

and (16), 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)(9) and (16) and 37:698(H) were in effect at all times material hereto.

It is undisputed that (a) Respondent's license to practice and/or offer to practice engineering in Louisiana was in an expired status from October 1, 2009 through February 9, 2014 and during this time period Respondent practiced and offered to practice engineering in Louisiana and (b) Respondent's license to practice and/or offer to practice land surveying in Louisiana has been in an expired status since October 1, 2009 and during this time period Respondent practiced and offered to practice land surveying in Louisiana.

By letter dated June 6, 2014, 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. 37:698(A)(9) and (16), relative to practicing and/or offering to practice engineering and land surveying in Louisiana with expired licenses.

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 its own free will consents to the issuance of a Consent Order by the Board, wherein Respondent agrees to (a) pay a fine of five thousand (\$5,000.00) dollars, (b) pay administrative costs of five hundred eighty-two and 62/100 (\$582.62) dollars, (c) pay past unpaid renewal fees of nine hundred ninety (\$990.00) dollars, (d) immediately cease and desist the practicing of and/or offering to practice land surveying in Louisiana until such time as its expired Louisiana professional land surveying firm license is renewed by the Board, (e) have each of its supervising professional successfully complete the Board's online Louisiana Laws and Rules Quiz 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 to violations of the referenced laws and/or rules regarding the practicing of and/or offering to practice engineering and land surveying in Louisiana with expired licenses. 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 appeal; and it states affirmatively that it has been afforded all administrative remedies due it 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 its right to a hearing before the Board, to the presenting of evidence and witnesses on 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 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 five thousand (\$5,000.00) 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 eighty-two and 62/100 (\$582.62) 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 pay past unpaid renewal fees of nine hundred ninety (\$990.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
4. Respondent shall immediately cease and desist the practicing of and/or offering to practice land surveying in Louisiana until such time as its expired Louisiana professional land surveying firm license is renewed by the Board; and

5. Respondent shall have each of its supervising professionals 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

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: Sept. 15, 2014

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

SMITH ENGINEERING CO., INC. Respondent

DATE: 7/28/14

BY: Frank K. Smith
FRANK K. SMITH, President

Witnesses to the signature of
Smith Engineering Co., Inc.

[Signature]
Print Name: Scott R Smith

[Signature]
Print Name: BRIAN K SMITH