

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD**
9643 Brookline Avenue, Suite 121
Baton Rouge, LA 70809
(225) 925-6291

IN THE MATTER OF:)
)
MYLES DEROUEN)
)
RESPONDENT)
_____)

FINAL FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came for hearing on the merits in Baton Rouge, Louisiana, on September 10, 2018.

Present at the hearing were:

Board Members:

Alan D. Krouse, P.E., Hearing Panel Chair
Edgar Benoit, P.E.
Thomas Carroll, P.E., P.L.S.
Charles Coyle, P.L.S.
Wilfred Fontenot, P.L.S.
Scott Phillips, P.E.
Christopher Richard, P.E.
Chad Vosburg, P.E.

Also Appearing:

D. Scott Landry, Board Prosecuting Attorney
Celia R. Cangelosi, Board Advisor

Also Present:

Donna Sentell, Board Executive Director
Joe H. Harman, P.E., Board Technical Advisor

Not Present:

Myles DeRouen, Respondent

On November 5, 2018, the following were present: Alan D. Krouse, P.E., Hearing Panel Chair; Edgar Benoit, P.E.; Thomas Carroll, P.E., P.L.S.; Charles Coyle, P.L.S.; Wilfred Fontenot, P.L.S.; Scott Phillips, P.E.; Christopher Richard, P.E.; and Chad Vosburg, P.E.

Also appearing were: D. Scott Landry, Board Prosecuting Attorney, and Celia R. Cangelosi, Board Advisor.

Also present were: Donna Sentell, Board Executive Director and Joe H. Harman, P.E., Board Technical Advisor.

Myles DeRouen, Respondent, was present.

After hearing the arguments of Myles DeRouen, Respondent, and Scott Landry, Board prosecuting attorney, and upon due consideration of the objections to and suggested modifications to the Proposed Findings of Fact and Conclusions of Law, on November 5, 2018, the Louisiana Professional Engineering and Land Surveying Board (LPELS) makes the following Findings of Fact and Conclusions of Law: .

FINDINGS OF FACT

1.

At all times material hereto, Respondent, Myles DeRouen, was not licensed in the State of Louisiana with LPELS as a professional engineer. (Exhibit 1-A)

2.

Respondent, Myles DeRouen does not have a bachelor of science degree in mechanical engineering from the University of Louisiana at Lafayette. (Exhibit 2-A and 2-B)

3.

Since at least August, 2015, Myles DeRouen has conducted or offered to conduct business in Louisiana.

4.

In August of 2015, Myles DeRouen represented in his *LinkedIn* page that

(a) his slogan is, "Let's design your engineering visions",

(b) he is a "Skilled design engineering contractor with years of experience",

(c) he is the "President & Senior Design Engineer" at DeRouen Designs in Lafayette, Louisiana and was previously an "Engineering Assistant" at Dow Chemical and worked in "Engineering" at McCoy Corporation,

(d) his skill and expertise included "Process Engineering" and "Engineering" and

(e) his education was a "Bachelor of Science (B.S.), Mechanical Engineering" from the University of Louisiana at Lafayette. (Exhibit No. 4A)

5.

By July of 2016, the reference to his education was removed from the *LinkedIn* web page. (Exhibit 4C).

6.

By August of 2016, Myles DeRouen removed references to “engineer” and “engineering” from the *LinkedIn* web page but continued to maintain on the web page the slogan “Let’s design your engineering visions” and the representations that he was previously an “Engineering Assistant” at Dow Chemical and worked in “Engineering” at McCoy Corporation and that his skill and expertise included “Process Engineering” and “Engineering”. (Exhibit 4E)

7.

In August of 2015, through at least August of 2016, Myles DeRouen stated on the website *oilpro.com* that he is the “President & Senior Design Engineer” at DeRouen Designs in Lafayette, Louisiana, that his skills include “process engineering” and that his education was in “Mechanical Engineering” from the University of Louisiana at Lafayette. (Exhibit 6-A and 6-B)

8.

