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MINUTES OF THE REGULAR MEETING  
LOUISIANA PROFESSIONAL ENGINEERING  
AND LAND SURVEYING BOARD  
9643 BROOKLINE AVENUE, SUITE 121  
BATON ROUGE, LOUISIANA 70809-1433  
March 19-20, 2012

At 8:05 a.m. on March 19, 2012, Ali M. Mustapha, P.E., called the meeting to order with the following members present:

Norma Jean Mattei, Ph.D., P.E.	Chairman
Richard L. Savoie, P.E.	Vice Chairman
Miles B. Williams, P.E.	Treasurer
James E. Bowie, Ph.D., P.E.	Secretary

Timothy J. Allen, P.L.S.  
Roger D. Danzy, P.E.  
M. Ernest Gammon, P.L.S.  
Ali M. Mustapha, P.E.  
Theodore H. Thompson, P.E.  
Kevin E. Crosby, P.E., P.L.S.  
John W. "Billy" Moore, P.E.

Also present: Donna D. Sentell, Executive Director  
Victoria Hatton, Director of Enforcement  
Joe H. Harman, P.E., Technical Support Staff  
Tyson Ducote, Board Investigator  
Justin Owens, Board Investigator  
Evelyn Mayeux, Accounting Tech

Mr. Mustapha presented the Chairman's gavel to Dr. Mattei.

The invocation was led by Mr. Allen and the pledge by Mr. Danzy.

Mr. Travis Ryan Estess, P.L.S., E.I. entered the meeting at 8:07 a.m.

Public comment time was recognized by Chairman Mattei. Mr. Estess addressed the Board concerning his appeal of the denial of his application for licensure as a professional engineer by examination.

The Board unanimously approved the motion made by Mr. Savoie, seconded by Mr. Mustapha, to accept the March 19-20, 2012 proposed Call and Agenda.

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr. Williams, to approve the Minutes from the January 18, 2012 Board meeting.

Mr. Williams exited the meeting at 8:15 a.m.

The Board unanimously approved the motion made by Mr. Savoie, seconded by Mr. Crosby, to schedule the Board's next regular meeting for May 21-22, 2012.

The Board's January Task List was reviewed.

## **Committee Reports**

### **Finance Committee**

The Board unanimously approved the motion made by the Finance Committee to reinvest the certificates of deposit at Citizens Bank, which is due to mature on March 22, 2012, and at Chase Bank, which is due to mature on April 22, 2012.

The Board unanimously approved the motion made by the Finance Committee to accept the bid from Tri-Core Technologies, L.L.C. for IT support services for \$81,600.00.

The Board unanimously approved the motion made by the Finance Committee to amend the contract with **Chaffe McCall, L.L.P.** for legal services for **FY 2010-2012** from the amount of **\$240,000** to the amount not to exceed **\$285,000.00**.

1 The Board unanimously approved the motion made by the Finance Committee to  
2 authorize the Executive Director to enter into a contract with **Chaffe McCall, L.L.P.** for  
3 legal services. The term of the contract will be for two years beginning **July 1, 2012**  
4 **and ending June 30, 2014**, in the amount not to exceed **\$300,000.00**.

5  
6 The Board unanimously approved the motion made by the Finance Committee to  
7 authorize the Executive Director to enter into a contract with **Celia Cangelosi** to serve  
8 as a prosecuting attorney for Board disciplinary and enforcement hearings. The term  
9 of the contract will be for one year beginning **July 1, 2012 and ending June 30,**  
10 **2013**, in the amount not to exceed **\$36,000.00**.

11 The Board unanimously approved the motion made by the Finance Committee to  
12 authorize the Executive Director to enter into a contract with the **Louisiana Society**  
13 **of Professional Surveyors** to:

- 14 • Develop and submit a semi-annual Louisiana Laws of Land Surveying  
15 Examination for the Board;
- 16 • Score and grade the examination and submit the results to the Board;
- 17 • Maintain and expand an examination question database from which the  
18 examination will be generated; and
- 19 • Ensure security of all examinations and the examination question database.

20  
21 The term of the contract will be for one year beginning **July 1, 2012 and ending June**  
22 **30, 2013**, in the amount not to exceed **\$5,600.00**.

