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MINUTES OF THE REGULAR MEETING OF THE  
LOUISIANA PROFESSIONAL ENGINEERING  
AND LAND SURVEYING BOARD  
9643 BROOKLINE AVENUE, SUITE 121  
BATON ROUGE, LOUISIANA 70809-1433  
May 19, 2014

At 8:00 a.m. on May 19, 2014, M. Ernest Gammon, Sr., P.L.S. called the meeting to order 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

Ali M. Mustapha, P.E.  
David L. Patterson, P.L.S.  
John T. Irving, P.E.  
Paul N. Hale, Jr., Ph.D., P.E.  
Christopher P. Knotts, P.E.  
D. Scott Phillips, P.E., P.L.S.  
Alan D. Krouse, P.E.

Also present: Donna D. Sentell, Executive Director  
Joe H. Harman, P.E., Technical Support Staff  
Tyson Ducote, Board Investigator  
Jeff Morgan, Board Investigator  
Richard L. Savoie, P.E., Emeritus Board Member

Not present: John W. "Billy" Moore, P.E.

The invocation was led by Chairman Gammon and the pledge by Mr. Thompson.

Public comment time was recognized by Chairman Gammon.

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr. Knotts, to accept the May 19, 2014 proposed Call for the Meeting.

The Board unanimously approved the motion made by Mr. Crosby, seconded by Mr. Mustapha, with Mr. Krouse abstaining, to approve the Minutes from the March 17, 2014 Board meeting.

The Board unanimously approved the motion made by Mr. Knotts, seconded by Mr. Mustapha, to schedule the Board's next regular meeting for Monday and Tuesday, July 21-22, 2014 in Baton Rouge, Louisiana.

The Board unanimously approved the motion made by Mr. Thompson, seconded by Mr. Knotts, to accept the May 19, 2014 proposed Board Meeting Agenda.

The Board's March task list was reviewed.

Chairman Gammon introduced Jeff Morgan, the new Board investigator.

Chairman Gammon charged an ad hoc committee, comprised of Mr. Mustapha, Mr. Thompson and Mr. Krouse, with evaluating whether the Board needs an Assistant Executive Director.

## **Committee Reports**

### **Finance Committee**

Mr. Patterson presented the report for the Finance Committee.

The Board unanimously approved the motion made by the Finance Committee to approve the amended FY 13-14 budget as presented.

The Board unanimously approved the motion made by the Finance Committee to reinvest the six CDs set to mature before the July 21, 2014 Board meeting.

1 The Board unanimously approved the motion made by the Land Surveying Committee  
2 to authorize the Executive Director to enter into a contract with the **Louisiana**  
3 **Society of Professional Surveyors** to provide assistance with the Louisiana Laws of  
4 Surveying exam administrations.

5 The term of the contract will be for one year beginning **July 1, 2014 and ending June**  
6 **30, 2015**, in the amount not to exceed **\$10,000.00**.

7  
8 Mr. D. Scott Landry, Board Attorney, entered the meeting at 8:20 a.m.  
9

### 10 **Enforcement**

11 Mr. Ducote presented the enforcement report.

12  
13 The Board unanimously approved the motion made by Mr. Thompson, seconded by  
14 Mr. Crosby, to reconsider the motion from the March Board meeting to dismiss Case  
15 #2013-54.  
16

17  
18 The Board unanimously approved the motion made by Mr. Thompson, seconded by  
19 Mr. Crosby, to remand Case #2013-54 to the Complaint Review Committee comprised  
20 of Mr. Gammon, Mr. Knotts and Dr. Hale, for further review and recommendation.  
21

### 22 **Old Business/New Business**

23  
24 The Board unanimously approved the motion made by the Structural Engineer  
25 Designation Ad Hoc Committee to approve the following ruling on Dr. Mattei's Petition  
26 for Declaratory Order and Ruling:  
27

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

29 1.

