

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

IN THE MATTER OF:)
)
ASHOKKUMAR T. PATEL, P.E.)
)
RESPONDENT)
)
)
)
_____)

CASE NO. 2016-32

Received
MAY 04 2018

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 Ashokkumar T. Patel, 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-24043. At all times material hereto Sage Environmental Consulting, L.P. [hereinafter “Sage”] was licensed in the State of Louisiana as a professional engineering firm, number EF-3141. At all times material hereto, John M. Joyce was not licensed in the State of Louisiana (or in any other state) as a professional engineer and, therefore, was not authorized to practice and/or offer to practice engineering in the State of Louisiana (or in any other state). At all times material hereto, Mr. Joyce was an employee of Sage. Mr. Joyce is now deceased, having passed away on May 25, 2016. Respondent was an employee of Sage from at least January 29, 2013 to November 30, 2015 and was the only supervising professional of Sage from January 29, 2013 to May 18, 2016.

An investigation was opened based upon the Board’s receipt of information and documents which suggested that Mr. Joyce may have engaged in the unlicensed practice of and/or offering to practice engineering in Louisiana. The investigation disclosed that Mr. Joyce obtained a fraudulent Louisiana professional engineer seal in his name with the license number of PE-17242. This license number already belonged to another licensee of the Board, Elmer L. Havard, who was deceased. Moreover, Mr. Joyce’s name was very similar to a different licensee of the Board, John J. Joyce, who was also deceased. In emails to the Board dated May 16, 2016, Mr. Joyce referred to himself as “John J. Joyce”.

The investigation also disclosed that between February 2013 and May 2016, Mr. Joyce (on behalf of and in the name of Sage) **(a)** offered to provide engineering services in Louisiana and provided engineering services on sixteen (16) projects in Louisiana and **(b)** prepared, affixed the fraudulent seal to, signed and issued to or on behalf of Sage's clients engineering documents in connection with seven (7) of said projects in Louisiana, including a solid waste permit application submitted to the Louisiana Department of Environmental Quality in April 2016. During the same time period, Respondent was Sage's client services manager in connection with three (3) of said projects and a project technical in connection with one (1) of said projects.

Additionally, the investigation disclosed that Respondent failed to timely notify the Board of the ending of his employment with Sage on November 30, 2015. Respondent did not provide such notification to the Board until May 18, 2016, and Sage continued to practice and/or offer to practice engineering in Louisiana between November 30, 2015 and May 18, 2016.

La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2305, require supervising professionals of licensed firms to (a) be employed with the firm, (b) notify the Board of any change in the firm's supervising professionals and (c) ensure that all professional services provided by the firm are performed by or under the responsible charge of a licensee. 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. 37:681 and La. R.S. 37:700(A)(1) and (7), 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 without proper licensure. La. R.S. 37:700(A)(2) prohibits persons from presenting or attempting to use as one's own the license, certificate, seal, or stamp of another person. La. R.S. 37:700(A)(4) prohibits persons from falsely impersonating any licensee of a like or different name. La. R.S. 37:700(A)(6) prohibits unlicensed persons from using or attempting to use a seal or stamp which is deceptively similar to the seals or stamps authorized by the Board for use by its licensees. La. R.S. 37:700(A)(8) prohibits persons from falsely claiming that a person is licensed by the Board. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:681, La. R.S. 37:698(A)(6) and (12), La. R.S. 37:700(A)(1), (2), (4), (6), (7) and (8), and LAC Title 46:LXI§2305, 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)(6) and (12), La. R.S. 37:698(H), La. R.S. 37:700(A)(1), (2), (4), (6), (7) and (8), and LAC Title 46:LXI§2305 were in effect at all times material hereto.

It is undisputed that **(a)** at all times material hereto Respondent was licensed to practice and/or offer to practice engineering in Louisiana; **(b)** at all times material hereto Sage was licensed to practice and/or offer to practice engineering in Louisiana; **(c)** Mr. Joyce has never been licensed to practice and/or offer to practice engineering in Louisiana (or in any other state); **(d)** at all times material hereto Mr. Joyce was an employee of Sage; **(e)** Respondent was an employee of Sage from at least January 29, 2013 to November 30, 2015 and was the only supervising professional of Sage from January 29, 2013 to May 18, 2016; **(f)** Mr. Joyce obtained a fraudulent Louisiana professional engineer seal in his name with the license number of PE-17242, which number already belonged to another licensee of the Board; **(g)** Mr. Joyce's name was very similar to a different licensee of the Board; **(h)** in emails to the Board dated May 16, 2016, Mr. Joyce referred to himself as "John J. Joyce"; **(i)** between February 2013 and May 2016 Mr. Joyce (on behalf of and in the name of Sage) practiced and offered to practice engineering and used the words "engineer", "engineering" or modifications or derivatives thereof to describe himself and his business, activities and services in Louisiana without proper licensure; **(j)** between February 2013 and May 2016 Mr. Joyce (on behalf of and in the name of Sage) prepared, affixed the fraudulent seal to, signed and issued to or on behalf of Sage's clients engineering documents in connection with projects in Louisiana; **(k)** during the same time period Respondent was Sage's client services manager in connection with three of said projects and a project technical in connection with one of said projects; **(l)** Respondent failed to timely notify the Board of the ending of his employment with Sage on November 30, 2015; **(m)** Respondent did not provide such notification to the Board until May 18, 2016, and Sage continued to practice and/or offer to practice engineering in Louisiana between November 30, 2015 and May 18, 2016; and **(n)** as the supervising professional of Sage, Respondent inadvertently and unintentionally aided or assisted Mr. Joyce and Sage in violating the laws and/or rules of the Board.

By letter dated October 12, 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§2305(A)(3)(a), relative to supervising professionals of licensed firms (i) being employed with the firm, (ii) notifying the

Board of any change in the firm's supervising professionals and (iii) ensuring that all professional services provided by the firm are performed by or under the responsible charge of a licensee; and **(b)** 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 one thousand five hundred and no/100 (\$1,500.00) dollars, **(b)** pay administrative costs of one thousand and no/100 (\$1,000.00) 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 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 he inadvertently and unintentionally committed 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 his 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 it 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 one thousand five hundred and no/100 (\$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 pay administrative costs of one thousand and no/100 (\$1,000.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and

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: June 18, 2018

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

DATE: 5/11/2018

Ashokkumar T. Patel
ASHOKKUMAR T. PATEL, P.E., Respondent

Witnesses to the signature of
Ashokkumar T. Patel, P.E.

[Signature]
Print Name: Behdad Yazdani Boroujeni

[Signature]
Print Name: RAHUL PENDSE