23  
24 Mr. Harman exited the meeting at 9:30 a.m.

25  
26 The Board unanimously approved the motion made by the Finance Committee to  
27 authorize the Executive Director to enter into a contract with **Joe H. Harman &**  
28 **Associates, LLC** to serve as a technical support staff for the Board. The term of the  
29 contract will be for one year beginning **July 1, 2012 and ending June 30, 2013**, in  
30 the amount not to exceed **\$60,000.00**.

31  
32 The Board unanimously approved the motion made by the Finance Committee to  
33 authorize the Executive Director to enter into a contract with **L.A. Champagne & Co.,**  
34 **L.L.P.** to provide accounting services to the Board. The term of the contract will be for  
35 one year beginning **July 1, 2012 and ending June 30, 2013**, in the amount not to  
36 exceed **\$25,000.00**.

37  
38 The Board recessed at 9:35 a.m. and resumed at 9:40 a.m. Ms. Mayeux was not  
39 present. Mr. D. Scott Landry and Mr. Harman were present.

40  
41 Mr. Williams entered the meeting at 9:55 a.m.

42  
43 The following representatives from LSPS, ACEC and LES entered the meeting at 10:30  
44 a.m.: From LSPS - Stephen Flynn, Ronda Courville and Jane Burgin. From ACEC - Dan  
45 Mobley, Steven Loeb, Ralph Junius and Dan Cowart. From LES - Ron Rodi, Alan Kraus,  
46 Gerald Simmons and Brenda Gajan.

47  
48 Lyles Budden, from LSPS, entered the meeting at 11:35 a.m.

49  
50 The Board recessed for lunch at 11:50 a.m. and resumed at 1:20 p.m. The  
51 representatives from LSPS, ACEC and LES were not present. Ms. Hatton, Mr. Savoie,  
52 Dr. Bowie, Mr. Williams and Mr. Ducote were not present.

#### 53 **Land Surveying Committee**

54  
55 The Board unanimously approved the motion by Mr. Gammon, seconded by Mr.  
56 Crosby, to authorize the Executive Director to spend up to \$800 to have the updated  
57 Compendium of Louisiana and Federal Laws Relating to Land Surveying printed for  
58 distribution.

59  
60 Mr. Gammon informed the Board that the Land Surveying Committee is working with  
61 staff to have the approved land surveying curriculum posted on the Board's website.

1                   **Applications**

2  
3                   **New Applications**

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5                   The Board unanimously approved the motion made by Dr. Crosby, seconded by Mr.  
6                   Mustapha, to *disapprove* the application of Mr. Alvaro **Jaramillo** for licensure as a  
7                   professional engineer by comity.

8  
9                   The Board unanimously approved the motion made by Mr. Danzy, seconded by Mr.  
10                  Allen, to *deny* the request of Mr. Melvin **Glass** to refund his licensure application fees.

11  
12                  **Application Appeals**

13  
14                  The Board unanimously approved the motion made by Mr. Crosby, seconded by Mr.  
15                  Gammon, to *affirm* the reviewing committee's decision to *disapprove* the application  
16                  of Dharendra **Hingorani** for licensure as a professional engineer by examination.

17  
18                  The Board unanimously approved the motion made by Mr. Thompson, seconded by  
19                  Mr. Mustapha, to *affirm* the reviewing committee's decision to *disapprove* the  
20                  application of Mr. Thomas **Davidson** for licensure as a professional engineer by  
21                  examination.

22  
23                  Dr. Bowie, Mr. Savoie, Ms. Hatton and Mr. Ducote entered the meeting at 1:55 p.m.

24  
25                  Mr. Williams entered the meeting at 2:00 p.m.

