

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. 2014-46  
MICHAEL G. SCHMIDT )  
RESPONDENT )

Received

APR 09 2018

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 Michael G. Schmidt [hereinafter “Respondent”], hereby agree to the following:

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

An investigation was opened based upon 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 engineering in Louisiana. The investigation disclosed that on or about May 10, 2013 Respondent sealed (with his Louisiana registered architect seal), signed and issued to his client a set of plans for the construction of a multi-purpose recreation building at Welcome Park in St. James Parish, Louisiana, which the Board contends included engineering plans or drawings.

La. R.S. 37:681 and La. R.S. 37:700(A)(1) prohibit the practicing of and/or offering to practice engineering 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 La. R.S. 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, La. R.S. 37:700(A)(1) and La. R.S. 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 engineering in Louisiana and, therefore, has never been authorized to practice and/or offer to practice engineering in Louisiana and (b) on or about May 10, 2013 Respondent placed his architectural stamp on a set of plans which the Board contends included engineering plans and drawings.

By letter dated October 9, 2017, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that Respondent may have violated La. R.S. 37:681 and La. R.S. 37:700(A)(1), relative to practicing and/or offering to practice engineering 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 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 and no/100 (\$1,000.00) dollars, (b) pay administrative costs of five hundred and 00/100 (\$500.00) dollars, (c) immediately cease and desist practicing and/or offering to practice engineering in Louisiana, except as allowed by The Louisiana State Board of Architectural Examiners Rules, Chapter 13, §1307, 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.

Respondent does not admit that his conduct as set forth above constitutes violations of the above referenced laws and/or rules as stated herein. However, in order to avoid continued proceedings, he does not object to the entry of this Consent Order, or the fine associated therewith. 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, 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 that (a) he fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, (b) 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) 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 and no/100 (\$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 and 00/100 (\$500.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
3. Respondent shall immediately cease and desist practicing and/or offering to practice engineering in Louisiana until such time as he is duly licensed by the Board, except as allowed by The Louisiana Board of Architectural Examiners Rules, Chapter 13, §1307 ; 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: June 18, 2018

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

DATE: 4/3/18

Michael G. Schmidt  
MICHAEL G. SCHMIDT, Respondent

Witnesses to the signature of  
Michael G. Schmidt

Elizabeth Evans Tamporello  
Print Name: M. Elizabeth Evans Tamporello

John T. Bergonzi  
Print Name: John T. Bergonzi

Approved by:

Jimmy A. Castex  
Jimmy A. Castex  
Deutsch, Kerrigan & Stiles, L.L.P.  
755 Magazine St.  
New Orleans, LA 70130

Attorneys for Michael G. Schmidt