

JAN 31 2017

By LAPELS Enforcement

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. 2016-22
PETER ALLAIN, PE, LLC)
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 Peter Allain, PE, LLC [hereinafter "Respondent"], by and through its duly authorized undersigned representative, hereby agree to the following:

At all times material hereto, Respondent 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. Respondent subsequently became licensed in the State of Louisiana as a professional engineering firm, number EF-5723, effective March 27, 2015.

An investigation was opened based upon the Board's receipt of information and documents which suggested that Respondent may have engaged in the unlicensed practice of and/or offering to practice engineering in Louisiana. The investigation disclosed that between March 2014 and March 26, 2015 Respondent unintentionally offered to provide engineering services in Louisiana and provided engineering services in Louisiana in connection with the Louisiana Department of Transportation and Development's Local Road Safety Program.

Additionally, the investigation disclosed that on or about March 11, 2015 Respondent submitted to the Board an Application for Firm Licensure, confirming thereon that (a) it had never practiced or offered to practice engineering in Louisiana and (b) an omission or untrue response on the application could constitute deceit, material misstatement, perjury or the giving of false or forged evidence under La. R.S. 37:698 and 37:700.

La. R.S. 37:681 and 37:700(A)(1) and (9), *to wit* LAC Title 46:LXI§2301(B), prohibit the practicing of and/or offering to practice engineering without proper licensure. La. R.S. 37:700(A)(3) prohibits any deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a license with the Board. La. R.S. 37:700(H) permits the Board to take enforcement action against persons who violate La. R.S. 37:681 and 37:700(A)(1), (3) and (9), *to wit* LAC Title 46:LXI§2301(B), 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. 37:700(A)(1), (3) and (9), La. R.S. 37:700(H) and LAC Title 46:LXI§2301(B) were in effect at all times material hereto.

It is undisputed that (a) between March 2014 and March 26, 2015 Respondent was not licensed to practice and/or offer to practice engineering in Louisiana, (b) during this time period Respondent practiced and offered to practice engineering in Louisiana without proper licensure and (c) on or about March 11, 2015, Respondent submitted to the Board an Application for Firm Licensure, which confirmed that it had never practiced or offered to practice engineering in Louisiana.

By letter dated December 2, 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 (a) La. R.S. 37:681 and 37:700(A)(1) and (9), *to wit* LAC Title 46:LXI§2301(B), relative to practicing and/or offering to practice engineering without proper licensure and (b) La. R.S. 37:700(A)(3), relative to deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a license with the Board.

Wishing to dispense with the need for further enforcement 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 two thousand and no/100 (\$2,000.00) dollars, (b) pay administrative costs of three hundred twenty-three and 48/100 (\$323.48) dollars and (c) 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 two thousand and no/100 (\$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

2. Respondent shall pay administrative costs of three hundred twenty-three and 48/100 (\$323.48) 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. 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

4. 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

DATE: 1/31/17

PETER ALLAIN, PE, LLC, Respondent
BY: [Signature]
PETER A. ALLAIN, P.E., Manager

Witnesses to the signature of
Peter Allain, PE, LLC

Cassandra D. Smith
Print Name: Cassandra D. Smith

Print Name: _____