At 8:00 a.m. on July 22, 2013, Miles B. Williams, P.E., called the meeting to order with the following members present:

Miles B. Williams, P.E.  
Chairman

James E. Bowie, Jr., Ph.D., P.E.  
Vice Chairman

M. Ernest Gamman, Sr., P.L.S.  
Treasurer

Theodore H. Thompson, P.E.  
Secretary

Ali M. Mostapha, P.E.  
Kevin E. Crosby, P.E., P.L.S.

John W. "Billy" Moore, P.E.  
John T. Irving, P.E.

David L. Patterson, P.L.S.  
Paul N. Hale, Jr., Ph.D., P.E.

Christopher P. Knotts, P.E.

Also present:  
Donna D. Sentell, Executive Director

Joe H. Harman, P.E., Technical Support Staff

Tyson Ducote, Board Investigator

Justin Owens, Board Investigator

D. Scott Landry, Board Attorney

The invocation was led by Mr. Gammon and the pledge by Mr. Irving.

Public comment time was recognized by Chairman Williams. The following members of the public addressed the Board during public comment time: Mr. Chris Chiasson, Mr. Varaprasad Ramaraju Venkata, and Mr. Tao Fang.

The Board unanimously approved the motion made by Mr. Patterson, seconded by Mr. Knotts, to accept the July 22, 2013, proposed Call for the Meeting and Board Meeting Agenda.

The Board unanimously approved the motion made by Mr. Patterson, seconded by Mr. Irving, to approve the Minutes from the May 20, 2013 Board meeting.

The Board unanimously approved the motion made by Mr. Thompson, seconded by Mr. Mostapha, to schedule the Board's next regular meeting for September 16, 2013 at McNeese State University in Lake Charles, Louisiana.

Chairman Williams presented the Chairman's comments. The Board unanimously approved the motion made by the Executive Committee to grant merit pay increases of 4% to all eligible employees effective July 1, 2013.

The Board unanimously approved the motion made by the Executive Committee to grant a merit pay increase of 4% to the Executive Director effective July 22, 2013.

Chairman Williams appointed an ad hoc committee consisting of Mr. Williams, Mr. Knotts and Mr. Patterson to review the April 2013 NCEES Copying and Collusion Report and to make a recommendation to the Board at the September 2013 meeting.

The Board's May Task List was reviewed.

**Enforcement**

**Case #2012-40** — Mr. Ducote reported on a licensed 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 contains the following sanctions:
1. Fine of $4,000
2. Costs of $956.95
3. Pay to client $1,000 as reimbursement for costs to obtain corrected survey plat
4. Online Louisiana Laws/Rules Quiz
5. Online Louisiana Professionalism/Ethics Quiz
6. Cease & desist
7. Publication on the Board’s website and in the Journal with name
8. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Crosby, Mr. Mustapha and Mr. Gammon, to approve the signed Consent Order. The name of the respondent is Elmer Jones, P.E.

Case #2012-103 - Mr. Ducote reported on an unlicensed firm which practiced and/or offered to practice engineering in Louisiana without proper licensure. The firm subsequently became licensed in Louisiana. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:
1. Fine of $500
2. Costs of $383.04
3. Publication on the Board’s website and in the Journal with name
4. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Patterson, Mr. Crosby and Mr. Williams, to approve the signed Consent Order. The name of the respondent is Chapman Consulting Inc.

Case #2013-59 - Mr. Ducote reported on a licensed engineer who aided/assisted his unlicensed firm in practicing and/or offering to practice engineering in Louisiana without proper licensure. The firm subsequently became licensed in Louisiana. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:
1. Fine of $500
2. Costs of $383.04
3. Online Louisiana Laws/Rules Quiz
4. Online Louisiana Professionalism/Ethics Quiz
5. Publication on the Board’s website and in the Journal with name
6. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Patterson, Mr. Crosby and Mr. Mustapha, to approve the signed Consent Order. The name of the respondent is Chapman, P.E.

Case #2013-40 - Mr. Owens reported a licensed engineering firm for (a) practicing and/or offering to practice engineering in Louisiana with an expired license and (b) providing or offering to provide engineering services in Louisiana with a firm name which is not the exact firm name contained on the firm’s certificate of licensure issued by the Board. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:
1. Fine of $5,250
2. Costs of $519.19
3. Past unpaid renewal fees of $640
4. Publication on the Board’s website and in the Journal with name
5. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Irving, Mr. Mustapha and Mr. Knotts, to approve the signed Consent Order. The name of the respondent is G. R. Stucker and Associates, Inc.
Committee Reports

Land Surveying Committee

Mr. Gammon briefed the Board on the Petition for Declaratory Order and Ruling (2013-01) received from Mr. Mark Smith concerning route surveys and determining the location of boundary lines to be crossed by a proposed right-of-way.

The Board unanimously approved the motion by the Land Surveying Committee to approve the following ruling on Mr. Smith's Petition for Declaratory Order and Ruling:

RULING ON PETITION FOR DECLARATORY ORDER

1.