By mid to late 2017, Myles DeRouen continued to state on the website *oilpro.com* that his education was in “Mechanical Engineering” from the University of Louisiana at Lafayette. (Exhibit 6-C)

9.

In August, 2015, Myles DeRouen stated on the website *elance.com* that he is a “Senior Designer” in New Iberia, Louisiana, Louisiana and that his education was in “Mechanical Engineering” from the University of Louisiana at Lafayette from 2004 to 2009. (Exhibit 7)

10.

In mid to late 2017, Myles DeRouen stated on the website *skyciv.com* that he is a “Senior Design Engineer” and “Mechanical Design Engineer” in Lafayette, Louisiana. (Exhibit 8)

11.

On or about July 7, 2016, LAPELS received an Affidavit of Complaint and documents from Mr. Willem Mast, which suggested that Myles DeRouen may have committed violations of the Board’s laws and/or rules regarding the practice of engineering in Louisiana by claiming on his resume and a Linked In website that he was an engineer. (Exhibit 3)

12.

Copies of the Affidavit of Complaint and documents were sent to Myles DeRouen by certified mail (return receipt requested) on August 2, 2016, to 5217 Hwy. 14, New Iberia, LA.

The letter and Affidavit of Complaint and documents were received at the New Iberia address on August 5, 2016. (Exhibit 11)

13.

Myles DeRouen subsequently submitted a response to the Affidavit of Complaint and documents by email to Mr. Hyatt, the LAPELS investigator, on August 10, 2016. (Exhibit No. 12)

14.

On September 5, 2017, LAPELS staff sent a letter to Mr. DeRouen by certified mail (return receipt requested) to the New Iberia address advising him that a complaint review committee of LAPELS was considering preferring charges against him involving possible violations of

(a) La. R.S. 37:681 and La. R.S. 37:700(A)(1) and (7), relative to offering to practice engineering and using the words “engineer”, “engineering” or any modification or derivative thereof in a person’s name or form of business or activity without proper licensure, and

(b) La. R.S. 37:700(A)(11), relative to the failure to provide within 30 calendar days of receipt of notice by certified mail, information or documents requested by the Board relating to any alleged violations of the Board’s laws. (Exhibit 13)

15.

The complaint review committee attempted to resolve the matter informally, by including with the letter a proposed Consent Order and a notification to Myles DeRouen of his right to request an informal conference. (Exhibit 13). The certified letter and proposed Consent Order were never claimed by Myles DeRouen and were returned to LAPELS as “unclaimed” “unable to forward” on or about October 6, 2017. (Exhibit 13)

16.

The mailing was then emailed to Myles DeRouen on September 11, 2017. (Exhibit 13) Myles DeRouen responded by email dated September 28, 2017, an indication that he had received the September 5, 2017 certified letter and proposed Consent Order. (Exhibit 14)

17.

Myles DeRouen subsequently accepted the complaint review committee’s offer of an informal conference, which was scheduled to be held on November 13, 2017, at 1:30 p.m.

Despite being advised by email and telephone of the date and time of the informal conference, Myles DeRouen did not appear for the informal conference. (Exhibit 14)

18.

On November 13, 2017, pursuant to La. R.S. 37:700(D)(2), by a unanimous vote the complaint review committee

(a) preferred charges against Myles DeRouen on the grounds that he may have violated

(i) La. R.S. 37:681 and La. R.S. 37:700(A)(1) and (7), relative to offering to practice engineering and using the words “engineer”, “engineering” or any modification or derivative thereof in a person’s name or form of business or activity without proper licensure, and

(ii) La. R.S. 37:700(A)(11), relative to the failure to provide, within thirty calendar days of receipt of notice by certified mail, information and documents requested by the Board relating to any alleged violation of the Board’s law, and

(b) directed that an enforcement hearing be held on June 18, 2018 at 1:30 p.m. at the Board’s office at 9643 Brookline Avenue, Suite 121, Baton Rouge, Louisiana, in order that the Board may determine whether or not Myles DeRouen is in fact guilty of violating the above cited laws and/or rules and what, if any, enforcement action is appropriate.

19.

