

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

IN THE MATTER OF:)
)
KENNY MARTIN)
)
RESPONDENT)
)
_____)

CASE NO. 2018-116

Received

NOV 08 2019

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 Kenny Martin [hereinafter "Respondent"] hereby agree to the following:

At all times material hereto, Respondent was not licensed in the State of Louisiana as a professional land surveyor.

An investigation was opened based upon the Board's receipt of a formal affidavit of complaint and documents which suggested that Respondent may have practiced and/or offered to practice land surveying in Louisiana without being properly licensed. The investigation disclosed that in 2017 and 2018 Respondent performed the practice of and/or offer to practice land surveying in the State of Louisiana on multiple projects; and used the words "land surveyor" or "land surveying" or any modification or derivative thereof in Respondent's name or form of business activity in Louisiana

La. R.S. 37:681 and La. R.S. 37:700(A)(1) and (7) prohibit the practicing of and/or offering to practice land surveying and the use of the words "land surveyor", "land surveying" or any modification or derivative thereof in a person's name or form of business or activity in Louisiana without proper licensure. La. R.S. 37:700(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:681 and La. R.S. 37:700(A)(1) and (7), 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) and (7), La. R.S. 37:700(H) were in effect at all times material hereto.

It is undisputed that (a) at all times material hereto, Respondent was not licensed as a professional land surveyor in State of Louisiana, (b) in 2017 and 2018 Respondent performed the unlicensed practice of land surveying on multiple projects, and (c) Respondent used "land surveyor" or "land surveying" or any derivative thereof in his name or business activity in Louisiana.

By letter dated March 14, 2019, 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. 37:681 and 37:700(A)(1) and (7), prohibit the practicing of and/or offering to practice land surveying and the use of the words "land surveyor", "land surveying" or any modification or derivative thereof in a person's name or form of business or activity in Louisiana without proper licensure.

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 One Thousand Five Hundred and No/100 (\$1,500.00) Dollars, (b) pay administrative costs of Four Hundred Two and 08/100 (\$402.08) 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 his conduct as set forth above constitutes violations of La R.S. 37:681 and La R.S. 37:700(A)(1) and (7) 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 an informal conference, of his right to a hearing before the Board, 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 these rights 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 an informal conference, 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 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 Four Hundred Two and 08/100 (\$402.08) 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

11/18/19
DATE: ~~11/5/2019~~

BY: Donna Sentell
DONNA D. SENTELL, Executive Director

DATE: 11/5/2019

BY: Kenny Martin
KENNY MARTIN, Respondent

Witnesses to the signature of
Kenny Martin

Harley Busby
Print Name: HARLEY BUSBY

Larry Martin
Print Name: LARRY MARTIN