

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

IN THE MATTER OF:	)	CASE NO.: 2012-21
	)	
GEORGE W. MIKHAEL, P.E.	)	
	)	
RESPONDENT	)	
	)	
	)	
	)	

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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 George W. Mikhael, 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 – 24193. At all times material hereto, Respondent was not licensed in the State of Louisiana as a professional land surveyor and, therefore, was not authorized to practice and/or offer to practice land surveying in the State of Louisiana.

An investigation was opened based upon the Board’s receipt of information and documents which suggested that Respondent may have engaged in the unlicensed practice of and/or offering to practice land surveying in Louisiana. The investigation disclosed that between 2001 and 2009 Respondent admittedly provided land surveying services on at least four (4) projects in Louisiana, including two such projects in Louisiana since April 2008 (which consisted of preparing, sealing with his Louisiana professional engineer seal, signing and issuing plats of lots in Oak Harbor Estates Subdivision in St. Martin Parish, Louisiana).

La. R.S. 37:681 and 37:700(A)(1) prohibit the practicing of and/or offering to practice land surveying in 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), 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) and La. R.S. 37:700(H) were in effect at all times material hereto.

It is undisputed that at all times material hereto Respondent was not licensed to practice and/or offer to practice land surveying in Louisiana and that between 2001 and 2009 Respondent practiced and/or offered to practice land surveying in Louisiana without proper licensure.

By letter dated January 15, 2013, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that he may have violated La. R.S. 37:681 and 37:700(A)(1), relative to practicing and/or offering to practice land surveying 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 his 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 of seven hundred eighty-seven (\$787.00) 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) immediately cease and desist the preparation, sealing (with his Louisiana professional engineer seal), signing and issuance of plats or otherwise the practicing of and/or offering to practice land surveying in Louisiana until such time as he is duly licensed by the Board as a professional land surveyor, (f) have a licensed Louisiana professional land surveyor prepare new plats of the two above described subdivision lots, provide the new plats to the Board for review, provide the new plats to his clients after Board review and provide satisfactory evidence of the accomplishment of these requirements to the Board and (g) 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 land surveying in Louisiana without proper licensure. 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 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 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 (a) that he fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, (b) that he has voluntarily entered into this Consent Order and that no other promise or agreement of any kind has been made to or with him 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 the Board, due upon the signing of this Consent Order; and
2. Respondent shall pay administrative costs seven hundred eighty-seven (\$787.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
3. 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
4. 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
5. Respondent shall immediately cease and desist the preparation, sealing (with his Louisiana professional engineer seal), signing and issuance of plats or otherwise the practicing of

and/or offering to practice land surveying in Louisiana until such time as he is duly licensed by the Board as a professional land surveyor; and

6. Respondent shall have a licensed Louisiana professional land surveyor prepare new plats of the two above described subdivision lots, provide the new plats to the Board for review, provide the new plats to his clients after Board review and provide satisfactory evidence of the accomplishment of these requirements to the Board within sixty (60) days of the effective date of this Consent Order; and

7. 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


8. 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: 4/18/13

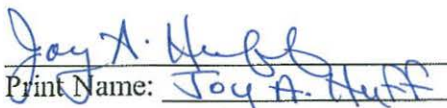
BY: Donna D. Sentell  
DONNA D. SENTELL, Executive Director

DATE: \_\_\_\_\_

  
GEORGE W. MIKHAEL, P.E., Respondent

Witnesses to the signature of  
George W. Mikhael, P.E.

  
Print Name: Delphie Duncan

  
Print Name: Joy A. Huff