A copy of the Notice of Charges and Hearing was sent to Myles DeRouen by certified mail (return receipt requested) and regular mail on November 27, 2017, to a new address given to the Board investigator by Myles DeRouen, 1038 Independence Drive, Coppell, TX 75019. (Exhibit 15) The letter and Notice of Charges and Hearing sent to Myles DeRouen by certified mail were delivered to an agent on December 7, 2017. The copies sent to Myles DeRouen by regular mail were never returned to LAPELS. (Exhibit 15)

20.

A copy of the Notice of Charges and Hearing was also emailed to Myles DeRouen on November 27, 2017; Myles DeRouen responded by email of November 28, 2017 to the November 27, 2017 email. (Exhibit 15)

21.

By letter dated April 23, 2018, to Myles DeRouen at the Coppell, TX address, sent by certified mail (return receipt requested) and regular mail, Myles DeRouen was notified that the

hearing had been rescheduled for May 23, 2018, at 1:30 p.m. The certified mailing was returned to the Board office, however the copy sent by regular mail was never returned to LAPELS. (Exhibit 16)

22.

By email dated May 22, 2018, Myles DeRouen advised that he had only that day learned of the rescheduling of the hearing and requested a continuance. (Exhibit 17-A)

23.

By email dated May 22, 2018, Myles DeRouen was sent an order signed by the Hearing Panel Chair Alan Krouse rescheduling the hearing for June 18, 2018, at 1:30 p.m. (Exhibit 17-B)

24.

By email dated June 15, 2018, Myles DeRouen requested a continuance of the June 18, 2018, hearing due to a family medical issue. (Exhibit 17-C)

25.

By Order dated June 15, 2018, the hearing was rescheduled for September 10, 2018, at 2:30 p.m. Myles DeRouen was emailed a copy of the Order on June 15, 2018. (Exhibit 17-D)

26.

Myles DeRouen notified LAPELS investigator William Hyatt by phone at noon September 10, 2018, that he would not attend the hearing on September 10, 2018 at 2:30 p.m.

27.

Myles DeRouen did not appear at the September 10, 2018 hearing.

28.

The combined actual costs incurred by LAPELS in connection with this case through September 10, 2018 total \$20,452.96. (Exhibit 18-B-1; and Exhibit 18-A-1 and Exhibit 18-C and Exhibit 18-D.)

CONCLUSIONS OF LAW

1.

LAPELS has jurisdiction over these matters because all of the conduct of Myles DeRouen described above occurred in Louisiana.

2.

La. R.S. 37:681 has at all relevant times provided as follows:

§681. General provisions

In order to safeguard life, health, and property and to promote the public welfare, any individual in either public or private capacity, or foreign or domestic firm, practicing or offering to practice professional engineering or professional land surveying, shall be required to submit evidence that he is qualified to so practice and shall be licensed as hereinafter provided. It shall be unlawful for any person to practice or to offer to practice in this state engineering or land surveying, as defined in this Chapter, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a professional engineer or a professional land surveyor, unless such person has been duly licensed under the provisions of this Chapter.

3.

La. R.S. 37:700(A)(1) and (7) have at all relevant time provided as follows:

§700. Enforcement proceedings against other persons; procedure

A. The board shall have the power to take enforcement action against any non-licensee or non-certificate holder found by the board to be guilty of any of the following acts or offenses:

(1) Practicing or offering to practice engineering or land surveying in the state of Louisiana without being licensed in accordance with the provisions of this Chapter.

* * *

(7) The use by any person of the words "engineer" or "engineering" or "land surveyor" or "land surveying" or any modification or derivative thereof in its name or form of business or activity except as licensed under this Chapter or in the pursuit of activities exempted by this Chapter.

4.

La. R.S. 37:700(A)(11) has at all relevant times provided as follows:

§700. Enforcement proceedings against other persons; procedure

A. The board shall have the power to take enforcement action against any non-licensee or non-certificate holder found by the board to be guilty of any of the following acts or offenses:

* * *

(11) Failure to provide, within thirty calendar days of receipt of notice by certified mail, information or documents requested by the board relating to any alleged violation of this Chapter.