26  
27                  **Enforcement**

28  
29                  **Case # 2011-58** – On September 29, 2011, the complaint review committee preferred  
30                  charges against a licensed engineer and land surveyor for (a) gross negligence or  
31                  gross incompetence in the practice of engineering in Louisiana, (b) approving and  
32                  sealing design documents which were not safe for public health, property and welfare,  
33                  which were not complete and accurate, which were not in conformity with accepted  
34                  engineering standards or practice, or which did not conform to applicable laws and  
35                  ordinances, (c) the licensee's seal not being accompanied by the licensee's signature  
36                  and date or the signature and date not being placed adjacent to or across the seal and  
37                  (d) the licensee not sealing, signing and placing the date of execution on all  
38                  engineering documents that have been issued by the licensee to a client or any public  
39                  or governmental agency as completed work. The hearing was originally scheduled for  
40                  November 21, 2011. The Board subsequently granted the Joint Motion to Continue  
41                  Hearing Date, which rescheduled the hearing for March 19, 2012. However, prior to  
42                  the hearing the respondent and his attorneys (along with the prosecuting attorney)  
43                  signed and returned the proposed consent order offered by the complaint review  
44                  committee. The proposed consent order contained the following sanctions:

- 45                  • Surrender of Louisiana professional engineer license on March 19, 2012  
46                  • Cease and desist practicing and/or offering to practice engineering in  
47                  Louisiana on and after March 19, 2012  
48                  • Return of Louisiana certificate of professional engineering licensure and  
49                  professional engineering seal to the Board within ten business days of March  
50                  19, 2012  
51                  • Publication by name on the Board's website, in the Journal and to NCEES

52                  After discussion, the Board approved the motion made by Mr. Crosby, seconded by  
53                  Mr. Mustapha, with Mr. Savoie, Mr. Thompson, Dr. Bowie, Mr. Moore, Mr. Mustapha,  
54                  Mr. Williams, Mr. Allen, Mr. Gammon and Mr. Crosby for and Mr. Danzy against, to  
55                  approve the signed Consent Order. The name of the respondent is Thomas P. Reed,  
56                  Sr., P.E., P.L.S.

57  
58                  **Applications (continued)**

59  
60                  **New Applications (continued)**

61  
62                  The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr.  
63                  Allen, to *approve* the application of Mr. David **Cowden** for licensure as a professional  
64                  engineer by comity.

65  
66                  The Board *disapproved* the motion made by Mr. Williams, seconded by Mr. Mustapha,  
67                  with Mr. Williams and Mr. Mustapha for and Mr. Danzy, Mr. Crosby, Mr. Allen, Mr.

1 Gammon, Mr. Savoie, Dr. Bowie, Mr. Thompson and Mr. Moore against, to approve the  
2 application of Mr. Joe Ramos for licensure as a professional engineer by comity.  
3

4 Ms. Hatton exited the meeting at 2:50 p.m. and returned at 3:05 p.m.  
5

6 Mr. Mustapha made the motion to have the civil application review committee review  
7 the experience record of Mr. Travis Ryan Estess to determine how much civil  
8 engineering experience he has obtained to date. The motion died for lack of a second.  
9

#### 10 **Application Appeals (continued)**

11  
12 The Board approved the motion made by Mr. Williams, seconded by Mr. Danzy, with  
13 Mr. Williams, Mr. Danzy, Mr. Crosby, Mr. Allen, Mr. Thompson, Mr. Moore, Mr.  
14 Gammon for and Mr. Mustapha, Mr. Savoie and Dr. Bowie against, to *affirm* the  
15 reviewing committee's decision to *disapprove* the application of Mr. Travis Ryan  
16 Estess for licensure as a professional engineer by examination.  
17

18 The reviewing committee directed Ms. Sentell to inform Mr. Estess to reapply for the  
19 April 2014 exam administration.  
20

21 Chairman Mattei charged the Liaison and Law Review Committee with reviewing  
22 situations involving overlapping civil engineering and land surveying experience and  
23 recommending appropriate rule changes, if necessary.  
24

25 The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr.  
26 Savoie, to have the civil application review committee and the land surveying  
27 application review committee determine whether civil engineer experience can  
28 qualify for surveying experience, or vice versa.  
29

#### 30 **Committee Reports (continued)**

##### 31 **Enforcement Ad Hoc Committee**

32  
33 The Board approved the motion made by the Enforcement Ad Hoc Committee, with  
34 Mr. Moore, Mr. Thompson, Dr. Bowie, Mr. Savoie, Mr. Williams, Mr. Gammon, Mr.  
35 Allen, Mr. Crosby and Mr. Danzy for and Mr. Mustapha against, to request an Attorney  
36 General opinion regarding the meaning and scope of La. R.S. 37:701(C).  
37  
38

