

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

Received
JUN 14 2011
By LAPELS Enforcement

IN THE MATTER OF:) CASE NO.: 2011-13
)
D.H. CHARLES ENGINEERING, INC.)
)
RESPONDENT)
)
)
_____)

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 D.H. Charles Engineering, Inc. [hereinafter "Respondent"], by and through its duly authorized undersigned representative, hereby agree to the following:

At all times material hereto, Respondent was not licensed in the State of Louisiana as a professional engineering firm and, therefore, it was not authorized to practice and/or offer to practice engineering in the State of Louisiana. Respondent subsequently became licensed in the State of Louisiana as a professional engineering firm, number EF-4729, effective January 14, 2011.

An investigation was opened based upon the Board's receipt of an Application for Firm License, which suggested that Respondent may have engaged in the unlicensed practice of and/or offering to practice engineering in the State of Louisiana. The investigation disclosed that between February 26, 2003 and January 3, 2011 Respondent admittedly provided engineering services on sixty-three (63) projects in Louisiana, at least forty-one (41) of which were after 2006.

La. R.S. 37:681 and 37:700(A)(1), (7) and (9), *to wit* LAC Title 46:LXI§2301(B)(1), prohibit the practicing of and/or offering to practice engineering and the use of the word "engineering" in a person's name or 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 La. R.S. 37:700(A)(1), (7) and (9), *to wit* LAC

Title 46:LXI§2301(B)(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. 37:681, La. R.S. 37:700(A)(1), (7) and (9), La. R.S. 37:700(H) and LAC Title 46:LXI§2301(B)(1) 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 and **(b)** between February 26, 2003 and January 3, 2011 Respondent practiced and/or offered to practice engineering and used the word "engineering" in its name or form of business or activity in Louisiana without proper licensure.

By letter dated June 2, 2011 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 La. R.S. 37:700(A)(1), (7) and (9), *to wit* LAC Title 46:LXI§2301(B)(1), relative to practicing and/or offering to practice engineering and using the word "engineering" in a person's name or form of business or activity in 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 to **(a)** pay a fine of two thousand five hundred (\$2,500.00) dollars; **(b)** pay administrative costs three hundred sixty five and 98/100 (\$365.98) dollars; and **(c)** 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 to violations of the referenced laws and/or rules regarding the practicing of and/or offering to practice engineering and the use of the word "engineering" in a person's name or form of business or activity in 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 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 two thousand five hundred (\$2,500.00) dollars, which shall be tendered to the Board by certified check payable to Board, due upon the signing of this Consent Order; and
2. Respondent shall pay administrative costs of three hundred sixty five and 98/100 (\$365.98) 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 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 from further participation, consideration or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATED 7/25/11

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

D.H. CHARLES ENGINEERING, INC.,
Respondent

DATED 6/7/11

BY: [Signature]
Print Name: Jasper Calcava
Title: President

Witnesses to the signature of
D.H. Charles Engineering, Inc.

[Signature]
Print Name: Katy Carneiro

[Signature]
Print Name: Chris Young