

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

IN THE MATTER OF:

SPEC, L.L.C.

RESPONDENT

) **CASE NO. 2018-102**

) **Received**

) **OCT 15 2020**

) **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 SPEC, L.L.C. [hereinafter “Respondent”], by and through its duly authorized undersigned representative, hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as a professional engineering firm, number EF-4121. At all times material hereto, Respondent was also licensed in the State of Louisiana as a professional land surveying firm, number VF-668; however, this license has been in an expired status since October 1, 2015. At all times material hereto, Robert W. Potier, P.E. was licensed in the State of Louisiana as a professional engineer, number PE-34763. At all times material hereto, Mr. Potier was an employee, owner, manager, representative and the supervising professional of Respondent.

An investigation was opened based upon the Board’s receipt of information and/or documents which suggested that Respondent may have committed violations of the Board’s laws and/or rules. The investigation disclosed that on or about March 28, 2017 Mr. Potier (on behalf of and in the name of Respondent) prepared, sealed, signed and issued to their client electrical engineering design plans for the Camino Place project in Lafayette, Louisiana [hereinafter “Design Plans”] which contained the following material deficiencies:

- a) receptacle and light fixture mounting height not indicated;
- b) no light fixture schedule or anything that identifies requirements of the light fixtures;
- c) no circuiting requirements for lighting or receptacles;
- d) no load summary or calculations for electrical service to service wireway feeder;

- e) no load summary or calculations for individual tenants;
- f) no fault current or calculations indicated;
- g) in riser note 4, the grounding electrode is not properly sized;
- h) in riser note 5, the meter should be connected to the service wireway first; note 6 and the line between the wireway and panel should be moved to the meter;
- i) in riser note 6, the (1)2/0 Cu ground is actually a “neutral conductor” and not a “ground”;
- j) in riser note 7, the (1)#8 Cu ground is actually a “neutral conductor” and not a “ground”;
- k) in riser note 8, the location of the electrical panel does not meet the requirements of NFPA 70 (NEC) 240.24 (B) requiring “all overcurrent devices being readily accessible to the tenant”; and
- l) in riser note 8, the means and methods of installing all electrical circuits from the outside wall of each panel to the inside of a building is problematic.

The investigation also disclosed that **(a)** the Design Plans were prepared by unlicensed individuals who were not employed by Respondent or Mr. Potier and **(b)** Mr. Potier did not exercise responsible charge over the preparation of the Design Plans by the unlicensed individuals.

Additionally, the investigation disclosed that Mr. Potier had no prior experience performing the type of electrical engineering work involved in the Design Plans and lacked the skills and ability necessary to perform the work.

La. R.S. 37:698(A)(2) prohibits licensees from committing any gross misconduct in the practice of engineering. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C), require 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)(6), *to wit* LAC Title 46:LXI§2503(C) and (D), 2505(C) and 270I(A)(3), prohibit licensees from sealing, signing or issuing engineering documents not prepared by the licensee or under their responsible charge. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2505(A) and (B), require licensees to perform services only in the area of their competence and when qualified by education or experience in the specific technical fields of engineering involved. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2505(C), prohibit licensees from sealing or signing engineering documents dealing with subject matters in which they lack competence. La. R.S.

37:698(A)(18) prohibits licensees from practicing or offering to practice engineering when not qualified. La. R.S. 37:698(C) permits the Board to take disciplinary action against a firm if one or more of its officers, directors, managers, employees, agents or representatives is found by the Board to be guilty of any of the acts or offenses listed in La. R.S. 37:698(A). La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(2), La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(6) and LAC Title 46:LXI§2503(C), La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(6) and LAC Title 46:LXI§2503(C) and (D), 2505(C) and 2701(A)(3), La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(6) and LAC Title 46:LXI§2505(A), (B) and (C), and La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(18), 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), La. R.S. 37:698(A)(6), La. R.S. 37:698(A)(18), La. R.S. 37:698(C), La. R.S. 37:698(H), LAC Title 46:LXI§2503(C) and (D), LAC Title 46:LXI§2505(A), (B) and (C), and LAC Title 46:LXI§2701(A)(3) were in effect at all times material hereto.