39 The Enforcement Ad Hoc Committee will work with Mr. Landry to develop the request  
40 letter and will send a draft to the Executive Committee for approval.  
41

42 The Board unanimously approved the motion made by the Enforcement Ad Hoc  
43 Committee to send a response to the February 7, 2012 letter from Steven Loeb,  
44 general counsel to ACEC/L. The committee will prepare the letter and send a draft to  
45 the Executive Committee for approval.  
46

47 The Board approved the motion made by the Enforcement Ad Hoc Committee, with  
48 Mr. Danzy, Mr. Crosby, Mr. Allen, Mr. Williams, Mr. Savoie, Dr. Bowie, Mr. Thompson  
49 and Mr. Moore for and Mr. Mustapha and Mr. Gammon against, to adopt the following  
50 Complaint Review Committee Procedure for Reviewing Investigative Cases:  
51  
52

#### 53 **Complaint Review Committee Procedure for Reviewing Investigative 54 Cases**

55  
56 (Adopted March 20, 2012)  
57

58 Three board members, plus the Executive Director or Deputy Executive  
59 Director, shall constitute a Complaint Review Committee (CRC),  
60 pursuant to LAC Title 46:LXI§707(E)(10).  
61

62 The board attorney and the Executive Director/Deputy Executive  
63 Director will not complete CRC recommendation forms. However, it is  
64 the intent of the board that the board attorney will review all investigative  
65 cases after the CRC review is complete.  
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**Staff Responsibilities:**

1. Staff will appoint the board members on the CRC based on their geography, expertise, and rotation.
2. Staff will designate one board member on the CRC as the Reporter for the CRC.
3. The investigator will send to each board member on the CRC the Investigative Case Report and a blank CRC recommendation form.
4. The investigator will communicate with the Reporter to ensure every effort is made to return a single, completed CRC recommendation form within 90 days.
5. If the CRC finds evidence of one or more violations and recommends a proposed consent order, the investigator will draft the proposed consent order and cover letter and submit them to the board attorney for review along with the Investigative Case Report and completed CRC recommendation form. After review by the board attorney, the investigator will send the proposed consent order to the Respondent via certified mail.
6. If the CRC finds no evidence of law/rule violations and recommends dismissing the case, the investigator will submit to the board attorney for review the Investigative Case Report and the completed CRC recommendation form. If the board attorney has concerns over the propriety of the CRC's finding of no evidence of law/rule violations, the investigator will communicate with the Reporter and the board attorney to resolve the concerns. Otherwise, the investigator will send the appropriate letter to the Respondent (and, if applicable, the complainant) and submit the case to the Director of Enforcement to close.

**CRC Reporter Responsibilities:**

1. The Reporter will facilitate dialog with the other board members on the CRC to review the case and answer the following questions:
  - a. Are any law/rule violations substantiated?
  - b. Does the CRC require additional information?
  - c. If any law/rule violations are substantiated, what are the recommended sanctions?
2. The CRC will then vote on the questions above. The vote shall be made by a minimum two-thirds vote of the board members serving on the CRC, pursuant to LAC Title 46:LXI §707(E)(10).
3. Once a unanimous/two-thirds vote has been reached, the Reporter will sign and email the completed CRC recommendation form to the investigator, with a copy to the other two board members on the CRC. The completed CRC recommendation form should clearly indicate whether there was a unanimous or two-thirds vote. The other two board members on the CRC will each send the investigator an email affirming their position as submitted by the Reporter. An example of the email – *"I agree with the recommendations on the CRC recommendation form regarding (enter respondent's name and case number)"*, or *"I disagree with the recommendations on the CRC recommendation form regarding (enter respondent's name and case number)"*.
4. The Reporter must include the following information on the completed CRC recommendation form:

- a. List the specific laws/rules violated
- b. Detail the facts which support the finding of each violation
- c. Answer yes/no to all options for sanctions listed
- d. If the recommended sanctions vary from the sanction guidelines, list the reasons for the variance

See applicable board laws/rules on the following page:

