

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

<b>IN THE MATTER OF:</b>	)	<b>CASE NO. 2021-19</b>
	)	
<b>TOMMY E. NICHOLSON III, P.E.</b>	)	
	)	
<b>RESPONDENT</b>	)	
	)	
	)	
	)	
	)	
	)	
	)	

---

**Received**  
**AUG 13 2021**  
**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 Tommy E. Nicholson III, 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-45206. At all times material hereto, Structure Sight LLC [hereinafter “Structure”] was not licensed in the State of Louisiana as a professional engineering firm and, therefore, was not authorized to practice and/or offer to practice engineering in the State of Louisiana. Structure subsequently became licensed in the State of Louisiana as a professional engineering firm, number EF-7007, effective January 28, 2021. At all times material hereto, Respondent was an employee, owner and representative of Structure. Respondent has been the supervising professional of Structure since January 28, 2021.

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 in November 2016 the Ohio State Board of Registration for Professional Engineers and Surveyors [hereinafter “Ohio Board”] took disciplinary action against Structure for offering and/or providing engineering services in Ohio at a time when Structure did not possess an active Certificate of Authorization to offer or provide engineering services in Ohio. In a Settlement Agreement dated November 22, 2021 in connection with Case No. 2017-026, the Ohio Board fined Structure in the amount of \$300.

The investigation also disclosed that on or about January 8, 2021 Respondent signed and submitted to the Board on behalf of Structure an Application for Engineering Firm Licensure,

confirming thereon that **(a)** Structure had never been the subject of a disciplinary action by the engineering licensing authority in another jurisdiction, **(b)** to the best of his knowledge, information and belief the statements and information in the application were true and correct in substance and effect and were made in good faith and **(c)** an omission or untrue response in the application could constitute fraud, deceit, material misstatement, perjury or the giving of false or forged evidence under La. R.S. 37:698 and 37:700.

La. R.S. 37:698(A)(1) prohibits licensees from committing any fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a license with the Board. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(1), 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)(1) and La. R.S. 37:698(H) 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 engineer, **(b)** at all times material hereto Structure was not licensed in Louisiana as a professional engineering firm, **(c)** Structure subsequently became licensed in Louisiana as a professional engineering firm, effective January 28, 2021, **(d)** at all times material hereto Respondent was an employee, owner and representative of Structure, **(e)** Respondent has been the supervising professional of Structure since January 28, 2021, **(f)** in November 2016 Respondent was the subject of a disciplinary action by the engineering licensing authority in another jurisdiction and **(g)** on or about January 8, 2021 Respondent falsely stated on Structure's Louisiana application for firm licensure that Structure had never been the subject of a disciplinary action by the engineering licensing authority in another jurisdiction.

By letter dated July 19, 2021, 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. 37:698(A)(1), relative to fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a license with 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 and No/100 (\$1,000.00) Dollars, **(b)** pay administrative costs of Four Hundred Ninety-Eight and 95/100 (\$498.95) 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)** the immediate suspension of his Louisiana professional engineer license if he fails to comply with any portion of this Consent Order, with said suspension continuing until he so complies, 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 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 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 an informal conference, 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 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
2. Respondent shall pay administrative costs of Four Hundred Ninety-Eight and 95/100 (\$498.95) 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. Respondent's Louisiana professional engineer license, number PE-45206, shall be immediately suspended if he fails to comply with any portion of this Consent Order, with said suspension continuing until he so complies; 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

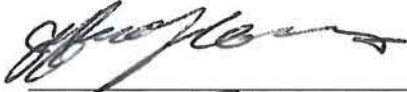
DATE: 11 October 2021

BY:   
DONNA D. SENTELL, Executive Director

DATE: 8/6/21

  
TOMMY E. NICHOLSON III, P.E., Respondent

Witnesses to the signature of  
Tommy E. Nicholson III, P.E.



Print Name: JEFFREY S. VANHOOFT



Print Name: Jonathon Curtnee