

in the proceeding. La. R.S. 37:681, La. R.S. 37:700(A)(1), (7) and (9), La. R.S. 37:700(H) and LAC Title 46:LXI§2301(B) were in effect at all times material hereto.

It is undisputed that Respondent has never been licensed to practice and/or offer to practice engineering in Louisiana and since at least April 2013 Respondent has admittedly practiced and/or offered to practice engineering and used the word “engineering” or a modification or derivative thereof in its name and in describing its services in Louisiana without proper licensure.

By letter dated December 21, 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 La. R.S. 37:681 and La. R.S. 37:700(A)(1), (7) and (9), *to wit* LAC Title 46:LXI§2301(B), relative to practicing and/or offering to practice engineering and using the words “engineer”, “engineering” or any modification or derivative thereof in a person’s name or form of business or activity without proper licensure.

Wishing to dispense with the need for further enforcement 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 its own free will consents to the issuance of a Consent Order by the Board, wherein Respondent agrees to (a) pay a fine of two thousand and no/100 (\$2,000.00) dollars, (b) pay administrative costs of one thousand two hundred eighty-seven and 58/100 (\$1,287.58) dollars, (c) immediately cease and desist practicing and/or offering to practice engineering and using the words “engineer”, “engineering” or any modification or derivative thereof in its name or in describing its business, activities or services in Louisiana until such time as it is duly licensed by the Board and (d) 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 its conduct as set forth above, although inadvertent in nature, 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 it will comply with all

applicable laws and rules henceforth. Respondent has been advised of its 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 its own behalf, it hereby waives this right and its right to appeal, and it states affirmatively that it has been afforded all administrative remedies due it 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 its right to a hearing before the Board, to the presenting of evidence and witnesses in 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) it fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, (b) it 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 two thousand and no/100 (\$2,000.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
2. Respondent shall pay administrative costs of one thousand two hundred eighty-seven and 58/100 (\$1,287.58) 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 practicing and/or offering to practice engineering and using the words "engineer", "engineering" or any modification or

derivative thereof in its name or in describing its business, activities or services in Louisiana until such time as it is duly licensed by the Board; 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, staff, attorneys or representatives from further participation, consideration, or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATE: 4/10/18

BY: Donna Sentell
DONNA D. SENTELL, Executive Director

TOYO ENGINEERING CORPORATION, Respondent

DATE: Feb. 14, 2018

BY: Naoyoshi Yamaguchi
NAOYOSHI YAMAGUCHI, General Manager

Witnesses to the signature of
Toyo Engineering Corporation

藤野 雅弘
Print Name: Masahiro Fujino

N. Miz
Print Name: Naoki Mizutani

Approved by:

Larry M. Roedel
Larry M. Roedel

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