

Received

AUG 16 2012

By LAPELS Enforcement

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.: 2011-119  
 )  
GENNARO G. MARINO, P.E. )  
 )  
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 Gennaro G. Marino, 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 – 30815. At all times material hereto, Marino Engineering Associates, Inc. [hereinafter "MEA"] was not licensed in the State of Louisiana as a professional engineering firm and, therefore, was not authorized to practice and/or offer to practice engineering in the State of Louisiana. MEA subsequently became licensed in the State of Louisiana as a professional engineering firm, number EF-4954, effective November 21, 2011. At all times material hereto, Respondent was the President and owner of MEA. Respondent is now the supervising professional of MEA.

An investigation was opened based upon the Board's receipt of an Application for Firm Licensure, in which MEA admitted that it had engaged in the unlicensed practice of and/or offering to practice engineering in Louisiana. The investigation disclosed that in 2009 MEA (through Respondent) prepared, sealed (using Respondent's Louisiana professional engineer seal), signed and issued to a client in Louisiana an engineering report entitled *Failure Investigation of the North and South Breaches along the IHNC during Hurricane Katrina, St. Bernard Parish, New Orleans, LA* dated July 1, 2009. The investigation also disclosed that in 2009, in connection with the preparation of the engineering report, Respondent (on behalf of and in the name of MEA) conducted an engineering examination/inspection at the sites in Louisiana.

La. R.S. 37:681 and 37:700(A)(1), (7) and (9), *to wit* LAC Title 46:LXI§2301(B)(1), prohibit the practicing of and/or offering to practice engineering and the use of the words

“engineer”, “engineering” or any modification or derivative thereof in a person’s name or form of business or activity in the State of Louisiana without proper licensure. La. R.S. 37:698(A)(12) prohibits licensees from aiding or assisting another person in violating the laws and/or rules 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)(12), 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. 37:681, La. R.S. 37:698(A)(12) and (H), La. R.S. 37:700(A)(1), (7) and (9) and LAC Title 46:LXI§2301(B)(1) were in effect at all times material hereto.

It is undisputed that (a) at all times material hereto MEA was not licensed to practice and/or offer to practice engineering in Louisiana, (b) in 2009 MEA practiced and/or offered to practice engineering and used the word “engineering” in its name and in conjunction with its business in Louisiana without proper licensure and (c) Respondent aided or assisted MEA in violating the laws and/or rules of the Board.

By letter dated July 9, 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 La. R.S. 37:698(A)(12), relative to the aiding or assisting of another person in violating the laws and/or rules 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) pay a fine of five hundred (\$500.00) dollars, (b) pay administrative costs of two hundred ninety-three and 48/100 (\$293.48) dollars, (c) successfully complete the Board’s online Louisiana Laws and Rules Quiz, (d) successfully complete the Board’s online Louisiana Professionalism and Ethics Quiz, 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 laws and/or rules regarding the aiding or assisting of another person in violating the laws and/or rules 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 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 two hundred ninety-three and 48/100 (\$293.48) 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 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

4. 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

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

LOUISIANA PROFESSIONAL ENGINEERING  
AND LAND SURVEYING BOARD

DATE: 24 Sept '12

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

DATE: 8/9/12

Gennaro G. Marino  
GENNARO G. MARINO, P.E., Respondent

Witnesses to the signature of  
Gennaro G. Marino, P.E.

Christina J. Pentecost  
Print Name: Christina J. Pentecost

Ann E. Petry  
Print Name: Ann E. Petry

Approved by:  
Brian A. Gilbert  
Brian A. Gilbert  
2030 St. Charles Avenue  
New Orleans, LA 70130  
Telephone: (504) 598-1000

Attorney for Gennaro G. Marino, P.E.



LOUISIANA PROFESSIONAL ENGINEERING AND LAND SURVEYING BOARD

November 18, 2011

Mr. Gennaro G. Marino  
1101 East Colorado Avenue  
Urbana, IL 61801-6401

RE: Louisiana Laws and Rules Quiz Results

Dear Mr. Marino:

Congratulations! This letter is to notify you that you have exceeded the minimum passing score of 90% on the LAPELS Louisiana Laws and Rules Quiz and that, pursuant to Board policy; you have been awarded one (1) Professional Development Hour ("PDH").

As per Title 46:LXI §3105(A) of the Louisiana Administrative Code, every licensee is required to obtain the requisite number of PDHs during each biennial registration renewal period. Professional Engineers are required to earn a minimum of thirty (30) PDHs and Professional Land Surveyors are required to earn a minimum of fifteen (15) each biennial renewal period. **Please keep this letter for your records.**

The Board appreciates your efforts to maintain accurate and current Continuing Professional Development (CPD) records and wishes you much success in your future endeavors.

Sincerely,

Compliance Division  
LAPELS



LOUISIANA PROFESSIONAL ENGINEERING AND LAND SURVEYING BOARD

November 18, 2011

Mr. Gennaro G. Marino  
1101 East Colorado Avenue  
Urbana, IL 61801-6401

**RE: Professional Ethics Exam Results**

Dear Mr. Marino:

This letter is to notify you that you have exceeded the minimum passing score of 90% on the LAPELS Professional Ethics exam and that, pursuant to Board policy, you have been awarded one (1) Professional Development Hour ("PDH").

As per Title 46:LXI §3105(A)(1) of the Louisiana Administrative Code, every licensee is required to obtain a minimum of one (1) PDH in professional ethics during each biennial registration renewal period. **Please keep this letter for your records.**

The Board appreciates your efforts to maintain accurate and current Continuing Professional Development ("CPD") records and wishes you much success in your future endeavors.

Sincerely,

Compliance Division  
LAPELS