

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
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Received
AUG 24 2012
By LAPELS Enforcement

IN THE MATTER OF:)

JASON S. HATHORN, P.E.)

RESPONDENT)

CASE NO.: 2011-106

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 Jason S. Hathorn, 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-31839.

An investigation was opened based upon the Board's receipt of information and documents which suggested that Respondent may have committed violations of the Board's laws and/or rules. The investigation disclosed that in 2011 Respondent submitted to the Board his 2011 License Renewal Invoice, in which he admitted to pleading guilty to a criminal charge in 2010. The investigation disclosed that on October 31, 2009 Respondent was arrested by the Bossier Parish Sheriff's Office in response to a physical and verbal altercation between Respondent and his wife at their home in Haughton, Louisiana. Respondent was initially charged with domestic abuse battery, false imprisonment, and disturbing the peace with language. On May 19, 2010, Respondent pled guilty to, and was convicted of, the misdemeanor of false imprisonment under La. R.S. 14:46 in the 26th Judicial District Court for the Parish of Bossier, State of Louisiana (Docket No. C-177793). Respondent was sentenced to 30 days in jail (which was suspended) and was placed on active probation for one year with the following special conditions: payment of a \$200 fine and costs (or serve 60 days) within 60 days, no criminal activity, report as directed, attend anger management course, obey any existing orders of the court (particularly any protective order) and payment of \$60 per month for supervision fees. The investigation also disclosed that Respondent had previously been arrested and

charged with domestic abuse battery arising out of physical and verbal altercations between **(a)** Respondent and his girlfriend on December 4, 2002 and **(b)** Respondent and his wife on June 25, 2008.

La. R.S. 37:693(C) states that an individual who is not, in the opinion of the Board, of good character and reputation is ineligible for renewal of licensure as a professional engineer.

La. R.S. 37:698(A)(6) prohibits licensees from violating any provision of the Board's laws and/or rules. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(6), 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. 37:693(C), 37:698(A)(6) and 37:698(H) were in effect at all times material hereto.

It is undisputed that **(a)** in 2009 Respondent was arrested for a physical and verbal altercation with his wife and was initially charged with domestic abuse battery, false imprisonment, and disturbing the peace with language, **(b)** in 2010 Respondent pled guilty to and was convicted of the misdemeanor of false imprisonment under the laws of the State of Louisiana, **(c)** Respondent had previously been arrested and charged with domestic abuse battery arising out of physical and verbal altercations with his girlfriend in 2002 and with his wife in 2008 and **(d)** Respondent has demonstrated a lack of good character and reputation.

By letter dated June 8, 2012, 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. 37:693(C), relative to lack of good character and reputation, and **(b)** La. R.S. 37:698(A)(6), relative to violating any provision of the Board's laws and/or rules.

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 five hundred (\$500.00) dollars, **(b)** pay administrative costs of six hundred seventy six and 83/100 (\$676.83) dollars, **(c)** his Louisiana professional engineer license being placed on probation for a period of one (1) year [hereinafter "Probation Period"], **(d)** the revocation of his Louisiana professional engineer license if he is convicted of any crime during

the Probation Period, **(e)** submit to the Board at the end of the Probation Period a notarized affidavit stating whether he had any criminal arrests, charges and/or convictions during the Probation Period (along with the details of any such arrests, charges and/or convictions), **(f)** successfully complete the Board's online Louisiana Laws and Rules Quiz, **(g)** successfully complete the Board's online Louisiana Professionalism and Ethics Quiz and **(h)** 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 a licensee's good character and reputation and compliance with the Board's laws and/or rules. 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 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 five hundred (\$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
2. Respondent shall pay administrative costs of six hundred seventy six and 83/100 (\$676.83) 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's Louisiana professional engineer license, number PE-31839, shall be placed on probation for a period of one (1) year from the effective date of this Consent Order; and
4. If Respondent is convicted of any crime during the Probation Period, then (a) his Louisiana professional engineer license, number PE-31839, shall be automatically and immediately revoked, (b) he shall immediately and forever cease and desist the practicing of and/or offering to practice engineering in Louisiana and (c) he shall immediately return to the Board his Louisiana certificate of professional engineering licensure and professional engineering seal; and
5. Respondent shall submit to the Board at the end of the Probation Period a notarized affidavit stating whether he had any criminal arrests, charges and/or convictions during the Probation Period (along with the details of any such arrests, charges and/or convictions); and
6. Respondent shall successfully complete the Board's online Louisiana Laws and Rules Quiz 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
7. Respondent shall successfully complete the Board's online Louisiana Professionalism and Ethics Quiz 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
8. 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

9. 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, staff, attorneys or representatives from further participation, consideration or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATED: 24 Sept '12

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

DATED: 8-23-12

Jason S. Hathorn
JASON S. HATHORN, P.E., Respondent

Witnesses to the signature of
Jason S. Hathorn, P.E.

Thomas Q. Hathorn Jr. 8/23/12
Print Name: Thomas Q. Hathorn Jr.

David E. Flowers
Print Name: DAVID E. FLOWERS 8/23/12