

**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.: 2009-73
)	
DALTON W. HONORE' II, 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 Dalton W. Honore' II, 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 – 27077.

An investigation was opened based upon the Board's receipt of information which suggested that Respondent violated or failed to comply with an order, ruling or decision of the Board. The investigation disclosed that on January 13, 2009 the Board and Honore agreed to Stipulated Final Findings of Fact and Conclusions of Law and a Stipulated Final Decision and Order in the matter captioned "In the Matter of Dalton W. Honore' II, P.E., P.L.S.", Case No. 2006-66, arising out of Respondent's violations of various provisions of the Board's laws and rules.

In the Stipulated Final Decision and Order, the Board rendered the following sanctions for the violations committed by Respondent:

- a. Respondent was assessed a fine in the amount of \$1,000, which was payable within 60 days of the decision and order becoming final;
- b. Respondent was assessed the actual costs incurred by the Board in connection with the administrative proceeding through the hearing in the amount of \$5,076.34, which was payable within 60 days of the decision and order becoming final;
- c. Respondent was ordered to successfully complete and submit to the Board its online Louisiana Laws and Rules Examination with a score of 95% or higher within 60 days of the decision and order becoming final;
- d. Respondent was ordered to successfully complete and submit to the Board its online Louisiana Professionalism and Ethics Examination with a score of 95% or higher within 60 days of the decision and order becoming final;

- e. Respondent was ordered to successfully complete and submit to the Board its online Louisiana Minimum Standards Examination with a score of 90% or higher within 60 days of the decision and order becoming final;
- f. Respondent was ordered to, within 90 days of the decision and order becoming final, have a licensed Louisiana professional land surveyor correct the noted minimum standards violations on the ground and on a corrected survey plat, record the corrected survey plat in the St. Helena Parish public records, provide the corrected survey plat to his client, and provide satisfactory evidence of the accomplishment of these requirements to the Board;
- g. In the event that Respondent failed to comply with any part of the decision and order, his professional land surveyor license, number PLS-4891, would be automatically revoked; and
- h. A summary of the administrative proceeding would be published in the official journal of the Board, and reported to the National Council of Examiners for Engineering and Surveying, identifying Respondent by name.

Thereafter, Respondent failed to pay the fine or cost assessment and failed to provide to the Board satisfactory evidence that (a) a licensed Louisiana professional land surveyor had corrected the noted minimum standards violations on the ground and on a corrected survey plat and (b) the corrected survey plat had been recorded in the St. Helena Parish public records and provided to Respondent's client. Additionally, Respondent failed to successfully complete and submit to the Board on a timely basis the online Louisiana Laws and Rules Examination, online Louisiana Professionalism and Ethics Examination and online Louisiana Minimum Standards Examination. For these reasons, Respondent's professional land surveyor license, number PLS-4891, was subsequently automatically revoked.

On August 27, 2009, the Board filed a Petition to Make Administrative Decision Executory in the matter captioned "Louisiana Professional Engineering and Land Surveying Board vs. Dalton W. Honore' II" in the 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana. In that lawsuit the Board requested that the Court recognize the finality of the Board' Stipulated Final Decision and Order of January 13, 2009 and make same executory in the form of a judgment in the amount of \$6,076.34 plus legal interest and costs.

On October 8, 2009, the Court rendered a Judgment in favor of the Board and against Respondent in the amount of \$6,076.34 plus legal interest and costs. The Board subsequently filed a Petition for Garnishment in the matter, seeking to garnish Respondent's wages from URS Corporation to satisfy the Judgment. Thereafter, the Board began receiving garnishment

payments from URS Corporation and in March 2010 received a check from Respondent's attorney to pay off the balance of the Judgment.

To date, Respondent has still not provided to the Board satisfactory evidence that (a) a licensed Louisiana professional land surveyor has corrected the noted minimum standards violations on the ground and on a corrected survey plat and (b) the corrected survey plat has been recorded in the St. Helena Parish public records and provided to Respondent's client.

Additionally, to date Respondent has still not successfully completed and submitted to the Board the online Louisiana Laws and Rules Examination, online Louisiana Professionalism and Ethics Examination and online Louisiana Minimum Standards Examination.

La. R.S. 37:698(A)(19) prohibits licensees from violating or failing to comply with any order, ruling or decision of the Board. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(19), 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)(19) and 37:698(H) were in effect at all times material hereto.

It is undisputed that Respondent has violated or failed to comply with the Board's Stipulated Final Decision and Order of January 13, 2009.

By letter dated July 1, 2010 the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that he may have violated La. R.S. 37:698(A)(19), relative to a violation of or noncompliance with any order, ruling or decision of the Board.

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) the immediate suspension of his Louisiana professional engineer license, number PE – 27077, until such time as he fully complies with the Board's Stipulated Final Decision and Order of January 13, 2009 in connection with Case No. 2006-66, and (b) 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 laws and/or rules regarding the violation of or noncompliance with an order, ruling or decision of the Board. 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's Louisiana professional engineer license, number PE – 27077, is hereby immediately suspended until such time as he fully complies with the Board's Stipulated Final Decision and Order of January 13, 2009 in connection with Case No. 2006-66; and

2. 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

3. 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 9/19/11

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

DATED 9/7/2011

D. W. Honore II
DALTON W. HONORE' II, P.E., Respondent

Witnesses to the signature of
Dalton W. Honore' II, P.E.:

Victoria R. Hatten
Print Name: Victoria R. Hatten

Tyson Durote
Print Name: Tyson Durote