year in engineering related activities. Effective January 1, 2017 and beginning with professional engineer licensees whose biennial licensure renewal periods begin after January 1, 2017, professional engineer licensees may not obtain more than 8 PDHs within a single calendar day.
1. During each biennial licensure renewal period beginning before January 1, 2017, at least one PDH shall be in professional ethics. Effective January 1, 2017 and beginning with professional engineer licensees whose biennial licensure renewal periods begin after January 1, 2017, at least one PDH per calendar year shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer.

2. During each biennial licensure renewal period beginning before January 1, 2017, a minimum of eight PDHs shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems. Effective January 1, 2017 and beginning with professional engineer licensees whose biennial licensure renewal periods begin after January 1, 2017, a minimum of four PDHs per calendar year shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems.

B. During each biennial licensure renewal period beginning before January 1, 2017, every professional land surveyor licensee is required to obtain 15 PDHs in land surveying related activities. Effective January 1, 2017 and beginning with professional land surveyor licensees whose biennial licensure renewal periods begin after January 1, 2017, every professional land surveyor licensee is required to obtain 8 PDHs per calendar year in land surveying related activities.

1. During each biennial licensure renewal period beginning before January 1, 2017, at least one PDH shall be in professional ethics. Effective January 1, 2017 and beginning with professional land surveyor licensees whose biennial licensure renewal periods begin after January 1, 2017, at least one PDH per calendar year shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional land surveyor.

2. During each biennial licensure renewal period beginning before January 1, 2017, a minimum of two PDHs shall be earned in the Standards of Practice for Boundary Surveys in Louisiana. Effective January 1, 2017 and beginning with professional land surveyor licensees whose biennial licensure renewal periods begin after January 1, 2017, a minimum of one PDH per calendar year shall be earned in the Standards of Practice for Boundary Surveys in Louisiana.

C. During each biennial licensure renewal period beginning before January 1, 2017, each dual licensee shall obtain 30 PDHs; however, at least one-third of the PDHs shall be obtained separately for each profession. Effective January 1, 2017 and beginning with dual licensees whose biennial licensure renewal periods begin after January 1, 2017, each dual licensee shall obtain 15 PDHs per calendar year; however, at least one-third of the PDHs for each calendar year shall be obtained separately for each profession.

1. During each biennial licensure renewal period beginning before January 1, 2017, at least one PDH shall be in professional ethics. Effective January 1, 2017 and beginning with dual licensees whose biennial licensure renewal periods begin after January 1, 2017, at least one PDH per calendar year shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer and/or professional land surveyor.

2. During each biennial licensure renewal period beginning before January 1, 2017, a minimum of two PDHs shall be earned in the Standards of Practice for Boundary Surveys in Louisiana. Effective January 1, 2017 and beginning with dual licensees whose biennial licensure renewal periods begin after January 1, 2017, a minimum of one PDH per calendar year shall be earned in the Standards of Practice for Boundary Surveys in Louisiana.

3. During each biennial licensure renewal period beginning before January 1, 2017, a minimum of eight PDHs shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems.
Effective January 1, 2017 and beginning with dual licensees whose biennial licensure renewal periods begin after January 1, 2017, a minimum of four PDHs per calendar year shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems.

D. Excess PDHs

1. Effective for biennial licensure renewal periods beginning before January 1, 2017, if a licensee exceeds the biennial licensure renewal period requirements, a maximum of 15 PDHs may be carried forward into the subsequent biennial licensure renewal period. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, if a licensee exceeds the annual requirements, a maximum of 5 PDHs may be carried forward into the subsequent calendar year.

D.2. - E. ...

§3109. Exemptions

A. A licensee may be exempt from the CPD requirements for any one or more of the following reasons.

1. ...

2. Effective for biennial licensure renewal periods beginning before January 1, 2017, licensees serving on active duty in the armed forces of the United States for a period of time exceeding 180 consecutive days in a biennial licensure renewal period shall be exempt from obtaining the PDHs required during that biennial licensure renewal period. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, licensees serving on active duty in the armed forces of the United States for a period of time exceeding 180 consecutive days in a calendar year shall be exempt from obtaining the PDHs required during that calendar year.