30 On January 16, 2014, Norma Jean Mattei, Ph.D., P.E. ("Petitioner") filed  
31 with the Louisiana Professional Engineering and Land Surveying Board (the  
32 "Board") a petition for declaratory order and ruling pursuant to LAC Title  
33 46:LXI§727.

34 2.

35 Petitioner seeks a declaratory order as to whether a professional engineer  
36 who is competent to practice structural engineering, but who is not listed by  
37 the Board in the discipline of structural engineering, is permitted to refer to  
38 himself/herself as a "Structural Engineer" in Louisiana.  
39

40 3.

41 La. R.S. 37:693(A)(2) provides as follows:

42 Professional engineers will be issued licenses by the board as a  
43 professional engineer. The board shall list a professional engineer in one or  
44 more of the disciplines of engineering approved by the National Council of  
45 Examiners for Engineering and Surveying to signify the area in which the  
46 engineer has demonstrated competence pursuant to education, experience,  
47 and examination. The professional engineer may use a stamp that designates  
48 the discipline of engineering in which the board has listed the engineer or a  
49 stamp that identifies the licensee as a professional engineer.

50 4.

51 La. R.S. 37:698(A) provides, in pertinent part, as follows:

52 The board shall have the power to take disciplinary action against any  
53 licensee . . . found by the board to be guilty of any of the following acts or  
54 offenses:

55 . . .

56 (2) Any fraud, deceit, . . . material misrepresentation, gross incompetence,  
57 or gross misconduct in the practice of engineering . . .

58 . . .

59 (6) Violation of any provision of this Chapter or any rules or regulations  
60 adopted and promulgated by the board.

61 . . .

62 (11) The use of any advertising or solicitation which is false or misleading.

63 . . .

64 (13) Knowingly making or signing false statements, certificates, or  
65 affidavits in connection with the practice of engineering . . .

66 . . .

67 (18) Practicing or offering to practice engineering . . . when not qualified.  
68 . . .

5.

1 LAC Title 46:LXI§105(A) defines “fraud, deceit or misrepresentation” as:  
2 intentional deception to secure gain, through attempts to deliberately conceal,  
3 mislead, or misrepresent the truth with the intent to have others take some  
4 action relying thereupon, or any act which provides incorrect, false, or  
5 misleading information, upon which others might rely.

6 6.

7 LAC Title 46:LXI§105(A) defines “gross incompetence” as:  
8 the practice of engineering . . . by a licensee who is either incapable of  
9 exercising ordinary care and diligence or who lacks the ability and skill  
10 necessary to properly perform the duty he/she undertakes. (The practice of  
11 engineering in an area other than that in which the licensee has been issued a  
12 license will not be considered as evidence of gross incompetence, provided the  
13 licensee is otherwise qualified by education or experience.) Examples of  
14 practice which the board may consider to constitute gross incompetence  
15 include but are not limited to:

16 a. the undertaking of assignments other than those for which the licensee  
17 is qualified by education or experience in the specific technical fields involved;  
18 or

19 b. the affixing of the licensee's signature or seal to any engineering . . . plan  
20 or document dealing with the subject matter in which the licensee lacks  
21 competence by virtue of education or experience.

22 7.

23 LAC Title 46:LXI§105(A) defines “gross misconduct”, in pertinent part, as  
24 the practice of engineering . . . by a licensee who performs any acts, causes  
25 any omissions or makes any assertions or representations which are  
26 fraudulent, deceitful, or misleading, or which in any manner whatsoever  
27 discredits or tends to discredit the profession[ ] of engineering . . . Gross  
28 misconduct as used herein shall also include any act or practice in violation of  
29 the board's rules of professional conduct . . . or use of seals.”

30 8.

31 LAC Title 46:LXI§1901(A) provides as follows:

32 The licensure law provides that professional engineers will be issued  
33 licenses by the board as a Professional Engineer and that the board shall list a  
34 professional engineer in one or more of the disciplines of engineering  
35 approved by the National Council of Examiners for Engineering and Surveying  
36 (NCEES).

