

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 BROOKLINE AVENUE, SUITE 121
BATON ROUGE, LOUISIANA 70809-1443
(225) 925-6291

IN THE MATTER OF:)	CASE NO. 2008-75
)	
JAIRZINHO O. VASQUEZ, P.E.)	
)	
RESPONDENT)	
)	
)	

CONSENT ORDER

The Louisiana Professional Engineering and Land Surveying Board [hereinafter the "Board"], by and through its Executive Secretary, pursuant to authorization by the Board, and Jairzinho O. Vasquez, P.E. [hereinafter "Respondent"], hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as a professional engineer, number PE - 31867.

An investigation was opened based upon the Board's receipt of information and documents from the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors [hereinafter the "Oklahoma Board"] which disclosed that it had taken disciplinary action against Respondent for (a) knowingly making false statements or signing false statements, certificates or affidavits and (b) attempting to mislead the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors and any other licensing board relying on his NCEES record in connection with his application for licensure to practice engineering in Kentucky. In a Final Order dated June 2, 2008 in connection with Case No. 2008-032, the Oklahoma Board: (a) ordered Respondent to pay an administrative penalty of \$1,000; (b) ordered Respondent to complete the intermediate Studies in Engineering Ethics course offered by the College of Engineering, Texas Tech University, and to provide documentation of the successful completion of the course within one year of the date of the order; (c) ordered Respondent to provide the Oklahoma Board with a copy of his 2009 Professional Engineer Annual Renewal form for NCEES at the time he submits the same to NCEES; and (d) immediately suspended Respondent's

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Oklahoma professional engineer license until he pays the administrative penalty and provides proof of the completion of the ethics course.

Investigation also disclosed that the Oklahoma Board had previously taken disciplinary action against Respondent for (a) offering to practice engineering in Oklahoma without being licensed as a professional engineer and (b) failing to provide information requested by the Oklahoma Board within thirty days from the time requested. In a Consent Order dated February 28, 2006 in connection with Case No. 2006-005, the Oklahoma Board ordered Respondent to pay a fine of \$500. Respondent contends that (a) he misunderstood this 2006 action by the Oklahoma Board to be a “private disciplinary action”, as opposed to a “public disciplinary action”, and (b) this misunderstanding was the basis for the 2008 disciplinary action by the Oklahoma Board.

Additionally, investigation disclosed that on April 4, 2007 Respondent submitted to the Board an Application for Licensure as a Professional Engineer by Comity, affirming thereon that his license to practice engineering had never been the subject of a disciplinary action by any state.

La. R.S. 37:698(A)(7) authorizes the Board to take disciplinary action against a licensee of the Board who has been disciplined by the licensing authority of another state, territory or district of the United States for a matter recognized as a ground for disciplinary action in Louisiana at the time the action was taken. La. R.S. 37:698(A)(13) prohibits licensees from knowingly making or signing false statements, certificates, or affidavits in connection with the practice of engineering. La. R.S. 37:698(A)(1) prohibits fraud, deceit, material misstatement, perjury or the giving of any false or forged evidence in applying for a license. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(1) and (7), upon a finding of guilt following the preferral of charges, notice and hearing and a majority vote of its entire membership authorized to participate in the proceeding. La. R.S. 37:698(A)(1), (7) and (13) and 37:698(H) were in effect at all times material hereto.

It is undisputed that Respondent (a) was disciplined by the licensing authority of another state for matters recognized as grounds for disciplinary action in Louisiana at the

time the action was taken and (b) falsely stated on his application to the Board for licensure by comity that his engineering license had never been the subject of a disciplinary action by any state.

By letter dated August 20, 2008, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that he may have violated (a) La. R.S. 37:698(A)(7), *to wit* La. R.S. 37:698(A)(1) and (13), relative to having been disciplined by the licensing authority of another state for matters recognized as grounds for disciplinary action in Louisiana at the time the action was taken and (b) La. R.S. 37:698(A)(1), relative to fraud, deceit, material misstatement, perjury or the giving of any false or forged evidence in applying for a license.

