

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

IN THE MATTER OF:

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CASE NO.: 2013-38

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GREGG S. PERKIN, P.E.

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Received

RESPONDENT

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JUN 10 2014

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By LAPELS Enforcement

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 Gregg S. Perkin, 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 – 23587. At all times material hereto, Engineering Partners International, Incorporated (hereinafter "EPI") was licensed in the State of Louisiana as a professional engineering firm, number EF – 2055; however, its license has been in an expired status since October 1, 2004. EPI formerly operated an office in the State of Louisiana, which was closed in 2004. EPI is a Texas corporation which currently has no employees or offices in the State of Louisiana. At all times material hereto, Respondent was an owner, officer and employee of EPI.

An investigation was opened based upon the Board's receipt of information and documents which suggested that EPI may have practiced and/or offered to practice engineering in Louisiana during which time its license was expired. The investigation disclosed that in 2012 Respondent (on behalf of and in the name of EPI) prepared, signed (but did not seal) and issued to Kirk A. Patrick III and Heather Cross in Baton

Rouge, Louisiana an engineering report relating to a drilling rig which he had inspected near Cameron, Louisiana. The report detailed the findings of Respondent during a forensic investigation and analysis of industry practices relating to the cause of an accident occurring on the drilling rig at the time it was located in Beaumont, Texas. Respondent's inspection of the drilling rig near Cameron, Louisiana occurred after the accident. At the time he prepared and issued the report, Respondent in good faith did not believe that the report was an engineering report.

La. R.S. 37:698(A)(9) and (16) prohibit licensees from practicing and/or offering to practice engineering in Louisiana with an expired license. La. 37:698(A)(12) prohibits licensees from aiding or assisting another person in violating the laws and/or rules of the Board. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(i), requires licensees to affix their seal, sign and place the date of execution on all engineering documents that have been issued by the licensee to a client or any public or governmental agency as completed work. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(12) and La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(i) 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), (9), (12) and (16), La. R.S. 37:698(H) and LAC Title 46:LXI§2701(A)(4)(a)(i) were in effect at all times material hereto.

It is undisputed that **(a)** EPI's license to practice and/or offer to practice engineering in Louisiana has been in an expired status since October 1, 2004; **(b)** in 2012 EPI unknowingly practiced and/or offered to practice engineering in Louisiana by (i) preparing and issuing to clients in Louisiana an engineering report relating to a drilling rig which it had inspected in Louisiana and (ii) conducting business in Louisiana through its firm name; **(c)** Respondent unknowingly aided or assisted EPI in violating the laws and/or rules of the Board; and **(d)** in 2012 Respondent unknowingly failed to

properly seal an engineering report relating to a drilling rig which he had inspected in Louisiana.

By letter dated December 19, 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 **(a)** La. R.S. 37:698(A)(12), relative to aiding or assisting another person in violating the laws and/or rules of the Board and **(b)** La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(i), relative to sealing, signing and placing the date of execution on all engineering documents that have been issued by the licensee to a client or any public or governmental agency as completed work.

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)** pay a fine of one thousand (\$1,000.00) dollars; **(b)** pay administrative costs of six hundred eighty-one and 81/100 (\$681.81) dollars; **(c)** successfully complete the Board's online Louisiana Laws and Rules Quiz; **(d)** immediately cease and desist in aiding or assisting EPI in violating the laws and/or rules of the Board; and **(e)** 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 unknowing violations of the referenced laws and/or rules regarding (a) the aiding or assisting of another person in violating the laws and/or rules of the Board and (b) the sealing of engineering documents that have been issued by the licensee as completed work, as at the time he prepared and issued the report Respondent in good faith did not believe that the report was an engineering report.

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 shall pay a fine of one thousand (\$1,000.00) 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 six hundred eighty-one and 81/100 (\$681.81) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and

3. 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

4. Respondent shall immediately cease and desist in aiding or assisting EPI in violating the laws and/or rules of the Board; and

5. 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

6. 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, or Respondent or any of his employees, attorneys or representatives, from further participation, consideration or resolution of any further proceedings herein.

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD**

DATE: 7/21/2014

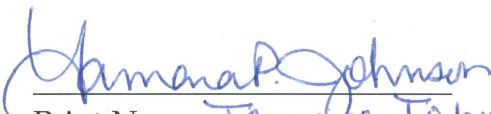
BY: Donna D. Sentell
DONNA D. SENTELL, Executive Director

DATE: 6/3/14

[Signature]
GREGG S. PERKIN, P.E., Respondent

Witnesses to the signature of
Gregg S. Perkin, P.E.


Print Name: Jennie Serafin


Print Name: Tamara Johnson

Approved by:


Heather Cross
Donohue Patrick & Scott PLLC
P.O. Box 1629
Baton Rouge, LA 70821-1629
Telephone: (225) 214-1908

Attorney for Gregg S. Perkin, P.E.