

entertainment events will be allowed to obtain a class A-caterer's permit for the premises under all of the following conditions.

a. The permit holder must have a written concession agreement to provide food and beverages concession services from the owner, operator or lessee of the premises. The written concession agreement shall contain an affirmative provision disavowing the right of any party to engage in conduct prohibited by the alcoholic beverage control laws and regulations.

b. The permit holder must not be owned, in whole or in part, by the owner, operator, lessee, subsidiary, agent, or company managing the premises.

c. The permit holder must not own, in whole or part, or manage the premises.

d. The permit holder shall receive no monetary benefit, directly or indirectly, by any scheme or device or in any form or degree from the alcoholic beverage industry including a benefit in the form of capital improvements, furniture, fixtures, equipment or supplies except as provided in Subsection C of this Section, unless otherwise allowed in the alcoholic beverage control laws and regulations. The provision and use of indoor or outdoor signs, or other advertising or marketing products, including mobile dispensing equipment, logo or other branding of an alcoholic beverage manufacturer or wholesaler pursuant to an advertising or sponsorship agreement with the owner, operator, promoter, lessee party with a right of use or management company of the premises, and the use of proceeds of a manufacturer's or wholesaler's purchase of indoor or outdoor signs or other advertising and marketing products or rights from the owner, operator, promoter, lessee, party with a right of use or management company of the premises, shall not be construed to be a direct or indirect monetary benefit to the permit holder.

e. The permit holder shall not receive any direct monetary benefit from advertising, promotional or sponsorship revenues generated by operation of the premises.

f. The owner, operator, lessee, subsidiary, agent or company managing the premises nor any alcoholic beverage manufacturer or wholesaler or agent thereof shall not, directly or indirectly, control the quantity or brand of alcoholic beverages bought, sold or served by the holder of the class A-caterer permit.

g. This class A-caterer's permit shall not be utilized to sell, serve or otherwise engage in business as an alcoholic beverage dealer at any premises where the primary purpose is the sale of food or alcoholic beverages, including, but not limited to, a bar, nightclub, restaurant, hotel, bowling alley, pool hall, or dance hall, or any premises that derives 75 percent or more of its gross revenue from the on-premise sale of alcoholic beverages.

B.1. - B.3. ...

4. A class A—caterer issued under Paragraphs 1, 2 and 3 of Subsection A of this Section must provide the Office of Alcohol and Tobacco Control with written notice of the date, time, and place of each catered event at least one week prior to the date of the event.

B.5. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:793.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, LR 19:904 (July 1993), amended by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 26:2631 (November 2000), LR 34:1633 (August 2008), LR 41:2689 (December 2015).

Troy Hebert  
Commissioner

1512#022

## RULE

### Department of Transportation and Development Professional Engineering and Land Surveying Board

#### Waiver of the Fundamentals of Engineering Examination and Personal References (LAC 46:LXI.1303 and 1701)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Professional Engineering and Land Surveying Board has amended its rules contained in LAC 46:LXI.1303 and 1701.

This is a technical revision of existing rules under which LAPELS operates. The revisions include the repeal of the rule regarding waivers of the fundamentals of engineering examination and a clarification of who is prohibited from serving as a personal reference for an applicant for licensure.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXI. Professional Engineers and Land Surveyors Chapter 13. Examinations

##### §1303. Waiver of the Fundamentals of Engineering Examination

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:88 (March 1978), amended LR 5:113 (May 1979), LR 6:735 (December 1980), LR 7:647 (December 1981), LR 10:805 (October 1984), LR 14:449 (July 1988), LR 17:804 (August 1991), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1714 (August 2004), LR 32:1620 (September 2006), LR 39:2282 (August 2013), repealed LR 41:2690 (December 2015).

