

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

IN THE MATTER OF:)
)
ALVIN A. FAIRBURN, JR., P.L.S.)
)
RESPONDENT)
)
)
_____)

CASE NO. 2015-62

Received

DEC 11 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 Alvin A. Fairburn, Jr., P.L.S. [hereinafter “Respondent”] hereby agree to the following:

At all times material hereto, Respondent was a licensed in the State of Louisiana as a professional land surveyor, number PLS-4664.

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. The investigation disclosed that in February 2013 the Mississippi Board of Licensure for Professional Engineers and Surveyors [hereinafter “Mississippi Board”] took disciplinary action against Respondent for (a) failing to complete his continuing professional competency requirements in 2012 and (b) falsely certifying to the Mississippi Board that he was in compliance with such requirements when renewing his license for 2013. In a Consent Order dated February 26, 2013 in connection with File No. R-0213/013, the Mississippi Board assessed Respondent with a monetary penalty of \$400 and ordered him to complete sixteen (16) professional development hours on or before December 31, 2013.

On or about September 26, 2013, Respondent submitted to the Board his 2013 Louisiana professional land surveyor license renewal online, confirming thereon that (a) he had not been subject to disciplinary action by the licensing authority in another jurisdiction since his previous license renewal in 2011, (b) all information provided in his online renewal was true and correct to the best of his knowledge, information and belief and (c) an omission or untrue response may

constitute fraud, deceit, material misstatement, perjury or the giving of false or forged evidence under the Board's licensure law.

La. R.S. 37:698(A)(1) prohibits licensees from committing any fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a renewal license with the Board. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(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. 37:698(A)(1) and La. R.S. 37:698(H) were in effect at all times material hereto.

It is undisputed that **(a)** in February 2013 Respondent was subject to disciplinary action by the licensing authority in another jurisdiction and **(b)** on or about September 26, 2013 Respondent falsely stated on his 2013 Louisiana professional land surveyor license renewal that he had not been subject to disciplinary action by the licensing authority in another jurisdiction since his previous license renewal in 2011.

By letter dated October 24, 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. 37:698(A)(1), relative to fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a renewal license with the Board.

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 five hundred and no/100 (\$500.00) dollars, **(b)** pay administrative costs of six hundred seventy-two and 32/100 (\$672.32) 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 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 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 five hundred and no/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

2. Respondent shall pay administrative costs of six hundred seventy-two and 32/100 (\$672.32), 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: 4/10/2018

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

DATE: 12-7-2017

Alvin A. Fairburn, Jr.
ALVIN A. FAIRBURN, JR., P.L.S., Respondent

Witnesses to the signature of
Alvin A. Fairburn, Jr., P.L.S.

Roxanne Aydele
Print Name: Roxanne Aydele

Carri Anne Veillet
Print Name: Carri Anne Veillet