**La. R.S. 37:698(L) and (M):**

*L. The board may make informal disposition by consent order, agreement, settlement, or default of any disciplinary proceeding pending before it. Each such informal disposition shall have no force or effect unless ratified by the board at its next regular meeting. Consent orders may be considered disciplinary actions.*

*M. The board shall establish complaint review committees to investigate, mediate, or initiate disciplinary or legal proceedings on behalf of the board with respect to complaints or information received by the board alleging that a licensee or certificate holder committed or engaged in any of the acts or offenses listed in Subsection A of this Section. Complaint review committees shall consist of at least three members of the board. Other employees or representatives of the board may be on the committees to provide administrative assistance, background information, legal advice, or any other assistance the committees deem necessary but shall not be granted voting privileges.*

**La. R.S. 37:700(L) and (M):**

*L. The board may make informal disposition by consent order, agreement, settlement, or default of any enforcement proceeding pending before it. Each such informal disposition shall have no force or effect unless ratified by the board at its next regular meeting. Consent orders may be considered enforcement actions.*

*M. The board shall establish complaint review committees to investigate, mediate, or initiate enforcement or legal proceedings on behalf of the board with respect to complaints or information received by the board alleging that a non-licensee or non-certificate holder committed or engaged in any of the acts or offenses listed in Subsection A of this Section. Complaint review committees shall consist of at least three members of the board. Other employees or representatives of the board may be on the committees to provide administrative assistance, background information, legal advice, or any other assistance the committees deem necessary but shall not be granted voting privileges.*

**LAC Title 46:LXIS707(E)(10):**

*Complaint review committees shall be composed of one standing member (the executive director or deputy executive director) and at least three board members appointed on a case-by-case basis. It shall be the responsibility of each committee to review the results of investigations against licensees, certificate holders and unlicensed persons, to prefer charges and/or to recommend appropriate action to the board. Any decision, including the preferral of charges, shall be made by a minimum two-thirds vote of the board members serving on a committee.*

The Board unanimously approved the motion made by the Enforcement Ad Hoc Committee to adopt the following Complaint Review Committee Procedure on Preferral of Charges:

**Complaint Review Committee Procedure on Preferral of Charges**

**(Adopted March 20, 2012)**

In an effort to establish best practices and maintain the confidentiality of all investigative cases in various stages of the administrative process, the following procedure must be followed with regard to the preferral of charges.

The Complaint Review Committee (CRC) will exhaust all efforts (*i.e.*, informal conference and/or consent order) to resolve cases in which law/rule violations have been substantiated. If the respondent refuses to accept a proposed consent

1 order and/or an offer of an informal conference, then the CRC will vote on the  
2 preferal of charges and the scheduling of a hearing.

- 3  
4 1. The vote to prefer charges shall be made by a minimum two-thirds vote of  
5 the board members serving on the CRC, pursuant to La. R.S. 37:698(D)(1)  
6 and (2), La. R.S. 37:700(D)(1) and (2), and LAC Title 46:LXI§707(E)(10).  
7  
8 2. The CRC member appointed as the Reporter will be responsible for  
9 notifying the investigator of the CRC's decision.  
10  
11 a. The Reporter will send an email to the investigator (with a copy to the  
12 other two board members on the CRC) stating the CRC's vote.  
13 [Example: "By (unanimous/two-thirds) vote, the CRC has decided to  
14 prefer charges against (enter respondent's name and case number) and  
15 to schedule the hearing for (date of next board meeting)"]  
16  
17 b. The other two board members on the CRC will each send the  
18 investigator an email affirming their vote as submitted by the Reporter.  
19 An example of the email – "I agree with the vote to prefer charges  
20 against (enter respondent's name and case number) and to schedule the  
21 hearing for (date of next board meeting)", or "I disagree with the vote  
22 to prefer charges against (enter respondent's name and case number)".  
23  
24 3. The Director of Enforcement and the CRC will strive to schedule the  
25 hearing during the next board meeting. The Director of Enforcement will  
26 work with the Executive Director, the board attorney and the prosecuting  
27 attorney to schedule the date and time for the hearing. Pursuant to La. R.S.  
28 37:698(F) and 37:700(F), the hearing must be held within 12 months of the  
29 CRC's preferal of charges, unless the period is extended with the consent  
30 of both the board and the respondent.  
31  
32 4. Once the hearing date and time are determined, pursuant to La. R.S.  
33 37:698(E) and 37:700(E) the investigator will draft the notice of charges  
34 and hearing and cover letter and submit them to the board attorney for  
35 review. After review by the board attorney, the investigator will send the  
36 notice of charges and hearing to the Respondent. The notice must be  
37 mailed via certified mail and within 20 days of the CRC's preferal of  
38 charges and at least 30 days before the date of the hearing.  
39  
40 5. At least 10 days prior to the hearing date, the Executive Director will notify  
41 the board members not serving on the CRC of the scheduled hearing,  
42 including the names of the Respondent and the CRC members.  
43  
44 6. See applicable board laws/rules on the following page:

