

**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. 2014-7
)	
JAMES T. ATKINS, JR.)	
)	
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 James T. Atkins, Jr. [hereinafter “Respondent”], hereby agree to the following:

At all times material hereto, Respondent was not licensed in the State of Louisiana as a professional land surveyor or professional engineer and, therefore, was not authorized to practice and/or offer to practice land surveying or engineering in the State of Louisiana.

An investigation was opened based on the Board’s receipt of information and documents which suggested that Respondent may have engaged in the unlicensed practice of and/or offering to practice land surveying in Louisiana. The investigation disclosed that between December 2011 and February 2013 Respondent prepared and issued to his client maps for a project in two parishes in Louisiana, including a map showing pipelines, servitude boundaries, utility transmission line towers and topographic features located in Louisiana.

La. R.S. 37:681 and 37:700(A)(1) prohibit the practicing of and/or offering to practice land surveying in Louisiana without proper licensure. La. R.S. 37:700(H) permits the Board to take enforcement action against persons who violate La. R.S. 37:681 and 37:700(A)(1), 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. 37:681, 37:700(A)(1) and 37:700(H) were in effect at all times material hereto.

It is undisputed that (a) Respondent has never been licensed to practice and/or offer to practice land surveying or engineering in Louisiana, (b) between December 2011 and February 2013 Respondent prepared and issued to his client maps for a project in two parishes in

Louisiana, including a map showing pipelines, servitude boundaries, utility transmission line towers and topographic features located in Louisiana and (c) since at least 2011 Respondent has practiced and/or offered to practice land surveying in Louisiana without proper licensure.

By letter dated August 13, 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 La. R.S. 37:681 and 37:700(A)(1), relative to practicing and/or offering to practice land surveying in Louisiana without proper licensure.

Wishing to dispense with the need for further enforcement action and to conclude the instant proceeding without further delay and expense, for the purpose of this proceeding only, Respondent has elected not to contest this matter and desires to resolve this matter with the Board by entering 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 four hundred (\$400.00) dollars, **(b)** pay administrative costs of six hundred eighty-three and 95/100 (\$683.95) dollars, **(c)** immediately cease and desist the preparation and issuance of maps showing pipelines, servitude boundaries, utility transmission line towers and topographic features in Louisiana and otherwise the practicing of and/or offering to practice land surveying in Louisiana until such time as he is duly licensed by the Board 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. Nothing contained herein shall prevent Respondent from preparing vicinity maps, which identify physical assets and the documentation of the findings in booklet form.

Respondent does not contest that his conduct as set forth above constitutes violations of the above referenced laws and/or rules as stated herein. 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 **(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 hundred (\$400.00) 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-three and 95/100 (\$683.95) 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 the preparation and issuance of maps showing pipelines, servitude boundaries, utility transmission line towers and topographic features in Louisiana and otherwise the practicing of and/or offering to practice land surveying in Louisiana until such time as he is duly licensed by the Board. Nothing contained herein shall prevent Respondent from preparing vicinity maps, which identify physical assets and the documentation of the findings in booklet form; 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

DATE: 11/14/14

James T. Atkins, Jr.
JAMES T. ATKINS, JR., Respondent

Witnesses to the signature of
James T. Atkins, Jr.

Rudy W. Guidry
Print Name: Rudy W. Guidry

Melissa Comaux
Print Name: Melissa Comaux

Approved by:
Emile Joseph, Jr.

Emile Joseph, Jr.
Allen & Gooch
P.O. Box 81129
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Attorneys for James T. Atkins, Jr.