

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

Received

DEC 23 2013

By LAPELS Enforcement

IN THE MATTER OF:) CASE NO.: 2012-97
)
WILLIAM J. BODIN, JR., P.E., P.L.S.)
)
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 William J. Bodin, Jr., P.E., P.L.S. [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 – 8193, and as a professional land surveyor, number PLS – 4253.

An investigation was opened based upon the Board’s receipt of information and documents which suggested that Respondent may have violated the Board’s standards of practice for boundary surveys. The investigation disclosed that on or about December 20, 2011 Respondent performed a property boundary survey and prepared, signed, sealed and issued a survey plat for Charles Tillis III and Wanda Tillis of lots 1, 2, 6, 7, 8 and 9 of the Gallop and Saint Subdivision located in the City of Hammond, Tangipahoa Parish, Louisiana, which did not contain the required statement indicating the basis of bearings.

The investigation also disclosed that on or about June 1, 2012 Respondent performed a property boundary survey and prepared, signed, sealed and issued a survey plat for the City of Hammond Police Union of a re-subdivision of an unnamed tract into tracts A & B of the Natchez Subdivision located in the City of Hammond, Tangipahoa Parish, Louisiana, which did not properly describe the basis of bearings and did not show the telephone number and mailing address of Respondent or his firm.

La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(6), requires that (a) all survey plats or maps contain a statement indicating the origin of azimuths or bearings and (b) if bearings are used, the basis of the bearing include either a reference to true north as computed by

astronomic observation, a reference to the Louisiana State Plane Coordinate System, a reference to the record bearing of a well-established line found monumented on the ground as called for in a relevant deed or survey plat or map, or a magnetic bearing. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(14)(e), requires that all survey plats show the name, telephone number, mailing address and license number of the professional land surveyor, or the firm who employs the professional land surveyor. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(6) and §2907(G)(14)(e), 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)(6) and (H) and LAC Title 46:LXI§2907(G)(6) and (14)(e) were in effect at all times material hereto.

It is undisputed that Respondent performed property boundary surveys and prepared, signed, sealed and issued survey plats for property located in Louisiana which failed to meet the Board's standards of practice for boundary surveys.

By letter dated July 3, 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. 37:698(A)(6), *to wit* LAC Title 46:LXI§2907(G)(6) and (14)(e), relative to failing to meet the Board's standards of practice for boundary surveys.

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) his Louisiana professional land surveyor license being placed on probation for a period of two (2) years [hereinafter the "Probation Period"] beginning November 26, 2013, (b) ensure that, during the first year of the Probation Period, all land surveying documents which require the application of his Louisiana professional land surveyor seal and which are issued by him as completed work in Louisiana are also sealed, signed and dated by another Louisiana-licensed professional land surveyor, (c) the revocation of his Louisiana professional land surveyor license if, during the Probation Period, he is found by the Board to have committed another violation of the Board's standards of practice for boundary surveys or he fails to comply with any

portion of this Consent Order, (d) pay a fine of four thousand five hundred (\$4,500.00) dollars, (e) pay administrative costs of two thousand one hundred eighty-four and 81/100 (\$2184.81) dollars, (f) hire a Louisiana-licensed professional land surveyor to correct the above-described standards of practice violations on revised survey plats, provide the revised survey plats to the Board for review, provide the revised survey plats to his clients after Board review and provide satisfactory evidence of the accomplishment of these requirements to the Board, (g) successfully complete the Board's online Louisiana Standards of Practice for Boundary Surveys Quiz, (h) successfully complete the Board's online Louisiana Professionalism and Ethics Quiz, (i) successfully complete the Board's online Louisiana Laws and Rules Quiz and (j) 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 Board's standards of practice for boundary surveys. 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 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, and 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 a hearing before the Board, to the presenting of evidence and witnesses in 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's Louisiana professional land surveyor license, number PLS-4253, shall be placed on probation for a period of two (2) years beginning November 26, 2013; and
- ✓ 2. Respondent shall ensure that, during the first year of the Probation Period, all land surveying documents which require the application of his Louisiana professional land surveyor seal and which are issued by him as completed work in Louisiana are also sealed, signed and dated by another Louisiana-licensed professional land surveyor; and
- ✓ 3. Respondent's Louisiana professional land surveyor license, number PLS-4253, shall be revoked if, during the Probation Period, Respondent is found by the Board to have committed another violation of the Board's standards of practice for boundary surveys or he fails to comply with any portion of this Consent Order; and
- ✓ 4. Respondent shall pay a fine of four thousand five hundred (\$4,500.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
- ✓ 5. Respondent shall pay administrative costs of two thousand one hundred eighty-four and 81/100 (\$2184.81) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
- ✓ 6. Respondent shall hire a Louisiana-licensed professional land surveyor to correct the above-described standards of practice violations on revised survey plats, provide the revised survey plats to the Board for review, provide the revised survey 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. Respondent shall successfully complete the Board's online Louisiana Standards of Practice for Boundary Surveys 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

8. 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

9. 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

✓ 10. 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

11. 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: March 17, 2014

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

DATE: 12/11/13

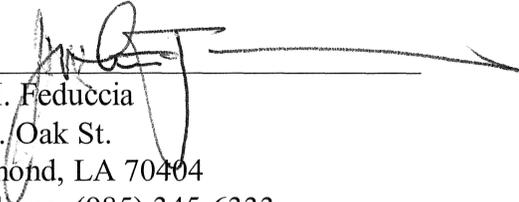
William J. Bodin, Jr.
WILLIAM J. BODIN, JR., P.E., P.L.S., Respondent

Witnesses to the signature of
William J. Bodin, Jr., P.E., P.L.S.

Ashley Simpson
Print Name: Ashley Simpson

Clifford D. Bigner
Print Name: Clifford D. Bigner

Approved by:



John I. Feduccia
123 S. Oak St.
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Attorney for William J. Bodin, Jr., P.E., P.L.S.