

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.: 2012-80
)
ROBERT C. BARRILLEAUX, 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 C. Barrilleaux, 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 – 28869.

An investigation was opened based upon information which suggested that Respondent may have misused his Louisiana professional engineer seal. The investigation disclosed that in 2012 Respondent prepared, sealed with his Louisiana professional engineer seal, signed and issued to the City of Hammond Planning Department for permit review a "Final Plat and As-Built" for Phase II of the Westwood Village project in Hammond, Louisiana, even though the land surveying work represented thereon had not been performed by him or under his responsible charge. Respondent states that while he intended the use of his Louisiana professional engineer seal on the plat to apply only to the engineering work performed by him on the plat, it was not affixed adjacent to his name but rather was adjacent to the name and information of the professional land surveyor for the project, which was misleading.

La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(3(a), prohibits a licensee from applying his/her seal and signature to work that was not done by the licensee or under his/her responsible charge. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(3(a), 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)(6), La. R.S. 37:698(H) and LAC Title 46:LXI§2701(A)(3(a) were in effect at all times material hereto.

It is undisputed that in 2012 Respondent applied his Louisiana professional engineer seal and signature to land surveying work that had not been performed by him or under his responsible charge.

By letter dated July 25, 2013, 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)(6), *to wit* LAC Title 46:LXI§2701(A)(3(a), relative to applying a licensee's seal and signature to work that was not done by the licensee or under his responsible charge.

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 one thousand five hundred (\$1,500.00) dollars; **(b)** pay administrative costs of one thousand one hundred eighty five and 36/100 (\$1,185.36) dollars; **(c)** immediately cease and desist applying his Louisiana professional engineer seal and signature to work that has not been performed by him or under his responsible charge; **(d)** successfully complete the Board's online Louisiana Laws and Rules Quiz; **(e)** successfully complete the Board's online Louisiana

Professionalism and Ethics Quiz; and **(f)** 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 proper use of his Louisiana professional engineer seal. 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 one thousand five hundred (\$1,500.00) 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 one thousand one hundred eighty-five and 36/100 (\$1,185.36) 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 immediately cease and desist applying his Louisiana professional engineer seal and signature to work that has not been performed by him or under his responsible charge; and
4. 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
5. 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
6. 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
7. 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: 9/16/13

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

DATE: 9/16/13

[Signature]
ROBERT C. BARRILLEAUX, P.E., Respondent

Witnesses to the signature of
Robert C. Barrilleaux, P.E.

[Signature]
Print Name: Todd Ryan

Marjorie Barrilleaux
Print Name: Marjorie Barrilleaux

Approved by:

Nita R. Gorrell

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