3. Effective for biennial licensure renewal periods beginning before January 1, 2017, licensees experiencing physical disability, serious illness, or serious injury of a nature and duration which has prevented the licensee from completing his/her CPD requirements for the past renewal period may be exempted from CPD requirements for said renewal period. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, licensees experiencing physical disability, serious illness, or serious injury of a nature and duration which has prevented the licensee from completing his/her CPD requirements for the past calendar year may be exempted from CPD requirements for said calendar year. Supporting documentation such as a letter from a physician who has treated the disability, illness or injury is required. This letter shall be on the letterhead of the physician and set forth the nature of the disability, illness or injury and the period of time under treatment by the physician, and contain a statement by the physician as to any limitations placed upon the licensee which would limit his ability to complete any type of CPD. Effective for biennial licensure renewal periods beginning before January 1, 2017, this exemption may be granted for one biennial licensure renewal period. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, this exemption may be granted for one calendar year. Additional exemptions for medical reasons may be granted on a case-by-case basis.

4. Effective for biennial licensure renewal periods beginning before January 1, 2017, licensees working outside of the United States for more than 180 days in a biennial licensure renewal period where the completion of CPD is impractical due to location, working hours, mail restrictions, etc., may be granted an exemption from CPD requirements for the period of time the licensee is in the foreign location. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, licensees working outside of the United States for more than 180 days in a calendar year where the completion of CPD is impractical due to location, working hours, mail restrictions, etc., may be granted an exemption from CPD requirements for the period of time the licensee is in the foreign location.
Supporting documentation of the foreign assignment must be provided by the employer on the employer’s letterhead or by other documentation satisfactory to the board. The letter shall at a minimum set forth both the location and the period of time the person has been in the foreign location.

5. - 6. ...

§3111. Determination of Credit

A. PDHs may be earned as indicated in §3113 for the following acceptable activities:

1. - 6. ...

7. formal, documented problem preparation for NCEES or state professional exams;

8. serving as thesis directors for students pursuing a masters or doctoral degree in engineering; and

9. serving on technical committees that are assisting federal, state, or local governmental agencies in developing standards related to engineering or land surveying.

B. - D. ...

§3113. Units

A. - A.3. ...

B. Effective for biennial licensure renewal periods beginning before January 1, 2017, PDH credit will be awarded as follows:

1. - 6. ...

7. serving as thesis directors for students pursuing a masters or doctoral degree in engineering = 1 PDH per hour of thesis credit. A maximum of 10 PDHs will be allowed per biennial licensure renewal period for each such thesis director;

8. serving on technical committees that are assisting federal state or local governmental agencies in developing standards related to engineering or land surveying = 1 PDH per 50 contact minutes of attendance at committee meetings. A maximum of 10 PDHs will be allowed per biennial licensure renewal period for service on all of such committees.

C. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, PDH credit will be awarded as follows:

1. fifty contact minutes of instruction or verified attendance at an activity, or problem preparation for a NCEES or state professional exam = one PDH. A maximum of 5 PDHs will be allowed per calendar year for problem preparation;

2. membership in engineering and land surveying professional associations or technical societies = one PDH per calendar year for each professional or technical association or society. A maximum of two PDHs will be allowed per calendar year for all such memberships;

3. in accordance with §3111.A.1-3, credit for teaching or making presentations may be earned at twice the PDHs allowed for attending a course, but shall not exceed 15 PDHs in any calendar year;

4. authoring and publishing peer reviewed (refereed) articles/papers in engineering or land surveying journals; or authoring and publishing peer reviewed (refereed) books related to engineering or land surveying = 10 PDHs;

5. authoring and publishing non-peer reviewed (nonrefereed) articles/papers in engineering or land surveying journals = 5 PDHs;

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6. each patent = 10 PDHs;

7. serving as thesis directors for students pursuing a masters or doctoral
degree in engineering = 1 PDH per hour of thesis credit. A maximum of 5 PDHs
will be allowed per calendar year for each such thesis director;

8. serving on technical committees that are assisting federal, state or local
governmental agencies in developing standards related to engineering or land
surveying = 1 PDH per 50 contact minutes of attendance at committee
meetings. A maximum of 5 PDHs will be allowed per calendar year for service
on all of such committees.