#### Chapter 17. Applications and Fees §1701. Applications

A. ...

B. Applications for licensure as a professional engineer or professional land surveyor shall be completed on the most current forms developed by the board. The application shall contain statements showing the applicant's qualifications, and the names and addresses of five personal references. None of the five personal references can be an immediate family member or business associate of the applicant. For

purposes of this §1701.B, immediate family member is defined as a spouse, child, spouse of a child, sibling, spouse of a sibling, sibling of a spouse, parent, parent of a spouse, stepparent or stepchild. For purposes of this §1701.B, business associate is defined as a subordinate of the applicant, or a consultant or contractor who provides goods or services to the applicant or to a business, entity or agency in which the applicant is an owner, member, officer, director, trustee, partner, principal, manager, employee, associate, consultant or contractor. Three or more of the five personal references furnished by an applicant for licensure as a professional engineer shall be professional engineers holding valid licenses to engage in the practice of engineering issued to them by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Three or more of the five personal references furnished by an applicant for licensure as a professional land surveyor shall be professional land surveyors holding valid licenses to engage in the practice of land surveying issued to them by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Engineering experience shall be verified by a person having direct knowledge of the quality of the applicant's engineering work, preferably a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia. Land surveying experience shall be verified by a person having direct knowledge of the quality of the applicant's land surveying work, preferably a professional land surveyor holding a valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia.

C. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:112 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 11:362 (April 1985), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1032 (July 2001), LR 30:1717 (August 2004), LR 37:2414 (August 2011), LR 38:2565 (October 2012), LR 39:2283 (August 2013), LR 41:2690 (December 2015).

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Executive Director

1512#052

## RULE

### Workforce Commission Office of Workers' Compensation Administration

#### Complaints Concerning Judicial Conduct, Investigations (LAC 40:I.5534)

The Louisiana Workforce has amended LAC 40:I.5534. This Rule is promulgated by the authority vested in the director of the Office of Workers' Compensation found in

R.S. 23:1291 and R.S. 23:1310.1(C). It provides for an orderly procedure by which complaints concerning the conduct of workers' compensation judges are submitted to and investigated by the OWC.

## Title 40

### LABOR AND EMPLOYMENT

#### Part I. Workers' Compensation Administration

##### Subpart 3. Hearing Rules

#### Chapter 55. General Provisions

##### Subchapter F. Power and Authority

#### §5534. Submission and Investigation of Complaints alleging Judicial Misconduct or Disability

A. Complaints alleging misconduct or disability on the part of any workers' compensation judge shall be submitted to the director in writing, and shall include:

1. the complainant's full name, address, and telephone number;
2. the judge's name and assigned court;
3. a statement detailing the alleged misconduct or disability, including all underlying facts and the names and addresses of any persons having knowledge relevant to the complaint, and if known, the particular judicial cannons, rules of professional conduct, Civil Service rules, or other rules allegedly violated;
4. copies of any pleadings, orders, judgments, or other documents relevant to the complaint;
5. if the alleged misconduct or disability concerns a specific matter pending before the judge, the complainant shall list all parties thereto and/or their counsel of record, and shall certify that a copy of the complaint has been provided to them via facsimile, other electronic transmission, or by certified mail.

B. Upon receipt of the complaint, the director or his designee shall commence a preliminary review. Complaints which solely criticize a judge's official decision making or claim judicial error subject to appellate review, or which fail to comply with Subsection A of this Section, shall be screened out as frivolous, and notification of rejection shall be sent to the complainant and all persons identified per Paragraph A.5 of this Section.

C. The director or his designee shall investigate all non-frivolous complaints as deemed reasonable and necessary. Pursuant to the investigation, a copy of the complaint shall be provided to the judge who is subject thereof, who shall provide a written answer within 10 days of receiving the complaint, setting forth a response to the allegations and including any appropriate commentary or explanation.

D. Within 60 days of receipt of the original complaint by the office, the director shall determine any disciplinary action to be taken. A copy of the decision shall be provided contemporaneously to the judge who is the subject of the complaint.

E. Nothing herein shall prevent a complainant from seeking any other remedy allowed by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1(C) and R.S. 23:1291.

HISTORICAL NOTE: Promulgated by the Workforce Commission, Office of Workers' Compensation Administration, LR 41:2691 (December 2015).

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1512#005