

**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.: 2009-70
)	
THOMAS P. REED SR., P.E., P.L.S.)	
)	
RESPONDENT)	
)	
)	
)	

CONSENT ORDER

The Louisiana Professional Engineering and Land Surveying Board [hereinafter the "Board"], by and through its Executive Director, pursuant to authorization by the Board, and Thomas P. Reed Sr., P.E., P.L.S. [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 – 7076, and as a professional land surveyor, number PLS – 3168.

An investigation was opened based upon the Board's receipt of information which suggested that Respondent may have committed various violations in connection with his practice of engineering in Louisiana. The investigation disclosed that in 2009 Respondent prepared, sealed, signed and submitted to the Louisiana State Fire Marshal engineering drawings for the renovation of the Jungle Adventure Pizza building in Chalmette, Louisiana which contained a number of material deficiencies, including the plans not being drawn to scale, lack of proper detail and notes, no finishes, no sprinkler system, no site information and no information about existing occupancy.

The investigation also disclosed that in 2009-10 Respondent prepared, sealed and submitted to the St. Bernard Parish Government engineering drawings for the construction of the Stitches, Inc. building in Chalmette, Louisiana which (a) were not signed by Respondent on each page and (b) used the outdated Standard Building Code rather than the current International Building Code.

La. R.S. 37:698(A)(2) prohibits gross negligence and gross incompetence in the practice of engineering in Louisiana. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C), requires licensees to approve and seal only those design documents which are safe for public health, property and welfare, which are complete and accurate, which in conformity with accepted engineering standards or practice, and which conform to applicable laws and ordinances. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(2)(f), requires that a seal always be accompanied by the licensee's signature and date and that the signature and date be placed adjacent to or across the seal. La. R.S.

37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(i), requires licensees to seal, sign, and place the date of execution on all engineering documents that have been issued by the licensee to a client or any public or governmental agency as completed work. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(2), La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C), La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(2)(f) and La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(i), 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)(2) and (6), La. R.S. 37:698(H), LAC Title 46:LXI§2503(C), LAC Title 46:LXI§2701(A)(2)(f) and LAC Title 46:LXI§2701(A)(4)(a)(i) were in effect at all times material hereto.

It is undisputed that Respondent (a) prepared, sealed, signed and submitted to the Louisiana State Fire Marshal engineering drawings which contained a number of material deficiencies and (b) prepared, sealed and submitted to a local government engineering drawings which were not signed by him on each page and which used an outdated building code.

By letter dated April 11, 2011, 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)(2), relative to gross negligence or gross incompetence in the practice of engineering in Louisiana, (b) La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C), relative to approving and sealing design documents which are not safe for public health, property, and welfare, which are not complete and accurate, which are not in conformity with accepted engineering standards or practice, or which do not conform to applicable laws and ordinances, (c) La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(2)(f), relative to a licensee's seal not being accompanied by the licensee's signature and date or the signature and date not being placed adjacent to or across the seal, and (d) La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(i), relative to the licensee not sealing, signing and placing the date of execution on all engineering documents that have been issued by the licensee to a client or any public or governmental agency as completed work.

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) surrender his Louisiana professional engineer license, number PE-7076, on ~~December 1, 2011~~, (b) cease and desist the practicing and/or offering to practice engineering in Louisiana on and after ~~December 1,~~

March 19, 2012,
March 19, 2012,
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~~2011~~, (c) return his Louisiana certificate of professional engineering licensure and professional engineering seal to the Board within ten (10) business days of ~~December 1, 2011~~, ^{March 19, 2012,} (d) pay a fine of ~~two thousand five hundred (\$2,500.00) dollars~~, (e) pay administrative costs of ~~one thousand eight hundred three and 81/100 (\$1803.81) dollars~~, (f) promptly submit to the Board copies of all plans and other documents which Respondent submits to the Louisiana State Fire Marshal after the effective date of this Consent Order ^{and} (g) the publication 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.

(cc)

Respondent admits to violations of the referenced laws and/or rules regarding the practice of engineering in the State of Louisiana. 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 be represented by counsel,} and/or to appear at any hearing personally or by counsel and present witnesses and evidence in his own behalf, ^{his right} 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.

N/A
and be represented by counsel,
his right

Therefore, in consideration of the foregoing and by 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 will surrender his Louisiana professional engineer license, number PE-7076, on ~~December 1, 2011~~; ^{March 19, 2012;} and *[Signature]*

2. Respondent shall cease and desist the practicing of and/or offering to practice engineering in Louisiana on and after ~~December 1, 2011;~~ ^{March 19, 2012,} and *WCC*

3. Respondent shall return his Louisiana certificate of professional engineering licensure and professional engineering seal to the Board within ten (10) business days of ~~December 1, 2011;~~ ^{March 19, 2012,} and *WCC*

~~4. Respondent shall pay a fine of two thousand five hundred (\$2,500.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order, and~~

~~5. Respondent shall pay administrative costs of one thousand eight hundred three and 81/100 (\$1,803.81) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and~~

~~6. Respondent shall promptly submit to the Board copies of all plans and other documents which Respondent submits to the Louisiana State Fire Marshal after the effective date of this Consent Order; and~~

4 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

5 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 3/19/2012

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

DATED March 19, 2012

Thomas P. Reed
THOMAS P. REED SR., P.E., P.L.S., Respondent

3/19/12

[Signature]
Anthony Moneferrante
26428
Atty for Thomas Reed Sr.
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