MINUTES OF THE REGULAR MEETING OF THE
LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 BROOKLINE AVENUE, SUITE 121
BATON ROUGE, LOUISIANA 70809-1433
March 16, 2015

At 8:00 a.m. on March 16, 2015, M. Ernest Gammon, Sr., P.L.S. called the meeting to
order at the Board’s office in Baton Rouge, Louisiana, with the following members
present:

M. Ernest Gammon, Sr., P.L.S.     Chairman
Theodore H. Thompson, P.E.       Vice Chairman
Kevin E. Crosby, P.E., P.L.S.    Secretary
John W. "Billy" Moore, P.E.    Treasurer

Also present:  Ali M. Mustapha, P.E.
              David L. Patterson, P.L.S
              Terry J. Huval, P.E.
              Paul N. Hale, Jr., Ph.D., P.E.
              D. Scott Phillips, P.E., P.L.S.
              Alan D. Krouse, P.E.

Not present:  Donna D. Sentell, Executive Director
              Joe H. Harman, P.E., Technical Support Staff
              Tyson Ducote, Director of Enforcement
              William Hyatt, Board Investigator
              Richard L. Savoie, P.E., Emeritus Board Member
              D. Scott Landry, Board Attorney
              Bill Tripoli, Board Staff

The invocation was led by Mr. Phillips and the pledge by Mr. Mustapha

The Board unanimously approved the motion made by Mr. Moore, seconded by Dr.
Hale, to accept the March 16, 2015 proposed Call for the Meeting.

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr.
Patterson, to accept the March 16, 2015 proposed Board Meeting Agenda.

Public comment time was recognized by Chairman Gammon.

Chairman Gammon presented the Chairman’s gavel to Mr. Thompson.

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr.
Krouse, to approve the Minutes from the January 28, 2015 Board meeting.

The Board unanimously approved the motion made by Mr. Krouse, seconded by Dr.
Hale, to schedule the Board’s next regular meeting for June 1-2, 2015 in Baton Rouge,
Louisiana.

Ms. Sentell gave the Executive Director’s report and reviewed the January task list.

Chairman Thompson designated Mr. Phillips and Dr. Hale to be the Board-funded
deleagtes to the LSPS Annual Convention in Bossier City in April.

Chairman Thompson designated himself and Mr. Knotts to be the Board-funded
deleagtes to the LES Annual Multi-State Engineering Conference in Destin, Florida in
June.

The Board recessed at 8:50 a.m. and resumed at 10:30 a.m.

Enforcement

Case # 2013-68 - Mr. Ducote reported on a professional engineer and land surveyor
who performed property boundary surveys and prepared, signed, sealed and issued
survey maps for property located in Louisiana which failed to meet the Board’s
standards of practice for boundary surveys. 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 $1,000
2. Costs of $1,033.10
3. Correct the standards of practice violations on revised survey maps, provide the revised survey maps to the Board for review, submit the revised survey maps to the parish planning and zoning commission after Board review, properly file the revised survey maps into the public record after the commission review, and provide certified copies of the filed revised survey maps to the Board
4. Louisiana Standards of Practice for Boundary Surveys 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. Crosby, Mr. Mustapha and Mr. Moore, to approve the signed consent order. The name of the respondent is Charles R. St. Romain, P.E., P.L.S.

Case # 2013-80 - Mr. Ducote reported on an unlicensed firm which practiced and offered to practice land surveying and used the words "survey", "surveys" and "surveying" in conjunction with its business activities 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 $1,000
2. Costs of $553.02
3. Cease and desist
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. Phillips, Chairman Thompson and Mr. Patterson, to approve the signed consent order. The name of the respondent is L.T. Mapping Services, Inc.

Case # 2014-11 - Mr. Ducote reported on an unlicensed individual who practiced and 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 $2,000
2. Costs of $605.52
3. Cease and desist
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. Phillips, Chairman Thompson and Mr. Patterson, to approve the signed consent order. The name of the respondent is Larry M. Tucker.

Mr. Harman updated the Board on the continued work of the civil/transportation engineering group.

Mr. Savoie reviewed the Power Point presentation for the Industrial Licensure outreach efforts.

Committee Reports

Liaison and Law Review Committee

Mr. Moore presented the Liaison and Law Review Committee’s recommendation to amend Rule 717.

The Board unanimously approved the motion made by the Liaison and Law Review Committee to amend Rule 717 to read as follows:

§717. Disbursements

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A. Check Requirement. All disbursements over the amount of $150 shall be made by check or approved electronic fund transfer.

B. Line Item Restrictions. Annual disbursements shall not exceed current budget line items.

C. Required Signatures on Checks. All checks must be signed by two of the following individuals (with at least one of the signatures being from either the treasurer or another board member as directed by the board):
   1. treasurer;
   2. executive director;
   3. deputy executive director; or
   4. any board member as directed by the board.