* * *

5.

Louisiana law gives LAPELS authority to take enforcement action based on the facts in this case.

6.

Pursuant to La. R.S. 37:700(A), (B) and (J), the enforcement action which LAPELS can take against any person found by LAPELS to be guilty of any of the acts or offenses listed in La. R.S. 37:700 includes, but is not limited to, a fine (in an amount not to exceed \$5,000 per violation) and the assessment of all reasonable costs.

7.

LAPELS concludes that the above described acts and omissions of Myles DeRouen:

a. constitute the offering to practice engineering in the State of Louisiana by a non- licensee in violation of La. R.S. 37:681 and La. R.S. 37:700(1); and

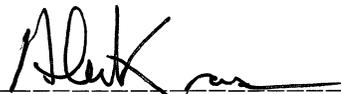
b. the use of the words “engineer” and “engineering” by Myles DeRouen in connection with his name and form of business or activity in Louisiana, without being licensed as a professional engineer in Louisiana, or otherwise exempt from licensing, in violation of La. R.S. 37:681 and La. R.S. 37:700(A)(7).

8.

A Decision and Order will issue this date assessing the appropriate enforcement action against Myles DeRouen.

THUS DONE at Baton Rouge, Louisiana, this 5 day of NOVEMBER, 2018.

LOUISIANA PROFESSIONAL ENGINEERING AND LAND SURVEYING BOARD

By: 
ALAN D. KROUSE, P.E., Hearing Panel Chair

Service Information:

Please serve Myles DeRouen, 5217 Hwy. 14, New Iberia, LA 70560

Provide copy to:

D. Scott Landry
103 Two United Plaza
8550 United Plaza Boulevard
Baton Rouge, Louisiana 70809
Prosecuting Attorney for LAPELS

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 Brookline Avenue, Suite 121
Baton Rouge, LA 70809**

IN THE MATTER OF:)	CASE NO. 2016-49
)	
MYLES DEROUEN)	
)	
RESPONDENT)	
<hr/>)

FINAL DECISION AND ORDER

Considering the Findings of Fact and Conclusions of Law, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1.

The charges against Myles DeRouen for violation of La. R.S. 37:700(A)(11) are dismissed.

2.

The charges against Myles DeRouen for violations of La. R.S. 37:681 and La. R.S. 37:700(A)(1) and (7) are sustained.

3.

Myles DeRouen is assessed a fine in the amount of \$1,500.00, which shall be paid to LAPELS by certified check within ten (10) days of the issuance of this Final Decision and Order.

4.

Myles DeRouen is assessed actual costs incurred by LAPELS in connection with this case through the date of the hearing, which costs total \$20,452.96, which shall be paid to LAPELS by certified check within ten (10) days of the issuance of this Final Decision and Order.

5.

Myles DeRouen is ordered to cease and desist offering to practice and/or practicing engineering in Louisiana, unless and until he is licensed to do so; and Myles DeRouen is ordered to cease and desist the use of the words “engineer” or “engineering” or any derivative thereof in referring to himself or his skills or qualifications, on his *LinkedIn* page, on any websites, or in otherwise describing or promoting his business activities or services in Louisiana unless and until he is licensed to do so.

6.

The Final Findings of Fact and Conclusions of Law and this Final Decision and Order shall be published on the LAPELS website; and a summary of this case shall be printed in the official journal of LAPELS, the *Louisiana Engineer and Surveyor Journal*, and reported to the National Council of Examiners for Engineering and Surveying (NICEES), identifying Myles DeRouen by name.

7.

The vote of LAPELS was unanimous.

THUS DONE at Baton Rouge, Louisiana, this 5 day of NOVEMBER,
2018.

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD**

By: 
ALAN D. KROUSE, P.E., Hearing Panel Chair

Service Information:

Please serve Myles DeRouen, 5217 Hwy. 14, New Iberia, LA 70560

Provide copy to:

D. Scott Landry
103 Two United Plaza
8550 United Plaza Boulevard
Baton Rouge, Louisiana 70809
Prosecuting Attorney for LAPELS