

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 BROOKLINE AVENUE, SUITE 121
BATON ROUGE, LOUISIANA 70809-1443
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Received
JUN 27 2011
By LAPELS Enforcement

IN THE MATTER OF:) CASE NO.: 2011-18
)
JOHN F. GERM, 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 John F. Germ, 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 – 25033.

An investigation was opened based upon the Board's receipt of information and documents from Respondent which disclosed that the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors [hereinafter the "Oklahoma Board"] had taken disciplinary action against him for aiding and assisting a firm (Campbell & Associates, Inc.) in practicing engineering in 2008 without an active firm license. In a Consent Order approved on March 22, 2010 in connection with Case No. 2009-130, the Oklahoma Board assessed Respondent with a \$500 administrative penalty and issued to him a reprimand.

Additionally, during the investigation the Board received information and documents from the Oklahoma Board which disclosed that it had also taken disciplinary action against Respondent for aiding and assisting an unlicensed firm (Dodd and Grayson Consulting Engineers) in practicing/offering to practice engineering in July 2010 without a license. In a Consent Order approved on January 20, 2011 in connection with Case No. 2010-078, the Oklahoma Board allowed Respondent to voluntarily surrender his Oklahoma license in lieu of formal disciplinary action.

La. R.S. 37:698(A)(7) authorizes the Board to take disciplinary action against licensees who have 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)(9) and (16) prohibit licensees from practicing and/or offering to practice engineering in the State of Louisiana with an expired license. 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 word "engineering" 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)(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)(7) and 37:698(H) were in effect at all times material hereto.

It is undisputed that Respondent was disciplined by the licensing authority of another state for matters recognized as grounds for disciplinary action in Louisiana at the time the actions were taken.

By letter dated June 14, 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 La. R.S. 37:698(A)(7), 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.

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 voluntary surrender of his Louisiana professional engineer license, number PE – 25033; **(b)** immediately and forever cease and desist the practicing of and offering to practice engineering in Louisiana; **(c)** return his Louisiana certificate of professional engineering licensure and professional engineering seal to the Board; and **(d)** 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 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. 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 – 25033, is hereby voluntarily surrendered to the Board; and
2. Respondent shall immediately and forever cease and desist the practicing of and offering to practice engineering in Louisiana; and

3. Respondent shall return his Louisiana certificate of professional engineering licensure and professional engineering seal to the Board within ten (10) business days of 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 7/25/11

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

DATED 21 June 2011

John F. Germ
JOHN F. GERM, P.E., Respondent

Witnesses to the signature of
John F. Germ, P.E.

Print Name: _____

Print Name: _____