§3115. Record Keeping

A. -B. ...

C. Maintaining records to be used to support PDHs claimed is the
responsibility of the licensee. Effective for biennial licensure renewal periods
beginning before January 1, 2017, these records must be maintained for at least
three consecutive biennial licensure renewal periods (six years) and copies
may be requested by the board at any time. Effective January 1, 2017 and
beginning with licensees whose biennial licensure renewal periods begin after
January 1, 2017, these records must be maintained for at least six consecutive
calendar years and copies may be requested by the board at any time.

§3119. Failure to Comply

A. ...

B. Effective for biennial licensure renewal periods beginning before January
1, 2017, CPD hours acquired and used to satisfy a not-in-compliance situation
may not be used to meet the CPD hours required for the current licensure
renewal period. Effective January 1, 2017 and beginning with licensees whose
biennial licensure renewal periods begin after January 1, 2017, CPD hours
acquired and used to satisfy a not-in-compliance situation may not be used to
meet the CPD hours required for the current calendar year.

§3121. CPD Reinstatement

A. Effective for biennial licensure renewal periods beginning before January
1, 2017, to become reinstated, an Expired, Inactive, or Retired licensee must
show proof of having obtained all delinquent PDHs; however, the maximum
number required will be the number of PDHs required for one biennial
licensure renewal period as provided in §3105. Effective January 1, 2017 and
beginning with licensees whose biennial licensure renewal periods begin after
January 1, 2017, to become reinstated, an Expired, Inactive, or Retired licensee
must show proof of having obtained all delinquent PDHs; however, the
maximum number required will be the number of PDHs required for two
calendar years as provided in §3105.

The Board recessed at 10:20 a.m. and resumed at 10:30 a.m.

Applications

Applications Appeals

The Board unanimously approved the motion made by the reviewing committee,
comprised of Mr. Knotts and Mr. Krouse, to affirm the reviewing committee's decision
to disapprove the application of Gerald Funk for licensure as a professional engineer
by comity based on insufficient education.

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Committee Reports (continued)

Finance Committee

Mr. Patterson presented the financial documents for the Board to review.

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 9, 2016.

The Board unanimously approved the motion made by the Finance Committee to renew the certificate of deposit at Home Bank when it matures on March 9, 2016.

The Board unanimously approved the motion made by the Finance Committee to renew the certificate of deposit at Investar Bank when it matures on March 12, 2016.

Old Business

Chairman Thompson charged the Finance Committee with reviewing the policy allowing Board members to receive $15 per hour for performing Board committee work (such as reviewing applications and enforcement matters) and making a recommendation to the Board at the March Board meeting.

New Business

The Board unanimously approved the motion made by Dr. Hale, seconded by Mr. Knotts, to approve the travel for Board members, staff and emeritus members to attend the NCEES Southern Zone meeting in Nashville, TN in April.

Committee Reports (continued)

Nominations and Awards Committee

The Board unanimously approved the motion made by the Nominations and Awards Committee to elect the following Board officers for 2016-17:

- John W. "Billy" Moore, P.E. - 6 months as Chairman/6 months as Vice Chairman
- Kevin E. Crosby, P.E., P.L.S. - 6 months as Vice Chairman/6 months as Chairman
- David L. Patterson, P.L.S. - Treasurer
- Terry J. Huval, P.E. - Secretary

Closing Business

The Board unanimously approved the motion made by Mr. Patterson, seconded by Mr. Fontenot, to approve all committee recommendations and actions.

The Board unanimously approved the motion made by Mr. Moore, seconded by Mr. Knotts, to acknowledge and confirm all licenses and certificates issued by the Board.

The Board unanimously approved the motion made by Mr. Carroll, seconded by Mr. Fontenot, to approve all Board expenses.

The Board unanimously approved the motion made by Mr. Patterson, seconded by Mr. Knotts, to adjourn.

The meeting adjourned at 12:50 p.m. on Tuesday, January 19, 2016.

Theodore H. Thompson, P.E.
Chairman

John W. "Billy" Moore, P.E.
Secretary