

engineer”, “professional engineer” and/or “environmental engineer”. Furthermore, during this period in letters and reports to clients on Respondent’s letterhead, Respondent’s employees who signed those documents identified themselves as an “engineer” and/or “professional engineer”. On its website Respondent lists its office address as being in Louisiana.

La. R.S. 37:681 and 37:700(A)(1) and (7) prohibit the practicing of and/or the offering to practice engineering and the use of the words “engineer”, “engineering” or any modification or derivative thereof in a person’s form of business or activity in the State of Louisiana without proper licensure. La. R.S. 37:700(H) permits the Board to take enforcement action against persons who violate La. R.S. 37:681 and 37:700(A)(1) and (7), 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, 37:700(A)(1) and (7) and 37:700(H) were in effect at all times material hereto.

It is undisputed that (a) at all times material hereto Respondent was not licensed to practice and/or offer to practice engineering in Louisiana; (b) from at least 2002 through 2008 Respondent performed engineering work for and prepared and issued engineering reports to federal, state and local governmental agencies in Louisiana; (c) during this period and into 2009 Respondent’s website (i) repeatedly described its services as including “engineering”, (ii) described its unlicensed staff as including “engineers”, “professional engineers”, “professional civil, environmental and mechanical engineers”, “licensed professional engineers” and “experienced, technical professionals with expertise in engineering”, (iii) identified several specific named unlicensed employees as being an “engineer” (who performs “engineering services”), “senior engineer”, “professional engineer” and/or “environmental engineer” and (iv) listed Respondent’s office address as being in Louisiana; (d) during this period in letters and reports to clients on Respondent’s letterhead, Respondent’s employees who signed those documents identified themselves as an “engineer” and/or “professional engineer”; and (e) Respondent practiced and/or offered to practice engineering and used the words “engineer”, “engineering” or a modification or derivative thereof in connection with its name or form of business or activity in Louisiana without proper licensure.

By letter dated December 22, 2009 the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that it may have violated La. R.S. 37:681 and 37:700(A)(1) and (7), relative to the practicing of and/or offering to practice

engineering and the use of the word “engineer”, “engineering” or any modification or derivative thereof in a person’s form of business or activity in the State of Louisiana 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 that (a) it will pay a fine of one thousand (\$1,000.00) dollars, (b) it will pay administrative costs of five hundred twenty-four and 84/100 (\$524.84) dollars, and (c) this Consent Order will be published on the Board’s website and a summary of this matter will be published in the Board’s official journal, the Louisiana Engineer and Surveyor Journal, and reported to the National Council of Examiners for Engineering and Surveying (NCEES), identifying Respondent by name.

Respondent admits to violations of the referenced statutes and/or rules regarding the practice 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 form of business or activity in the State of Louisiana without proper licensure. 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 to present witnesses and evidence in its own behalf, and 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.

Therefore, in consideration of the foregoing and by its 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 (a) that it fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, (b) that 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) that 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 (\$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 five hundred twenty-four and 84/100 (\$524.84) 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. 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
4. This Consent Order shall not become effective unless and until it is accepted 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 from further participation, consideration or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATED 3/8/2010

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

D AND R ENVIRONMENTAL CONSULTING, INC.

DATED 3/2/2010

BY: Roy W. Dowling
ROY W. DOWLING, President

Witnesses to the signature of
D and R Environmental Consulting, Inc.

Mary Beth Wasbes
Print Name: Mary Beth Wasbes

Lisa Gamble
Print Name: LISA GAMBLE