37 9.

38 LAC Title 46:LXI§2505 provides, in pertinent part, as follows:

39 A. Licensees shall perform services only in the area of their competence.

40 B. Licensees shall undertake assignments only when qualified by  
41 education or experience in the specific technical fields of engineering . . .  
42 involved.

43 C. Licensees shall not affix their signatures or seals to any plans or  
44 documents dealing with subject matters in which they lack competence. . . .

45 D. Licensees may accept an assignment outside of their areas of  
46 competence to the extent that their services are restricted to those phases of  
47 the project in which they are qualified, and to the extent that they are satisfied  
48 that all other phases of such project will be performed or supervised by  
49 licensed, qualified associates, consultants, or employees, in which case they  
50 may then seal, sign and date the documents for the total project.

51 . . .

52 10.

53 LAC Title 46:LXI§2509 provides, in pertinent part, as follows:

54 A. Licensees shall avoid improper solicitation of professional employment  
55 or services.

56 B. Licensees shall not falsify or permit:

57 1. misrepresentation of the licensee or any associate's academic or  
58 professional qualifications

59 . . .

60 11.

61 LAC Title 46:LXI§2511 provides, in pertinent part, as follows:

62 A. Licensees shall not make exaggerated, misleading, deceptive or false  
63 statements or claims about professional qualifications, experience or  
64 performance in brochures, correspondence, listings, or other public  
65 communications.

66 B. The prohibitions listed in Subsection A include, but are not limited to:

67 1. the use of statements containing a material misrepresentation of  
68 fact;

- 1                   2. omitting a material fact necessary to keep the statement from being  
2 misleading;  
3                   3. the use of statements intended or likely to create an unjustified  
4 expectation; and  
5                   4. the use of statements containing a prediction of future success.  
6

7                   ...  
8                   **ORDER**

9                   After due consideration of the petition for declaratory order and ruling filed  
10 by Petitioner and after discussion by the Board during its meeting on May 19,  
11 2014:

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

13                   12.

14                   A professional engineer licensed by the Board is permitted to describe  
15 his/her structural engineering expertise or experience if that is an area of  
16 his/her competence (*e.g.*, "expert in structural engineering", "years of  
17 structural engineering experience" or some other similar descriptor), even if  
18 he/she is not listed by the Board in the discipline of structural engineering.

19                   13.

20                   However, only a professional engineer listed by the Board in the discipline  
21 of structural engineering is permitted to refer to himself/herself as a  
22 "Structural Engineer" or "S.E." or to otherwise use the designation "Structural  
23 Engineer" or "S.E." in reference to himself/herself in Louisiana.

24                   The Board unanimously approved the motion made by the ad hoc committee,  
25 comprised of Mr. Crosby, Mr. Thompson and Mr. Knotts, to deny the request of **Ray A.**  
26 **Davezac** to reinstate his revoked professional engineer license.  
27

28  
29                   The Board recessed at 9:35 a.m. and resumed at 9:55 a.m.  
30

31                   The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr.  
32 Thompson, to approve the travel expenses for Board members, staff and Emeritus  
33 Board members to attend the 2014 NCEES Annual Meeting, August 20-23, 2014, in  
34 Seattle, Washington.  
35

36                   **Closing Business**

37                   The Board unanimously approved the motion made by Mr. Thompson, seconded by  
38 Mr. Mustapha, to approve all committee recommendations and actions.  
39

40                   The Board unanimously approved the motion made by Mr. Thompson, seconded by  
41 Mr. Knotts, to acknowledge and confirm all licenses and certificates issued by the  
42 Board.  
43

44                   The Board unanimously approved the motion made by Mr. Mustapha, seconded by Dr.  
45 Hale, to approve all Board expenses.  
46

