

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. 2013-16
)	
INTEGRATED MANAGEMENT)	
SERVICES, P.A., 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 Integrated Management Services, P.A., Inc. [hereinafter “Respondent”], by and through its duly authorized undersigned representative, hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as a professional engineering firm, number EF – 2662. On April 30, 2013, Respondent registered the trade name, “IMS Engineers” with the Louisiana Secretary of State.

An investigation was opened based upon the Board’s receipt of information and documents which suggested that Respondent may have provided and/or offered to provide engineering in Louisiana using a firm name which was different than the firm name contained on its certificate of licensure issued by the Board. The investigation disclosed that since 2003 Respondent has admittedly advertised itself on its website and elsewhere (and provided and offered to provide engineering services on numerous projects) in Louisiana under the firm name of “IMS Engineers”, which included at least seventy (70) such projects since 2009. Respondent contended that its use of the “IMS Engineers” trade name in that way was an exercise of its constitutionally protected commercial free speech rights and was not misleading. Additionally, in 2012 Respondent prepared and issued a “Project Manual for Caddo Parish Green Parking Lot; Earl G. Williamson Park” located in Oil City, Louisiana. The Project Manual identified Respondent as “IMS Engineers”.

La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2307, requires firms providing or offering to provide engineering services in Louisiana to identify themselves by the exact firm name contained on their certificate of licensure issued by the Board. 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§2307, 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), La. R.S. 37:698(H) and LAC Title 46:LXI§2307 were in effect at all times material hereto.

It is undisputed that since 2003 Respondent has identified itself on its website and elsewhere (and provided and offered to provide engineering services) in Louisiana by a firm name which is different than the firm name contained on its certificate of licensure issued by the Board. However, Respondent contended that its use of the “IMS Engineers” trade name in that way is an exercise of its constitutionally protected commercial free speech rights.

By letter dated September 13, 2013, 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)(6), *to wit* LAC Title 46:LXI§2307, relative to firms providing or offering to provide engineering services in Louisiana with a firm name which is not the exact firm name contained on the firm’s certificate of licensure issued by the Board.

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 four thousand (\$4,000.00) dollars; (b) pay administrative costs of five hundred thirty-one and 26/100 (\$531.26) dollars; (c) immediately cease and desist the providing and/or offering to provide engineering and the identification or advertisement of itself in Louisiana through a firm name unless the exact firm name contained on its certificate of licensure issued by the Board is included on the materials used; and (d) 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 providing or offering to provide engineering services in Louisiana with a firm name which is not the exact firm name contained on the firm's certificate of licensure issued by the Board. 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. 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 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 four thousand (\$4,000.00) 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 thirty-one and 26/100 (\$531.26) 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 immediately cease and desist providing and/or offering to provide engineering and the identification or advertisement of itself in Louisiana through a firm name unless the exact firm name contained on its certificate of licensure issued by the Board is included on the materials used; and

4. 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

5. 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: 28 January 2015

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

INTEGRATED MANAGEMENT
SERVICES, P.A., INC., Respondent

DATE: 11-14-14


BY: Roderick L. Hill
RODERICK L. HILL, P.E., President

Witnesses to the signature of
Integrated Management Services, P.A., Inc.

John D. Calkins
Print Name: John D. Calkins

Tommy Avant
Print Name: Tommy Avant

Approved by:

A handwritten signature in blue ink, reading "Victor J. Franckiewicz, Jr.", written over a horizontal line.

Victor J. Franckiewicz, Jr.

Butler Snow LLP

201 St. Charles Ave., Suite 3310

New Orleans, LA 70170

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Attorneys for Integrated Management Services, P.A., Inc.