Wishing to dispense with the need for further disciplinary action and to conclude the instant proceeding without further delay and expense, for the purpose of this proceeding only, Respondent and the Board do hereby enter into this Consent Order, in which Respondent of his own free will consents to the issuance of a Consent Order by the Board, wherein Respondent agrees to (a) pay a fine of two thousand (\$2,000.00) dollars; (b) pay administrative costs of three hundred eighty-three and 26/100 (\$383.26) dollars; (c) successfully complete the Board's online Louisiana Laws and Rules Examination; (d) successfully complete the Board's online Louisiana Professionalism and Ethics Examination; and (e) the publishing of this Consent Order on the Board's website and a summary of this matter in the Board's official journal, the Louisiana Engineer and Surveyor Journal, and the reporting of this matter to the National Council of Examiners for Engineering and Surveying (NCEES), identifying Respondent by name.

Respondent admits to violations of the referenced statutes and/or rules regarding (a) being disciplined by the licensing authority of another state for matters recognized as grounds for disciplinary action in Louisiana at the time the action was taken and (b) fraud, deceit, material misstatement, perjury or the giving of any false or forged evidence in applying for a license. Respondent acknowledges awareness of said laws and/or rules and states that he will comply with all applicable laws and rules henceforth. Respondent has been advised of his right to be represented by counsel before the Board and/or to

appear at any hearing personally or by counsel and present witnesses and evidence in his own behalf, and he hereby waives this right and his right to appeal; and he states affirmatively that he has been afforded all administrative remedies due him under the law.

Therefore, in consideration of the foregoing and by his signing this Consent Order, Respondent does hereby waive his right to a hearing before the Board, to the presenting of evidence and witnesses in his behalf, to Findings of Fact and Conclusions of Law in this case, and to judicial review of this Consent Order.

Respondent hereby represents (a) that he fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, (b) that he has voluntarily entered into this Consent Order and that no other promise or agreement of any kind has been made to or with him by any person whatsoever to cause the execution of this instrument and (c) that the sanctions set forth in this Consent Order do not prevent the Board from taking further disciplinary or enforcement action against Respondent on matters not specifically addressed in this Consent Order.

WHEREFORE, the Louisiana Professional Engineering and Land Surveying Board and Respondent agree that:

1. Respondent shall pay a fine of two thousand (\$2,000.00) dollars, which shall be tendered to the Board by certified check payable to the "Treasurer, State of Louisiana", due upon the signing of this Consent Order; and

2. Respondent shall pay administrative costs of three hundred eighty-three and 26/100 (\$383.26) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and

3. Respondent shall successfully complete the Board's online Louisiana Laws and Rules Examination with a score of 90% or higher and return it to the Board within sixty (60) days of the effective date of this Consent Order; and

4. Respondent shall successfully complete the Board's online Louisiana Professionalism and Ethics Examination with a score of 90% or higher and return it to the Board within sixty (60) days of the effective date of this Consent Order; and

5. This Consent Order shall be published on the Board's website and a summary of this matter shall be printed in the official journal of the Board, the Louisiana Engineer and Surveyor Journal, and reported to the National Council of Examiners for Engineering and Surveying (NCEES), identifying Respondent by name; and

6. This Consent Order shall not become effective unless and until it is accepted and signed by and on behalf of the Board. Should the Board not accept and sign this Consent Order, it is agreed that presentation of this matter to the Board shall not prejudice the Board or any of its members from further participation, consideration or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATED 3/26/2009

BY: Donna D. Sentell
DONNA D. SENTELL, Executive Secretary

DATED 3/6/09

Jairzinho Vasquez
JAIRZINHO VASQUEZ, P.E., Respondent

Witnesses to the signature of
Jairzinho Vasquez, P.E.

Sherry McConnel