47                   The Board recessed at 10:15 a.m. and resumed at 1:25 p.m.  
48  
49

50                   **Enforcement (continued)**

51                   **Formal Hearing in Case #2013-66 and Case #2013-100**

52                   Ms. Celia Cangelosi, Esq., Ms. Rachel Torres, Ms. Ann Trappey, P.E., Mr. Desmond C.  
53 Sprawls, P.E., P.L.S., Mr. Jack Whitehead, Esq., Mr. James Madison, Jr. Esq., and Mr.  
54 James Madison, III, Esq. entered the meeting at 1:30 p.m.  
55

56                   Mr. Knotts, Mr. Irving, Mr. Patterson and Mr. Krouse exited the meeting at 1:34 p.m.  
57 Mr. Knotts, Mr. Irving and Mr. Patterson were members of the Complaint Review  
58 Committee in these cases and did not participate in the deliberations or any of the  
59 votes associated with the hearing. Mr. Krouse recused himself and did not participate  
60 in the deliberations or any of the votes associated with the hearing.  
61

62                   The formal hearing began at 1:40 p.m.  
63  
64

65                   At 5:55 p.m., the Board unanimously approved the motion made by Mr. Thompson,  
66 seconded by Mr. Mustapha, to enter into executive session to conduct deliberations.  
67  
68

1 At 7:25 p.m., the Board unanimously approved the motion made by Mr. Thompson,  
2 seconded by Mr. Mustapha, to end the executive session.  
3

4 After hearing all the evidence and arguments, the Board unanimously approved the  
5 motion made by Mr. Crosby, seconded by Mr. Thompson, that **Desmond C. Sprawls,**  
6 **P.E., P.L.S.** be found guilty of gross misconduct under La. R.S. 37:698(A)(2) and  
7 violations of La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2507(A) and (B), as  
8 charged.  
9

10 The Board also unanimously approved the motion made by Mr. Crosby, seconded by  
11 Mr. Thompson, that Mr. Sprawls be assessed the following sanctions:

- 12 • Fine of \$1,000
- 13 • One-half of the actual administrative costs for both cases through the date of  
14 the hearing
- 15 • Cease and desist
- 16 • Publication on the Board's website and in the Journal with name  
17

18 Additionally, after hearing all the evidence and arguments, the Board unanimously  
19 approved the motion made by Mr. Crosby, seconded by Mr. Thompson, that **BBC**  
20 **Engineering, Inc., a Division of Forte and Tablada, Inc.,** be found guilty of gross  
21 misconduct under La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(2) and violations of La.  
22 R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(6) and LAC Title 46:LXI§2507(A) and (B), as  
23 charged.  
24

25 The Board also unanimously approved the motion made by Mr. Crosby, seconded by  
26 Mr. Thompson, that BBC Engineering, Inc., a Division of Fort and Tablada, Inc., be  
27 assessed the following sanctions:


- 28 • Fine of \$1,000
- 29 • One-half of the actual administrative costs for both cases through the date of  
30 the hearing
- 31 • Cease and desist
- 32 • Online Louisiana Laws/Rules Quiz by each supervising professional
- 33 • Online Louisiana Professionalism/Ethics Quiz by each supervising  
34 professional
- 35 • Publication on the Board's website and in the Journal with name  
36

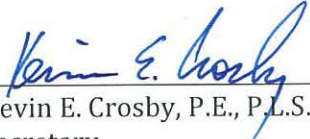
37 Mr. Madison, Jr. requested that, on behalf of Mr. Sprawls, his objection to the Board's  
38 findings be reflected in the record.  
39

#### 40 **Closing Business (continued)**

41  
42 The Board unanimously approved the motion made by Dr. Hale, seconded by Mr.  
43 Thompson, to adjourn.  
44

45 The meeting adjourned at 7:30 p.m. on Monday, May 19, 2014.  
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49   
50 M. Ernest Gammon, Sr., P.L.S.  
51 Chairman

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49   
50 Kevin E. Crosby, P.E., P.L.S.  
51 Secretary