On June 19, 2013, Mark Smith ("Petitioner") filed with the Louisiana Professional Engineering and Land Surveying Board (the "Board") a petition for declaratory order and ruling pursuant to LAC Title 46:10×727.

2.

Petitioner seeks a declaratory order as to whether a professional land surveyor is required to "physically locate the corner points of a tract of land that will be crossed by a proposed right of way" in Louisiana.

3.

LAC Title 46:10×72909(A) defines a "route survey" as "a survey for determining the route of a proposed pipeline, power line, cable, road or other linear facilities, excluding flood protection levees, in order to acquire a right-of-way, servitude or easement from the property owner being crossed".

4.

LAC Title 46:10×72903(A) defines a "right-of-way" as:

[A] ny strip or area of land, including surface, overhead, or underground, encumbered by a servitude. Rights are typically granted by deed for access or for construction, operation and/or maintenance purposes, according to the terms of the grant.

5.

LAC Title 46:10×72903(A) defines a "servitude" as:

[A] n interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. A servitude restricts but does not abridge the rights of the fee owner to the use and enjoyment of his/her land. The term easement is often used interchangeably with servitude and generally means the same thing.

6.

When performing a route survey, a professional land surveyor is required to locate sufficient evidence, on the ground, to determine the location of all boundary lines that will be crossed by the proposed right-of-way, servitude or easement. LAC Title 46:10×72903(B)(2).

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 July 22, 2013:

IT IS THE RULING of the Board that:

7.

When performing a route survey in Louisiana, a professional land surveyor is not necessarily required to physically locate the corner points of a tract of land that will be crossed by a proposed right-of-way. However, the professional land surveyor is required to locate sufficient evidence, on the ground, to determine the location of all boundary lines that will be crossed by the proposed right-of-way.

THUS DONE at Baton Rouge, Louisiana, on the ___ day of ___, 2013.

LOUISIANA PROFESSIONAL ENGINEERING AND LAND SURVEYING BOARD

By: MILES B. WILLIAMS, P.E., Chairman

The Board recessed at 9:45 a.m. and resumed at 10:00 a.m. Mr. Gammon was not present.

Enforcement Ad Hoc Committee

Mr. Crosby presented the report for the Enforcement Ad Hoc Committee. Some topics currently being reviewed by the Enforcement Ad Hoc Committee include:
• the use of an abbreviated CRC form for cases involving expired and/or
  unlicensed practice
• an update on our enforcement peer review by Bruce Pitts
• filling the Director of Enforcement position
• categorizing levels of potential violations (i.e., easy/hard/complicated, 1/2/3,
  etc.)
• determining whether this committee should be a standing committee (which
  will require a rule change)
• updating the Standard Investigative Procedures
• clarification of the CRC review policy

Mr. Gammon entered the meeting at 10:20 a.m.

**Liaison and Law Review Committee**

Mr. Moore presented the report for the Liaison and Law Review Committee, which
included an update on the May 23, 2013 meeting with representatives from SEI
concerning the structural engineer designation.

Mr. Landry briefed the Board on the 2013 legislative wrap-up.

**Applications**

**Application Appeals**

The Board unanimously approved the motion made by Dr. Bowie, seconded by Mr.
Thompson, to affirm the reviewing committee’s decision to *disapprove* the application
of Mr. Varaprasad Ramaraju *Venkata* for licensure as a professional engineer by
comity based on insufficient experience.

The Board recessed at 11:55 a.m. for lunch, and resumed at 12:55 p.m.

**New Applications**

The Board approved the motion made by Mr. Mustapha, seconded by Mr. Patterson,
with Dr. Hale, Mr. Irving, Mr. Mustapha, Mr. Moore, Mr. Thompson, Dr. Bowie, Mr.
Crosby, Mr. Knotts and Mr. Patterson for and Mr. Gammon against, to *approve* the
application of Mr. Lawrence *Zimmerman* for licensure as a professional engineer by
comity.

**Application Appeals (continued)**

The Board unanimously approved the motion made by Mr. Williams, seconded by Mr.
Mustapha, to affirm the reviewing committee’s decision to *disapprove* the application
of Mr. Tao *Fang* for licensure as a professional engineer by comity based on
insufficient experience.

**Committee Reports (continued)**

**Finance Committee**

Mr. Gammon presented the report from the Finance Committee.

The Board unanimously approved the motion made by the Finance Committee to
instruct the Executive Director to purchase a CD in the amount of $175,000.

**Old/New Business**

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr.
Thompson, to schedule the 2014 Board meeting dates as follows:

- January 22/23 – Lafayette
- March 17/18
- May 19/20
- July 21/22
- September 8 – UL-Lafayette
Closing Business

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

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

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

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

The meeting adjourned at 3:05 p.m. on Monday, July 22, 2013.

Miles B. Williams, P.E.
Chairman

Theodore H. Thompson, P.E.
Secretary