

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 BROOKLINE AVENUE, SUITE 121
BATON ROUGE, LOUISIANA 70809-1443
(225) 925-6291

IN THE MATTER OF:)
)
ROY M. CARUBBA, P.E.)
)
RESPONDENT)
)
_____)

CASE NO. 2014-42

Received

SEP 08 2014

By LAPELS Enforcement

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 Roy M. Carubba, 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-24653; however, he was not listed by the Board in the discipline of structural engineering. At all times material hereto, Travis A. Fox, P.E. was licensed in the State of Louisiana as a professional engineer, number PE-31631. At all times material hereto, Fox-Nesbit Engineering, LLC [hereinafter "FNE"] was licensed in the State of Louisiana as a professional engineering firm, number EF-3562.

An investigation was opened based upon the Board's receipt of an Affidavit of Complaint which suggested that Respondent may have committed violations of the Board's laws and/or rules in connection with his practice of engineering in Louisiana. The investigation disclosed that in January 2014 Mr. Fox of FNE prepared, sealed, signed and submitted to their client engineering plans for a La Capitol Federal Credit Union building in Metairie, Louisiana. The investigation also disclosed that in March 2014 Respondent prepared, sealed, signed and submitted to the same client revisions to Mr. Fox's original plans; however, Respondent failed to provide to Mr. Fox written notice of Respondent's engagement by the client immediately upon acceptance of the engagement.

Additionally, in his written proposal to provide said engineering services in connection with the project, Respondent inadvertently referred to himself as a "structural engineer" and an "SE".

La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(D), require that licensees who are engaged to complete, correct, revise or add to the engineering work of another licensee or other related design professionals provide immediate written notice of their engagement to the other licensee or other related design professional. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2511, prohibit licensees from making exaggerated or deceptive statements or claims about professional qualifications in correspondence or other public communications. 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§2503(D) and 2511, 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§2503(D) and 2511 were in effect at all times material hereto.

It is undisputed that (a) in January 2014 Mr. Fox of FNE prepared, sealed, signed and submitted to their client engineering plans for a building in Louisiana, (b) in March 2014 Respondent prepared, sealed, signed and submitted to the same client revisions to Mr. Fox's original plans; however Respondent failed to provide to Mr. Fox written notice of Respondent's engagement by the client immediately upon acceptance of the engagement, (c) Respondent has never been listed by the Board in the discipline of structural engineering and (d) in his written proposal to provide said engineering services in connection with the project, Respondent inadvertently referred to himself as a "structural engineer" and an "SE".

Notwithstanding any language in this Consent Order, the Board acknowledges that this Consent Order in no way reflects on Respondent's competency or his ability to provide structural engineering services.

By letter dated May 30, 2017, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that Respondent may have violated (a) La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(D), relative to licensees who are engaged to complete, correct, revise or add to the engineering work of another licensee or other related design professionals providing immediate written notice of their engagement to the other licensee or other related design professional and (b) La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2511, relative to making exaggerated or deceptive statements or claims about professional qualifications in correspondence or other public communications.

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 four thousand five hundred and no/100 (\$4,500.00) dollars, (b) pay administrative costs of two thousand five hundred fifty-two and 79/100 (\$2,552.79) 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) immediately cease and desist committing violations of the above referenced laws and/or rules, including but not limited to referring to himself as a "structural engineer" or an "SE" in Louisiana 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 that his conduct as set forth above constitutes violations of the above referenced laws and/or rules as stated herein. 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, 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 on its behalf, to Findings of Fact and Conclusions of Law in this case, and to judicial review of this Consent Order.

Respondent hereby represents that (a) he fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, (b) 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) 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 four thousand five hundred and no/100 (\$4,500.00) dollars, which shall be tendered to the Board by certified check payable to the Board, with an initial payment of one thousand one hundred twenty-five and no/100 (\$1,125.00) dollars due upon the signing of this Consent Order, one thousand one hundred twenty-five and no/100 (\$1,125.00) dollars due within thirty (30) days of the signing of this Consent Order, one thousand one hundred twenty-five and no/100 (\$1,125.00) dollars due within sixty (60) days of the signing of this Consent Order, and the balance due within ninety (90) days of the signing of this Consent Order; and

2. Respondent shall pay administrative costs of two thousand five hundred fifty-two and 79/100 (\$2,552.79) dollars, which shall be tendered to the Board by certified check payable to the Board, with an initial payment of six hundred thirty-eight and 20/100 (\$638.20) dollars due upon the signing of this Consent Order, six hundred thirty-eight and 20/100 (\$638.20) dollars due within thirty (30) days of the signing of this Consent Order, six hundred thirty-eight and 20/100 (\$638.20) dollars due within sixty (60) days of the signing of this Consent Order, and the balance due within ninety (90) days of 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 immediately cease and desist committing violations of the above referenced laws and/or rules, including but not limited to referring to himself as a "structural engineer" or an "SE" in Louisiana; 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: 10 September 2018 BY: Donna D. Sentell
DONNA D. SENTELL, Executive Director

DATE: 9-5-18

ROY M. CARUBBA, P.E., Respondent

Witnesses to the signature of
Roy M. Carubba, P.E.

A. Alan Hurr
Print Name: A. Alan Hurr

Cherie Callaghan
Print Name: Cherie Callaghan

Approved by: [Signature]

Christopher K. LeMieux
Riess LeMieux, LLC
201 St. Charles Avenue, Suite 3300
New Orleans, Louisiana 70170
Telephone: (504) 581-3300

Attorneys for Roy M. Carubba, P.E.