

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.: 2011-34  
)  
ROBERT D. LEE, 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 Robert D. Lee, 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 – 26842. At all times material hereto, Robert D. Lee Consulting Engineers, Inc. [hereinafter "RDLCE"] was licensed in the State of Louisiana as a professional engineering firm, number EF – 2096. At all times material hereto, Respondent was the owner, President and supervising professional of RDLCE.

An investigation was opened based upon the Board's receipt of an affidavit of complaint which suggested that Respondent may have committed various violations in connection with his practice of engineering in Louisiana. The investigation disclosed that in 2010 Respondent (in the name of and on behalf of RDLCE) prepared, sealed, signed and issued design drawings for the construction of a post-tension foundation for the Freeman residence in Zachary, Louisiana. The investigation also disclosed that Respondent omitted from his design drawings the appropriate reference to soil load assumption as required by the International Building Code.

Additionally, the investigation disclosed that since at least 2011 RDLCE has maintained a website which (a) falsely advertised that two individuals (both professional engineers) were associated with the firm as "Key Personnel" despite the fact that they had no association with the firm and have never worked for or with the firm and (b) stated that the firm had offices in Baton Rouge, Louisiana.

La. R.S. 37:698(A)(2) prohibits gross negligence in the practice of engineering in Louisiana. La. R.S. 37:698(A)(11) prohibits the use of any advertising or solicitation which is false or misleading. 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 are in conformity with accepted engineering standards or practice, and which conform to applicable laws and ordinances. 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)(2), (11) and (12) and La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C) 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), (6), (11) and (12), La. R.S. 37:698(H) and LAC Title 46:LXI§2503(C) were in effect at all times material hereto.

It is undisputed that Respondent **(a)** prepared, sealed, signed and issued design drawings for the construction of a post-tension foundation for a residence in Louisiana and **(b)** omitted from his design drawings the appropriate reference to soil load assumption as required by the International Building Code. It is also undisputed that RDLCE maintained a website which falsely advertised that two professional engineers were associated with the firm despite the fact that they had no association with the firm and have never worked for or with the firm. Furthermore, it is undisputed that Respondent aided or assisted RDLCE in violating the laws and/or rules of the Board.

By letter dated August 22, 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. 37:698(A)(2), relative to gross negligence 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 only those design documents which are safe for public health, property and welfare, which are complete and accurate, which are in conformity with accepted engineering standards or practice, and which conform to applicable laws and ordinances; and **(c)** La. R.S. 37:698(A)(12), relative to aiding or assisting 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 three thousand five hundred (\$3,500.00) dollars, **(b)** pay administrative costs of four hundred eighty-eight and 78/100 (\$488.78) 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, **(e)** appear before a complaint review committee of the Board on a date, time and place of the committee's choosing to discuss the particulars of the violations referenced in this Consent Order; **(f)** immediately cease and desist committing any of the violations referenced in 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.

Respondent admits to violations of the referenced laws and/or rules regarding the practice of engineering in 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/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. Respondent further acknowledges awareness of the fact that the signed original of this Consent Order will remain in the custody of the Board as a public record and will be made available for public inspection and copying upon request.

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 three thousand five hundred (\$3,500.00) 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 four hundred eighty-eight and 78/100 (\$488.78) 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. Respondent shall, within sixty (60) days of the effective date of this Consent Order, appear before a complaint review committee of the Board on a date, time and place of the committee's choosing to discuss the particulars of the violations referenced in this Consent Order; and

6. Respondent shall immediately cease and desist committing any of the violations referenced in this Consent Order; and

7. 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

8. 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

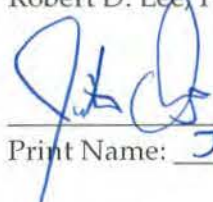
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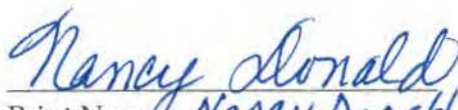
BY:   
DONNA D. SENTELL, Executive Director

DATE: 20 Nov 12

  
ROBERT D. LEE, P.E., Respondent

Witnesses to the signature of  
Robert D. Lee, P.E.

  
Print Name: Justin Owens

  
Print Name: Nancy Donald