

NOV 09 2015

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

IN THE MATTER OF:)
)
STEPHEN P. MASLAN, P.E.)
)
RESPONDENT)
)
)

CASE NO. 2014-9

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. Maslan, P.E. [hereinafter “Respondent”], hereby agree to the following:

An investigation was opened based upon the Board's receipt of information and documents which suggested that Respondent may have been disciplined by the licensing authority of another state for matters recognized as grounds for disciplinary action in Louisiana. The investigation disclosed that the Kansas State Board of Technical Professions [hereinafter the "Kansas Board"] had taken disciplinary action against Respondent for gross negligence, incompetency, misconduct or wanton disregard for the rights of others in the practice of engineering, by designing, preparing and sealing plans and specifications for the fire alarm systems in (i) a church building which contained 12 deviations from generally accepted engineering standards and practices and constituted a danger to the health, safety and welfare of the public, and (ii) a retail store building, which contained 9 deviations from generally accepted engineering standards and practices and constituted a danger to the health, safety and welfare of the public.

In a Final Order dated July 17, 2012 in connection with Case No. 12-06, the Kansas Board placed Respondent on probation for a period of two years and assessed him with \$19,729.46 in fines and \$5,270.54 in fees and expenses.

La. R.S. 37:698(A)(7) authorizes the Board to take disciplinary action against licensees who have been disciplined by the licensing authority of another state, territory or district of the United States for a matter recognized as a ground for disciplinary action in Louisiana at the time the action was taken. La. R.S. 37:698(A)(2) prohibits licensees from committing any fraud, deceit, gross negligence, material misrepresentation, gross incompetence or gross misconduct in the practice of engineering in Louisiana. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2503(C), requires licensees to approve and seal only those design documents which are safe for public health, property and welfare, which are complete and accurate, which are in conformity with accepted engineering standards or practice, and which conform to applicable laws and ordinances. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(7), 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)(2), (6) and (7), La. R.S. 37:698(H) and LAC Title 46:LXI§2503(C) were in effect at all times material hereto.

It is undisputed that in July 2012 Respondent was disciplined by the licensing authority of another state for matters recognized as grounds for disciplinary action in Louisiana at the time the action was taken.

By letter dated October 8, 2015, 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. 37:698(A)(7), relative to having been disciplined by the licensing authority of another state for matters recognized as grounds for disciplinary action in Louisiana at the time the action was taken.

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)** his Louisiana professional engineer license being placed on probation for a period of five (5) years [hereinafter the “Probation Period”] beginning on the effective date of this Consent Order, **(b)** the revocation of his Louisiana professional engineer license if, during the Probation Period, he is found by the Board to have committed another violation of the Board’s laws and/or

rules, **(c)** pay a fine of two thousand (\$2,000.00) dollars, **(d)** pay administrative costs of one thousand one hundred seventy-two and 11/100 (\$1,172.11) dollars, **(e)** successfully complete the Board's online Louisiana Professionalism and Ethics Quiz, **(f)** successfully complete the Board's online Louisiana Laws and Rules Quiz and **(g)** 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, 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's Louisiana professional engineer license, number PE-22823, shall be placed on probation for a period of five (5) years beginning on the effective date of this Consent Order; and

2. Respondent's Louisiana professional engineer license, number PE-22823, shall be revoked if, during the Probation Period, Respondent is found by the Board to have committed another violation of the Board's laws and/or rules; and

3. Respondent shall pay a fine of two thousand (\$2,000.00) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and

4. Respondent shall pay administrative costs of one thousand one hundred seventy-two and 11/100 (\$1,172.11) dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and

5. 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

6. 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

7. 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

8. 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: 11/16/15

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

DATE: 10/28/15

Stephen P. Maslan
STEPHEN P. MASLAN, P.E., Respondent

Witnesses to the signature of
Stephen P. Maslan, P.E.

Cherri Costelow
Print Name: Cherri Costelow

Kundan Risal
Print Name: KUNDAN RISAL