The Board recessed for lunch at 11:45 a.m. and resumed at 12:20 p.m.

**Land Surveying Committee**

Based on a recent enforcement case, the Land Surveying Committee recommends sending a letter to pipeline companies in Louisiana regarding the use of unlicensed firms to provide land surveying services. The Committee will draft a letter for Board review at the June Board meeting.

The Board unanimously approved the motion made by the Land Surveying Committee to approve the following ruling on Mitchell P. Wyble, P.E.'s Petition for Declaratory Order and Ruling:

**RULING ON PETITION FOR DECLARATORY ORDER**

1. On February 6, 2015, Mitchell P. Wyble, P.E. ("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:LX1§727.

2. Petitioner states that professional land surveyors performing work for the Lafayette Consolidated Government believe they are required by law to set monuments at the intersecting property corners of all tracts of land which adjoin a strip of land acquired, or to be acquired, in fee for use as a road or street right-of-way; however the Lafayette Consolidated Government believes that said professional land surveyors are only required to set monuments at the points which define the boundaries of the new road or street right-of-way.

3. Petitioner seeks a declaratory order as to whether a professional land surveyor is required to set monuments (a) at the intersecting property corners of all tracts of land which adjoin the new right-of-way or (b) only at the property corners of the new right-of-way, i.e., the points which define the boundaries of the right-of-way.

4. LAC Title 46:LX1§2901(C) provides as follows:
   A boundary survey in this state shall only be performed by a professional land surveyor, licensed pursuant to the laws of this state, or persons under his/her responsible charge. The professional land surveyor shall at all times comply with the provisions of the licensure law and the rules of the board.

5. LAC Title 46:LX1§2903(A) defines a "corner" as:
   a point on a land boundary at which two or more boundary lines meet. It is not the same as a monument, which refers to the physical evidence of the corner's location on the ground.

6. LAC Title 46:LX1§2903(A) defines a "monument" as:
   a physical object or structure which marks the location of a corner or other survey point. In public lands surveys, the term *corner* is employed to denote a point determined by the surveying process, whereas the *monument* is the physical object installed, or structure erected, to mark the corner point upon the earth's surface. Monument and corner are not synonymous, though the two terms are often used in the same sense.
LAC Title 46:LXI§2907(A) defines a "property boundary survey", in part, as:
a survey which, after careful study, investigation, and evaluation of major
factors influencing the location of boundaries, results in the deliberate
location or relocation on the ground of, and the recovery or installation of
monuments that define the location and extent of, one or more boundaries.

LAC Title 46:LXI§2907(C) provides, in pertinent part, as follows:
A property boundary survey shall result in the recovery, establishment or
reestablishment of monumented corners and points of curvature and
tangency. Reference monuments shall be established or reestablished when
required by these standards (see Subsection E, "Monuments").

LAC Title 46:LXI§2907(E) provides, in pertinent part, as follows:
The professional land surveyor shall set monuments at all boundary or lot
corners, including points of curvature and points of tangency unless
monuments already exist or cannot be set due to physical obstructions.

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
March 16, 2015:

IT IS THE RULING of the Board that:

The term "corner" refers to the intersection of two boundary lines
belonging to the tract of land being surveyed. It does not refer to the
intersection of a boundary line of an adjoining tract of land with a boundary
line of the tract of land being surveyed.

When performing a property boundary survey of a strip of land acquired,
or to be acquired, in fee for use as a road or street right-of-way, a professional
land surveyor shall set monuments at the property corners of the new right-of-way,
i.e., at every point where changes in the alignment of the right-of-way
occur, including points of curvature and points of tangency of curves. There is
no requirement in the Board's laws or rules that monuments be set at the
intersecting property corners of tracts of land which adjoin the new right-of-way.

When performing a property boundary survey of a strip of land acquired,
or to be acquired, in fee for use as a road or street right-of-way, the Board
recommends that a professional land surveyor also set monuments at other
intermediate points along curves and tangents, such as not more than one
thousand (1,000) feet apart on curves and not more than one thousand five
hundred (1,500) feet apart on tangents (as is the long-standing practice of the
Louisiana Department of Transportation and Development).

In connection with a property boundary survey of a strip of land acquired,
or to be acquired, in fee for use as a road or street right-of-way, monuments
shall only be installed under the responsible charge of a professional land
surveyor.

The Land Surveying Committee discussed the Petition for Declaratory Order and
Ruling from Walter Ballard. The committee will draft a response to Mr. Ballard.

