

**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. 2015-72
)	
HUNG-MING SUNG, P.E.)	
)	
RESPONDENT)	
)	
)	
)	

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 Hung-Ming Sung, 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-28602. At all times material hereto, Trinity Consultants, Inc. [hereinafter "Trinity"] was licensed in the State of Louisiana as a professional engineering firm, number EF-2998; however, its license was in an expired status from October 1, 2013 to August 6, 2014. At all times material hereto, Respondent was an employee and a supervising professional of Trinity.

An investigation was opened based upon the Board's receipt of an Application to Reinstate Expired Firm License, in which Trinity admitted that it had practiced or offered to practice engineering in Louisiana during which time its license was expired. The investigation concluded that between October 1, 2013 and August 6, 2014 Trinity admittedly offered to provide engineering services in Louisiana and provided engineering services on approximately seventeen (17) projects in Louisiana. Respondent states that all engineering services provided by Trinity in Louisiana during this period were performed by and/or under the responsible charge of professional engineers who were properly licensed by the Board.

La. R.S. 37:698(A)(9) and (16) prohibit licensees from practicing and/or offering to practice engineering with an expired license. La. R.S. 37:698(A)(12) prohibits licensees (including individual licensees who have been designated as a licensed firm's supervising professional) from aiding or assisting another person (including a licensed firm) in violating the laws and/or rules of 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)(12), 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)(9), (12) and (16) and La. R.S. 37:698(H) were in effect at all times material hereto.

It is undisputed that **(a)** Trinity's license to practice and/or offer to practice engineering in Louisiana was in an expired status from October 1, 2013 to August 6, 2014, **(b)** during this period Trinity practiced and offered to practice engineering in Louisiana, **(c)** during this period Respondent was licensed in Louisiana as a professional engineer, **(d)** during this period Respondent was an employee and a supervising professional of Trinity and **(e)** Respondent inadvertently and unknowingly aided or assisted Trinity in violating the laws and/or rules of the Board by inadvertently and unknowingly allowing Trinity to practice and offer to practice engineering in Louisiana with an expired license (which is prohibited by the laws and/or rules of the Board). Respondent states that all engineering services provided by Trinity in Louisiana during this period were performed by and/or under the responsible charge of professional engineers who were properly licensed by the Board.

By letter dated February 22, 2016, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that she may have violated La. R.S. 37:698(A)(12), relative to the aiding or assisting of another person (Trinity) in violating the laws and/or rules of the Board (practicing and/or offering to practice engineering with an expired license).

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 her 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 two hundred twenty-eight and 25/100 (\$228.25) 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 acknowledges awareness of the above referenced laws and/or rules and states that she will comply with all applicable laws and rules henceforth. Respondent has been advised of her 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 her own behalf, she hereby waives this right and her right to appeal, and she states affirmatively that she has been afforded all administrative remedies due her 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 her right to a hearing before the Board, to the presenting of evidence and witnesses on her 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) she fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, (b) she has voluntarily entered into this Consent Order and that no other promise or agreement of any kind has been made to or with her 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 two hundred twenty-eight and 25/100 (\$228.25) 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: 5/16/16

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

DATE: 5/11/2016

H-M Sung
HUNG-MING SUNG, P.E., Respondent

Witnesses to the signature of
Hung-Ming Sung, P.E.

Print Name: _____

Print Name: _____

Approved by:

Michael S. Alfred
Michael S. Alfred
Hallett & Pertin, P.C.

1445 Ross Avenue, Suite 2400
Dallas, LA 75202
Telephone: (214) 922-4121

Attorneys for Hung-Ming Sung, P.E.