

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

Received

AUG 01 2014

By LAPELS Enforcement

IN THE MATTER OF:)	CASE NO.: 2013-83
)	
STEPHEN P. FLYNN, P.L.S.)	
)	
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 Stephen P. Flynn, 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 land surveyor, number PLS – 4668.

An investigation was opened based upon the Board's receipt of information and documents which suggested that Respondent may have committed violations of the Board's rules on the use of seals. The investigation disclosed that in 2010 Respondent prepared and issued to his client a set of servitude plats dated May 18, 2010 for an 8" UCAR pipeline located in Sections 52, 53 and 54, T-11-S, R-3-E in St. James Parish, Louisiana. The investigation also disclosed that in 2012 Respondent prepared and issued to his client a set of revised servitude plats dated June 28, 2012 for the same pipeline and location. Neither set of servitude plats contained Respondent's Louisiana professional land surveyor seal and signature or the requisite preliminary work disclaimer.

La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(ii), requires licensees to affix their seal, sign their name, and place the effective date on all land surveying 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(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(b)(i), requires that all preliminary documents (a) be so marked in large bold letters. (b) contain a statement that the documents are not to be used for construction, bidding, recordation, conveyance, sales or as the basis for the issuance of a permit and (c) bear the name and licensure number of the licensee and the firm's name, if applicable. 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§2701(A)(4)(a)(ii) and §2701(A)(4)(b)(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) and (H) and LAC Title 46:LXI§2701(A)(4)(a)(ii) and (A)(4)(b)(i) were in effect at all times material hereto.

It is undisputed that in 2010 and 2012 Respondent prepared and issued to his client two sets of land surveying documents for property located in Louisiana which did not contain either Respondent's Louisiana professional land surveyor seal and signature or the requisite preliminary work disclaimer.

By letter dated June 5, 2014, 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)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(ii), relative to sealing, signing and placing the effective date on all land surveying documents that have been issued by the licensee to a client or any public or governmental agency as completed work or (b) La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(b)(i), relative to placing the appropriate disclaimer on all preliminary documents, along with the licensee's name, licensure number and firm name.

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 five hundred thirty-three and 12/100 (\$533.12) dollars, (c) successfully complete the Board's online Louisiana Professionalism and Ethics Quiz, (d) successfully complete the Board's online Louisiana Laws and Rules Quiz 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 violations of the referenced laws and/or rules regarding the use of seals in Louisiana. 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 five hundred thirty-three and 12/100 (\$533.12) 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. 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 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

DATE: 7/29/2014

Stephen P. Flynn
STEPHEN P. FLYNN, P.L.S., Respondent

Witnesses to the signature of
Stephen P. Flynn, P.L.S.

Trauis P. Trosclair
Print Name: TRAUIS P TROSCLAIR

Stephen P. Flynn
Print Name: Stephen P Flynn