Finance Committee

The Board unanimously approved the motion made by the Finance Committee to re-
invest the certificate of deposit at Investar Bank, valued at $50,831, which is set to
mature on May 24, 2015.

The Board unanimously approved the motion made by the Finance Committee to re-
invest the certificate of deposit at Investar Bank, valued at $45,750, which is set to
mature on May 24, 2015.

The Board unanimously approved the motion made by the Finance Committee to
authorize the Executive Director to enter into a contract with Celia Cangelosi to serve
as a prosecuting attorney for Board disciplinary and enforcement hearings. The term
of the contract will be for one year beginning July 1, 2015 and ending June 30, 2016, in the amount not to exceed $36,000.00.
The Board unanimously approved the motion made by the Finance Committee to authorize the Executive Director to enter into a contract with **Joe H. Harman & Associates, LLC** to serve as a technical support staff for the Board. The term of the contract will be for one year beginning **July 1, 2015 and ending June 30, 2016**, in the amount not to exceed **$60,000.00**.

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

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

The term of the contract will be for one year beginning **July 1, 2015 and ending June 30, 2016**, in the amount not to exceed **$10,000.00**.

The Board unanimously approved the motion made by the Finance Committee to authorize the Executive Director to enter into a contract with **L.A. Champagne & Co., L.L.P.** to provide accounting services to the Board. The term of the contract will be for one year beginning **July 1, 2015 and ending June 30, 2016**, in the amount not to exceed **$28,000.00**.

The Board unanimously approved the motion made by the Finance Committee to authorize the Executive Director to begin the request for proposal process for IT support for FY 2015-16.

### Old Business/New Business

The Board unanimously approved the motion made by Mr. Patterson, seconded Mr. Mustapha, to re-schedule the November meeting for November 16, 2015.

The Board unanimously approved the motion made by the ad hoc committee, comprised of Mr. Knotts, Mr. Moore and Mr. Crosby, to adopt the following Board hiring policy (Policy #18) for the positions of Executive Director, Deputy Executive Director and Director of Enforcement:

> The Executive Committee of the Board shall initiate the hiring process, conduct the interviews and make recommendations to the Board relative to the hiring of individuals for the positions of Executive Director, Deputy Executive Director and Director of Enforcement. The decision of whether to offer employment to particular candidates for any of those positions must be approved by the Board prior to the offer being sent to the candidate.

> The hiring process for these positions shall be in conformance with all other applicable policies and procedures of the Board.

Mr. Krouse reported on the office security.

The Board approved the motion made by Mr. Moore, seconded by Mr. Crosby, with Mr. Phillips, Dr. Hale, Mr. Mustapha, Mr. Huval, Mr. Moore, Mr. Crosby, Mr. Krouse, Mr. Gammon and Mr. Patterson against, to proceed with the construction of an interior security wall in the front lobby of the office, with final specifications to be approved by the Executive Committee.

Mr. Landry reported on the status of the Board’s pending litigation with Mubashir Maqbool.

Mr. Landry and Mr. Krouse reported on the pending legislation for the 2015 Louisiana legislative session.

The Board unanimously approved the motion made by Mr. Moore, seconded by Mr. Crosby, to charge the ad hoc committee, comprised of Mr. Moore, Mr. Knotts and Mr. Krouse, along with representatives of the Louisiana Engineering Society (LES), the American Council of Engineering Companies/Louisiana (ACEC/L) and the American Society of Civil Engineers Louisiana Section (ASCE/Louisiana), with drafting language
for a proposed statutory revision relating to allowing professional engineer licensure without the requirement of passing the fundamentals of engineering examination and then meeting with Senator Martiny on the proposed legislation. This language should be sent to the entire Board for review by March 31.

The Board recessed at 2:20 p.m. and resumed at 2:30 p.m.

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr. Patterson to approve the travel for Board members, staff and emeritus members to attend the NCEES Southern Zone Meeting in Scottsdale, AZ in May.

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Dr. Hale, to approve the travel for Board members, staff and emeritus members to attend the NCEES Annual Meeting in Williamsburg, VA in August.

Chairman Thompson charged the Land Surveying Committee with reviewing the question of, "what is, and what is not a construction stakeout", and reporting to the Board at the June meeting.

The Board approved the motion made by Mr. Moore, seconded by Mr. Crosby, with Mr. Phillips, Dr. Hale, Mr. Huval, Mr. Moore, Mr. Crosby, Mr. Patterson and Mr. Krouse for and Mr. Mustapha and Mr. Gammon abstaining, to request Emeritus Status for Mr. Mustapha and Mr. Gammon.

Closing Business

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

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

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

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

The meeting adjourned at 3:40 p.m. on March 16, 2015.

Theodore H. Thompson, P.E.  
Chairman

John W. Billy Moore, P.E.  
Secretary