

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

IN THE MATTER OF:

STEWART A. AUCOIN, P.E.

RESPONDENT

CASE NO. 2014-51

Received

FEB 08 2019

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 Stewart A. Aucoin, 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-22395.

An investigation was opened based upon the Board’s receipt of an Affidavit of Complaint and documents which suggested that Respondent may have committed violations of the Board’s laws and/or rules in connection with his practice of engineering in Louisiana. The investigation disclosed that in June 2014 Respondent sealed, signed and issued to the Louisiana Department of Wildlife and Fisheries a set of engineering design plans for the “Replace Old Cop Cop Water Control Structure” project at the Rockefeller Wildlife Refuge in Vermillion Parish, Louisiana. Respondent’s engineering design plans were essentially copied from other plans originally prepared by another individual who was not employed by Respondent.

Additionally, the investigation disclosed that Respondent did not perform the underlying engineering work or any calculations in connection with his plans, and he did not exercise responsible charge over the preparation of the plans by the other individual.

Furthermore, the investigation disclosed that Respondent had no prior experience performing the type of structural and geotechnical engineering work involved in the engineering design plans and lacked the skills and ability necessary to perform the work.

La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C) and (D), 2505(C) and 2701(A)(3), prohibit licensees from sealing, signing or issuing engineering documents not

prepared by the licensee or under their responsible charge. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2505(A) and (B), require licensees to perform services only in the area of their competence and when qualified by education or experience in the specific technical fields of engineering involved. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2505(C), prohibit licensees from sealing or signing engineering documents dealing with subject matters in which they lack competence. La. R.S. 37:698(A)(18) prohibits licensees from practicing or offering to practice engineering when not qualified. 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§2503(C) and (D), 2505(A), (B) and (C) and 2701(A)(3), and La. R.S. 37:698(A)(18), 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(A)(18), La. R.S. 37:698(H), LAC Title 46:LXI§2503(C) and (D), 2505(A), (B) and (C), and 2701(A)(3) were in effect at all times material hereto.

It is undisputed that **(a)** in June 2014 Respondent sealed, signed and issued engineering design plans for a water control structure project in Louisiana, **(b)** Respondent's engineering design plans were essentially copied from other plans originally prepared by another individual who was not employed by Respondent, **(c)** Respondent did not perform the underlying engineering work or any calculations in connection with his plans, and he did not exercise responsible charge over the preparation of the plans by the other individual and **(d)** Respondent had no prior experience performing the type of structural and geotechnical engineering work involved in the engineering design plans and lacked the skills and ability necessary to perform the work.

By letter dated July 18, 2018, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that Respondent may have violated **(a)** La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C) and (D), 2505(C) and 2701(A)(3), relative to sealing, signing or issuing engineering documents not prepared by the licensee or under their responsible charge; **(b)** La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2505(A) and (B), relative to performing services only in the area of the licensee's competence and when qualified by education or experience in the specific technical fields of engineering involved; **(c)** La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2505(C), relative to

sealing or signing engineering documents dealing with subject matters in which the licensee lacks competence; and **(d)** La. R.S. 37:698(A)(18), relative to practicing or offering to practice engineering when not qualified.

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 four thousand five hundred and no/100 (\$4,500.00) dollars, **(b)** pay administrative costs of one thousand five hundred fifty-one and 51/100 (\$1,551.51) dollars, **(c)** successfully complete the Board's online Louisiana Laws and Rules Quiz, **(d)** successfully complete the Board's online Louisiana Professionalism and Ethics 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 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, 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 on its 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 four thousand five hundred and no/100 (\$4,500.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and

2. Respondent shall pay administrative costs of one thousand five hundred fifty-one and 51/100 (\$1,551.51) 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 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

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: 4/8/2019

BY: Donna Sentell  
DONNA D. SENTELL, Executive Director

DATE: 2-6-19

[Signature]  
STEWART A. AUCOIN, P.E., Respondent

Witnesses to the signature of  
Stewart A. Aucoin, P.E.

[Signature]  
Print Name: Lydia Gideaux

[Signature]  
Print Name: Vickie Frey