

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

<b>IN THE MATTER OF:</b>	)	<b>CASE NO. 2015-30</b>
	)	
<b>HOWARD A. PERKO, P.E.</b>	)	
	)	
<b>RESPONDENT</b>	)	
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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 Howard A. Perko, 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-34173. At all times material hereto, Magnum Geo-Solutions, LLC [hereinafter "Magnum"] was not licensed in the State of Louisiana as a professional engineering firm and, therefore, was not authorized to practice and/or offer to practice engineering in the State of Louisiana. At all times material hereto, Respondent was an employee, the Director of Engineering and the managing member of Magnum.

An investigation was opened based upon the Board's receipt of information and documents which suggested that Magnum may have engaged in the unlicensed practice of and/or offering to practice engineering in Louisiana. The investigation disclosed that since September 2010 Magnum has admittedly provided and/or offered to provide engineering services on fourteen (14) projects and used the word "engineering" to describe its services in Louisiana. The investigation also disclosed that in or about May 2013 Respondent prepared and issued to his client a set of foundation stabilization plans for the Cajun Coast Welcome Center project in Morgan City, Louisiana which did not contain Respondent's Louisiana professional engineer seal and signature or the date of execution.

La. R.S. 37:681 and 37:700(A)(1), (7) and (9), *to wit* LAC Title 46:LXI§2301(B), prohibit the practicing of and/or offering to practice engineering and the use of the words "engineer", "engineering" or any modification or derivative thereof in a person's name or form of

business or activity without proper licensure. La. R.S. 37:698(A)(12) prohibits licensees from aiding or assisting another person in violating the laws and/or rules of the Board. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(i), require licensees to affix their seal, sign their name, and place the date of execution on all engineering 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(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(12) and La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(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. 37:681, La. R.S. 37:698(A)(6) and (12), La. R.S. 37:698(H), La. R.S. 37:700(A)(1), (7) and (9), LAC Title 46:LXI§2301(B) and LAC Title 46:LXI§2701(A)(4)(a)(i) were in effect at all times material hereto.

It is undisputed that (a) since September 2010 Magnum was not licensed to practice and/or offer to practice engineering in Louisiana, (b) during this time period Magnum practiced and/or offered to practice engineering and used the word “engineering” to describe its services in Louisiana without proper licensure, (c) Respondent aided or assisted Magnum in violating the laws and/or rules of the Board and (d) in or about May 2013 Respondent prepared and issued to his client a set of foundation stabilization plans for a project in Louisiana which did not contain Respondent’s Louisiana professional engineer seal or signature or the date of execution.

By letter dated March 22, 2016, 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)(12), relative to the aiding or assisting of another person in violating the laws and/or rules of the Board and (b) La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(i), relative to sealing, signing and placing the date of execution on all engineering documents that have been issued by the licensee to a client or any public or governmental agency as completed work.

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 and no/100 (\$1,000.00) dollars, (b) pay administrative costs of nine hundred seventy and 74/100 (\$970.74) 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, (e) ensure that Magnum immediately ceases and desists the practicing of and/or offering to practice engineering and the use of the words "engineer", "engineering" or any modification or derivative thereof in referring to itself or in describing or promoting its business, services or activities in Louisiana until such time as it is duly licensed by the Board and (f) 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 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 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 nine hundred seventy and 74/100 (\$970.74) 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. Respondent shall ensure that Magnum immediately ceases and desists the practicing of and/or offering to practice engineering and the use of the words "engineer", "engineering" or any modification or derivative thereof in referring to itself or in describing or promoting its business, services or activities in Louisiana until such time as it is duly licensed by the Board; and
6. 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
7. 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: 5/16/16

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

DATE: 5-9-16

Howard A. Perko  
HOWARD A. PERKO, P.E., Respondent

Witnesses to the signature of  
Howard A. Perko, P.E.

M. Mae Benvenia  
Print Name: M. MAE BENVENIA

Sara Williams  
Print Name: Sara Williams