

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. 2015-56
)
GURTLEBROS. CONSULTANTS, INC.)
)
RESPONDENT)
)
_____)

Received
JAN 19 2017
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 Gurtler Bros. Consultants, Inc. [hereinafter "Respondent"], by and through its duly authorized undersigned representative, hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as a professional engineering firm, number ~~EF-2475~~ *WN* 7. At all times material hereto, Friedrich W. L. Gurtler, P.E. was licensed in the State of Louisiana as a professional engineer, number PE-25374. At all times material hereto, Mr. Gurtler was an employee, officer and the supervising professional of Respondent.

An investigation was opened based upon the Board's receipt of an Affidavit of Complaint which suggested that Respondent may have committed violations of the Board's laws and/or rules in connection with its practice of engineering in Louisiana. The investigation disclosed that on or about January 18, 2015 Mr. Gurtler (on behalf of and in the name of Respondent) prepared, signed and issued to their client an engineering report relative to hailstorm damage to the roof of a residence at 4036 S. Dell St., Harvey, Louisiana. The investigation also disclosed that the report did not contain Mr. Gurtler's Louisiana professional engineer seal. Additionally, the investigation disclosed that between January 2012 and December 2016 Mr. Gurtler (on behalf of and in the name of Respondent) prepared, signed and issued to their other clients similar types of engineering reports which did not contain Mr. Gurtler's Louisiana professional engineer seal.

La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2701(A)(4)(a)(i), require licensees to affix their seal 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(C) permits the Board to take disciplinary action against a firm if one or more of its officers, directors, managers, employees, agents or representatives is found by the Board to be guilty of any of the acts or offenses listed in La. R.S. 37:698(A). La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(C), *to wit* La R.S. 37:698(A)(6) and 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. 37:698(A)(6), La. R.S. 37:698(C), La. R.S. 37:698(H) and LAC Title 46:LXI§2701(A)(4)(a)(i) were in effect at all times material hereto.

It is undisputed that **(a)** at all times material hereto Mr. Gurtler was an employee, officer and the supervising professional of Respondent, **(b)** on or about January 18, 2015 Mr. Gurtler (on behalf of and in the name of Respondent) prepared, signed and issued to their client an engineering report relative to hailstorm damage to the roof of a residence in Louisiana, **(c)** the report did not contain Mr. Gurtler's Louisiana professional engineer seal and **(d)** between January 2012 and December 2016 Mr. Gurtler (on behalf of and in the name of Respondent) prepared, signed and issued to their other clients similar types of engineering reports which did not contain Mr. Gurtler's Louisiana professional engineer seal.

By letter dated November 22, 2016, 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. 37:698(C), *to wit* La. R.S. 37:698(A)(6) and LAC Title 46:LXI§2701(A)(4)(a)(i), relative to sealing 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 its 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 five hundred and no/100 (\$1,500.00) dollars, **(b)** pay administrative costs of five hundred sixty seven and 85/100 (\$567.85) dollars, **(c)** ensure that its employees seal all engineering documents which are issued by Respondent to a client or governmental agency as completed work unless specifically exempted by applicable law or rule

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 admits that its 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 it will comply with all applicable laws and rules henceforth.

Respondent has been advised of its 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 its own behalf, it hereby waives this right and its right to appeal, and it states affirmatively that it has been afforded all administrative remedies due it 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 its 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)** it fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, **(b)** it has voluntarily entered into this Consent Order and that no other promise or agreement of any kind has been made to or with it 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 five hundred and no/100 (\$1,500.00) 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 five hundred sixty seven and 85/100 (\$567.85) 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 ensure that its employees seal all engineering documents which are issued by Respondent to a client or governmental agency as completed work unless specifically exempted by applicable law or rule; 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: 3/13/17

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

GURTLE BROS. CONSULTANTS, INC.,
Respondent

DATE: 1-18-17

BY: Michael K. A. Gurtler
MICHAEL K. A. GURTLE BROS. CONSULTANTS, INC., President

Witnesses to the signature of
Gurtler Bros. Consultants, Inc.

Nicholas M. A. Gurtler
Print Name: NICHOLAS M. A. GURTLE BROS. CONSULTANTS, INC.

Dawn M. Miller
Print Name: DAWN M. MILLER

Approved by:



Albert J. Nicaud

Nicaud & Sunseri Law Firm

3000 18th Street

Metairie, LA 70002

Telephone: (504) 837-1304

Attorneys for Friedrich W. L. Gurtler, P.E.