It is undisputed that **(a)** at all times material hereto Respondent was licensed in Louisiana as a professional engineering firm, **(b)** at all times material hereto Mr. Potier was licensed in Louisiana as a professional engineer, **(c)** at all times material hereto Mr. Potier was an employee, owner, manager, representative and the supervising professional of Respondent, **(d)** on or about March 28, 2017 Mr. Potier (on behalf of and in the name of Respondent) prepared, sealed, signed and issued electrical engineering design plans for a project in Louisiana which contained material deficiencies, **(e)** the plans were prepared by unlicensed individuals who were not employed by Respondent or Mr. Potier, **(f)** Mr. Potier did not exercise responsible charge over the preparation of the plans by the unlicensed individuals and **(g)** Mr. Potier had no prior experience performing the type of electrical engineering work involved in the plans and lacked the skills and ability necessary to perform the work.

By letter dated October 22, 2019, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that it may have violated **(a)** La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(2), relative to gross misconduct in the practice of engineering; **(b)** La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(6) and 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; **(c)** La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(6) and LAC Title 46:LXI§2503(C) and (D), 2505(C) and 2701(A)(3), relative to sealing, signing or issuing engineering documents not prepared by the licensee or under their responsible charge; **(d)** La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(6) and LAC Title 46:LXI§2505(A) and (B), relative to performing services only in the area of the licensee's competence and when qualified by education or experience in the specific technical fields of engineering involved; **(e)** La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(6) and LAC Title 46:LXI§2505(C), relative to sealing or signing engineering documents dealing with subject matters in which the licensee lacks competence; and **(f)** La. R.S. 37:698(C), *to wit* La. R.S. 37:698(A)(18), relative to practicing or offering to practice engineering when not qualified.

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 its 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 and No/100 (\$3,500.00) Dollars, **(b)** pay administrative costs of Seven Hundred Eighty-Eight and 94/100 (\$788.94) Dollars, **(c)** ensure that Mr. Potier immediately ceases and desists providing and/or offering to provide electrical engineering services in Louisiana until such time as he is properly qualified and competent to do so, **(d)** have each of its engineering supervising professionals successfully complete the Board's online Louisiana Laws and Rules Quiz, **(e)** have each of its engineering supervising professionals 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 that its conduct as set forth above constitutes unintentional 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 an informal conference, 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 an informal conference, 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)** 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 Three Thousand Five Hundred and No/100 (\$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 Seven Hundred Eighty-Eight and 94/100 (\$788.94) 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 ensure that Mr. Potier immediately ceases and desists providing and/or offering to provide electrical engineering services in Louisiana until such time as he is properly qualified and competent to do so; and

4. Respondent shall have each of its engineering supervising professionals 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 have each of its engineering supervising professionals 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

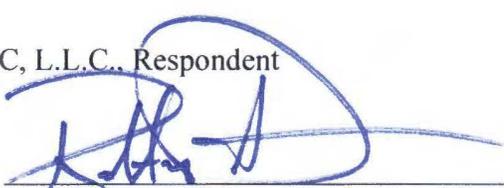
7. This Consent Order shall not become effective unless and until it is accepted and signed by and on behalf of the Board. Should the Board not accept and sign this Consent Order, it is agreed that presentation of this matter to the Board shall not prejudice the Board or any of its members, staff, attorneys or representatives from further participation, consideration, or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATE: 10/26/2020

BY: 
DONNA D. SENTELL, Executive Director

DATE: 10-12-20

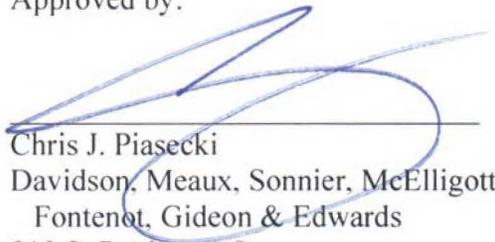
SPEC, L.L.C., Respondent
BY: 
ROBERT W. POTIER, P.E., Manager

Witnesses to the signature of
SPEC, L.L.C.


Print Name: Christine Albarado


Print Name: Hoa Nguyen

Approved by:



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Attorneys for SPEC, L.L.C.