45  
46 **La. R.S. 37:698(D), (E), (F) and (G):**

47 *D. Charges may be preferred against any licensee or certificate holder in the following*  
48 *manner:*

49 *(1) A complaint review committee of the board, on its own initiative, may prefer*  
50 *charges against any licensee or certificate holder who commits or engages in any of*  
51 *the acts or offenses listed in Subsection A of this Section. Any decision to prefer*  
52 *charges shall be made by a minimum two thirds vote of the board members serving on*  
53 *the complaint review committee.*

54 *(2) A complaint review committee of the board, on receipt of a complaint from any*  
55 *person, may prefer charges against any licensee or certificate holder who commits or*  
56 *engages in any of the acts or offenses listed in Subsection A of this Section. Such*  
57 *complaint shall be in writing, shall be sworn to by the person or persons making the*  
58 *complaint, and shall be filed with the board. Any decision to prefer charges shall be*  
59 *made by a minimum two-thirds vote of the board members serving on the complaint*  
60 *review committee.*

61 *E. Within twenty days of the preferal of charges, the board shall mail a copy of said*  
62 *charges to the last known address of the licensee or certificate holder so charged.*

63 *F. In the event a complaint review committee of the board determines after investigation*  
64 *that charges so preferred are completely unfounded, more appropriately resolved*  
65 *outside the formal disciplinary proceedings, or not within the jurisdiction of the board,*  
66 *the committee shall so advise the charged party, in writing, of its determination and the*  
67 *charges shall be withdrawn. Otherwise, all charges shall be heard by the board or a*  
68 *hearing committee designated by the board within twelve months after the date on*  
69 *which they shall have been preferred. This twelve-month period may be extended with*  
70 *the consent of both the board and the charged party.*

71 *G. The date, time, and place for said hearing shall be fixed by the complaint review*  
72 *committee and a copy of the charges, together with a notice of the date, time, and*  
73 *place of the hearing, shall be personally served on or mailed to the last known*

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*address of the charged party, at least thirty days before the date fixed for hearing. At any hearing, the charged party shall have the right to appear in person, or by counsel, or both, to cross-examine witnesses in his defense, and to produce evidence, and witnesses in his defense. If the charged party fails or refuses to appear at the hearing, the board or the hearing committee may proceed to hear and determine the validity of the charges.*

**La. R.S. 37:700(D), (E), (F) and (G):**

*D. Charges may be preferred against any non-licensee or non-certificate holder in the following manner:*

*(1) A complaint review committee of the board, on its own initiative, may prefer charges against any non-licensee or non-certificate holder who commits or engages in any of the acts or offenses listed in Subsection A of this Section. Any decision to prefer charges shall be made by a minimum two-thirds vote of the board members serving on the complaint review committee.*

*(2) A complaint review committee of the board, on receipt of a complaint from any person, may prefer charges against any non-licensee or non-certificate holder who commits or engages in any of the acts or offenses listed in Subsection A of this Section. Such complaint shall be in writing, shall be sworn to by the person or persons making the complaint, and shall be filed with the board. Any decision to prefer charges shall be made by a minimum two-thirds vote of the board members serving on the complaint review committee.*

*E. Within twenty days of the preferral of charges, the board shall mail a copy of said charges to the last known address of the non-licensee or non-certificate holder so charged.*

*F. In the event a complaint review committee of the board determines after investigation that the charges so preferred are completely unfounded, more appropriately resolved outside the formal enforcement proceedings, or not within the jurisdiction of the board, the committee shall so advise the charged party, in writing, of its determination and the charges shall be withdrawn. Otherwise, all charges shall be heard by the board or a hearing committee designated by the board within twelve months after the date on which they shall have been preferred. This twelve-month period may be extended with the consent of both the board and the charged party.*

*G. The date, time, and place for said hearing shall be fixed by the complaint review committee and a copy of the charges, together with a notice of the date, time, and place of the hearing, shall be personally served on or mailed to the last known address of the charged party, at least thirty days before the date fixed for hearing. At any hearing, the charged party shall have the right to appear in person, or by counsel, or both, to cross-examine witnesses in his defense, and to produce evidence and witnesses in his defense. If the charged party fails or refuses to appear at the hearing, the board or the hearing committee may proceed to hear and determine the validity of the charges.*

**LAC Title 46:LXI§707(E)(10):**

*Complaint review committees shall be composed of one standing member (the executive director or deputy executive director) and at least three board members appointed on a case-by-case basis. It shall be the responsibility of each committee to review the results of investigations against licensees, certificate holders and unlicensed persons, to prefer charges and/or to recommend appropriate action to the board. Any decision, including the preferral of charges, shall be made by a minimum two-thirds vote of the board members serving on a committee.*

The Board recessed at 5:15 p.m. and resumed at 8:30 a.m. on Tuesday, March 20, 2012.

**Enforcement (continued)**

Ms. Hatton presented the enforcement report.

**Case #2011-58** - Ms. Hatton reported on a licensed land surveyor who performed a survey and prepared, signed, sealed and issued a survey plat which failed to meet the Board's minimum standards for property boundary surveys. The respondent has signed and returned the proposed consent order offered by the complaint review committee. The proposed consent order contained the following sanctions:

- Fine of \$500
- Costs of \$727.46
- Correction of all minimum standards violations on a revised survey plat (including monumenting all property corners), providing the revised survey plat to the Board for review, providing the revised survey plat to the clients after Board review, and providing satisfactory evidence of the accomplishment of these requirements to the Board
- Successful completion of the Board's online Louisiana Minimum Standards Quiz



- Successful completion of the Board's online Louisiana Professionalism and Ethics Quiz
- Publication without name on the Board's website and in the Journal

After discussion, the Board unanimously approved the motion made by the complaint review committee to approve the signed Consent Order.

**Case #2010-74** - Ms. Hatton reported on an unlicensed firm which practiced/offered to practice engineering and used the word "engineering" in its 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:

- Fine of \$1,000
- Costs of \$914.99
- Cease and desist
- Letter of reprimand from the Board
- Publication by name on the Board's website, in the Journal and to NCEES

After discussion, the Board unanimously approved the motion made by the complaint review committee to approve the signed Consent Order. The name of the respondent is Rendon Construction LLC

#### **Liaison and Law Review Committee**

The Board reviewed the Petition for Declaratory Order and Ruling (2012-01) received from **Mr. Marc Berard**.

The Board unanimously approved the motion made by the Liaison and Law Review Committee directing Mr. Landry to draft a proposed ruling on Mr. Berard's petition for discussion at the May Board meeting.

The Board reviewed the Petition for Declaratory Order and Ruling (2012-02) received from **Mr. Mark Bernard Morris**.

The Board approved the motion made by the Liaison and Law Review Committee, with Mr. Mustapha, Mr. Moore, Mr. Thompson, Dr. Bowie, Mr. Savoie, Mr. Williams, Mr. Allen, Mr. Crosby and Mr. Danzy for and Mr. Gammon against, to direct Ms. Sentell to draft a proposed letter responding to Mr. Morris' petition.

#### **Enforcement Ad Hoc Committee (continued)**

Mr. Emory Belton, Mr. Julius Langlinais, Ph.D, P.E. and Mr. Mike Veazey, P.E., representatives from the Society of Petroleum Evaluation Engineers, entered the meeting at 9:20 a.m. to discuss HB 748.

Mr. Williams and Mr. Mustapha exited the meeting at 9:30 a.m.

Mr. Gammon exited the meeting at 10:00 a.m.

The Board recessed at 10:55 a.m. and resumed at 11:15 a.m. Mr. Belton, Mr. Veazey and Dr. Langlinais were not present.

Mr. Gammon entered the meeting at 11:20 a.m.

#### **Liaison and Law Review Committee (continued)**

The Board reviewed the Petition for Declaratory Order and Ruling (2012-03) received from **Mr. Michael J. Murphy**.

The Board unanimously approved the motion made by Mr. Moore, seconded by Mr. Savoie, directly Mr. Landry to draft a proposed ruling on Mr. Murphy's petition for Executive Committee approval. The ruling should explain the meaning and interaction of the 120-day period set forth in La. R.S. 37:697(B) and LAC Title 46:LXI§2101(A) and the 90-day period set forth in La. R.S. 37:698(A)(9), which relate to the expiration and renewal of licenses.

The Board recessed for lunch at 12:15 p.m. and resumed at 1:00 p.m.

Mr. Williams and Mr. Mustapha entered the meeting at 12:25 p.m.

1 The Board unanimously approved the motion made by Mr. Allen, seconded by Mr.  
2 Savoie, to table the discussion of potential rules changes relative to computer-based  
3 testing until the May Board meeting.  
4

### 5 New Business

6  
7 The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr.  
8 Moore, to request that the NCEES Board of Directors grant Emeritus Status to Mr.  
9 Allen and Mr. Danzy.

10  
11 The Board recognized Mr. Allen (2003-2012) and Mr. Danzy (2007-2012) for their  
12 years of service to the Board.

13  
14 The Board unanimously approved the motion made by Mr. Thompson, seconded by  
15 Mr. Moore, to have the list of policies and potential rules changes emailed to all Board  
16 members for discussion at the May Board meeting.  
17

18 The Board unanimously approved the motion made by Mr. Savoie, seconded by Mr.  
19 Gammon, to designate Mr. Crosby as the Board's funded delegate to the 2012 LSPS  
20 convention in Marksville, LA on April 18-21, 2012.  
21

22 The Board unanimously approved the motion made Mr. Mustapha, seconded by Mr.  
23 Williams, to change the Board's September 2012 meeting date from September 17-18  
24 to **September 24-25**.

25  
26 At 1:15 p.m. the Board unanimously approved the motion made by Mr. Mustapha,  
27 seconded by Dr. Bowie, to enter into executive session to discuss personnel matters.  
28

29 Mr. Mustapha exited the meeting at 1:20 p.m.  
30

31 At 2:30 p.m., the Board unanimously approved the motion made Williams, seconded  
32 by Mr. Thompson, to exit the executive session.  
33

34 The Board unanimously approved the motion made by Mr. Allen, seconded by Mr.  
35 Moore, to authorize the Executive Committee to take the appropriate action on behalf  
36 of the Board concerning the request of Heidi Watts to move from an unclassified  
37 position to a classified position.  
38

### 39 Closing Business

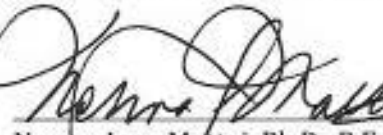
40  
41 The Board unanimously approved the motion made by Mr. Williams, seconded by Mr.  
42 Thompson, to approve all committee recommendations and actions.  
43


44 The Board unanimously approved the motion made by Mr. Williams, seconded by Mr.  
45 Thompson, to acknowledge and confirm all licenses and certificates issued by the  
46 Board.  
47

48 The Board unanimously approved the motion made by Mr. Thompson, seconded by  
49 Mr. Savoie, to approve all Board expenses.  
50

51 The Board unanimously approved the motion made by Mr. Allen, seconded by Mr.  
52 Williams, to adjourn.  
53

54 The meeting adjourned at 2:40 p.m. on Tuesday, March 20, 2012.  
55

56  
57  
58   
59 Norma Jean Mattei, Ph.D., P.E.  
60 Chairman

56  
57  
58  Ph.D., PE  
59 James E. Bowie, Ph.D., P.E.  
60 Secretary