

On or about October 15, 2018 Respondent submitted to the Board his 2018 Louisiana professional engineer license renewal online, confirming thereon that **(a)** he did not design buildings or building systems; **(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.

Additionally, the investigation disclosed that **(a)** between October 1, 2020 and March 18, 2021 Respondent offered to provide engineering services in Louisiana and provided engineering services on at least fifteen (15) projects in Louisiana and **(b)** between October 1, 2020 and February 8, 2021 Respondent designed buildings and/or building systems in connection with at least one (1) project in Louisiana.

On or about February 8, 2021 Respondent submitted to the Board an application to reactivate his expired Louisiana professional engineer license, confirming thereon that **(a)** he had not practiced or offered to practice engineering in Louisiana during the period that his license was expired; **(b)** he did not design buildings and/or building systems; **(c)** to the best of his knowledge, information and belief the statements and information in the application were true and correct in substance and effect and were made in good faith; and **(d)** 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.

On or about January 26, 2022 Respondent signed and submitted to the Board on behalf of DROEC an application to reactivate its expired Louisiana professional engineering firm license, confirming thereon that **(a)** it had not practiced or offered to practice engineering in Louisiana since its license was no longer in active status; **(b)** to the best of its knowledge, information and belief the statements and information in the application were true and correct in substance and effect and were made in good faith; 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.

Additionally, on January 26, 2022 the Board sent a letter to Respondent by certified mail (return receipt requested), regular mail and email advising him of possible violations of the Board's laws and/or rules and requesting that he provide to the Board certain information and/or

documents related thereto, including a list of his and DROEC's engineering projects in Louisiana within the previous five (5) years. The project list was to include the start and end dates, the client names and a description of the services provided for each project.

On January 26-28, 2022, Respondent replied to the Board by email, stating that DROEC never provided or offered to provide engineering services in Louisiana. On January 28, 2022, Respondent emailed to the Board an "exhaustive list" of engineering projects in Louisiana within the previous five (5) years (but without the project start and end dates), which he claimed consisted of engineering projects performed by Respondent rather than DROEC. On February 16, 2022, Respondent emailed to the Board an updated version of the Louisiana project list which included project start and end dates. However, many of the dates on the project list were incorrect, which made it appear as though those projects had been performed while Respondent's license was in an active status (when in fact they had been performed while his license was in an expired status). Additionally, some Louisiana engineering projects performed by Respondent and/or DROEC within the previous five (5) years were not included on either of the project lists provided by Respondent.

On June 7, 2022, Respondent emailed to the Board the engineering documents prepared and issued by Respondent and/or DROEC in connection with some of the projects on the Louisiana project lists previously provided to the Board. However, once again many of the dates on the engineering documents were incorrect, which made it appear as though those documents had been prepared and issued while Respondent's license was in an active status (when in fact they had been prepared and issued while his license was in an expired status).

Furthermore, the investigation disclosed that since at least January 2018 DROEC has admittedly provided and/or offered to provide engineering services in Louisiana under the firm names of "David O'Reilly Engineering Consultants" and "David O'Reilly Engineering Consultants, LLC" and (b) Respondent provided engineering services for and on behalf of DROEC in Louisiana in connection therewith.

La. R.S. 37:698(A)(1) prohibits licensees from committing any material misstatement in applying for a renewal license with the Board. La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2501(F), require licensees to be truthful in all communications with the Board and prohibit licensees from making any material misstatements in connection with such

communications. La. R.S. 37:698(A)(9) and (16), prohibit practicing and/or offering to practice engineering with an expired license. La. R.S. 37:698(A)(12) prohibits licensees from aiding or assisting another person 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)(1), La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2501(F), La. R.S. 37:698(A)(9) and (16), and 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)(1), (6), (9), (12) and (16), La. R.S. 37:698(H) and LAC Title 46:LXI§2501(F) were in effect at all times material hereto.

It is undisputed that **(a)** at all times material hereto Respondent was licensed in Louisiana as a professional engineer; however, his license was in an expired status from October 1, 2020 to March 18, 2021; **(b)** at all times material hereto DROEC was licensed in Louisiana as a professional engineering firm; however, its license was in an expired status from April 1, 2011 to January 26, 2022; **(c)** at all times material hereto Respondent was the owner, manager, representative and supervising professional of DROEC; **(d)** between April 1, 2011 and January 26, 2022 DROEC practiced and/or offered to practice engineering in Louisiana; **(e)** between February 2017 and September 2018 Respondent designed buildings and/or building systems in Louisiana; **(f)** on or about October 15, 2018 Respondent incorrectly stated on his 2018 Louisiana professional engineer license renewal that he did not design buildings or building systems; **(g)** between October 1, 2020 and March 18, 2021 Respondent practiced and/or offered to practice engineering in Louisiana; **(h)** between October 1, 2020 and February 8, 2021 Respondent designed buildings and/or building systems in Louisiana; **(i)** on or about February 8, 2021 Respondent incorrectly stated on his application to reactivate his expired Louisiana professional engineer license that he had not practiced or offered to practice engineering in Louisiana during the period that his license was expired and he did not design buildings and/or building systems; **(j)** on or about January 26, 2022 Respondent incorrectly stated on DROEC's application to reactivate its expired Louisiana professional engineering firm license that it had not practiced or offered to practice engineering in Louisiana since its license was no longer in active status; **(k)** on January 26-28, 2022 Respondent falsely stated to the Board that DROEC had never provided or offered to provide engineering services in Louisiana; **(l)** on January 28, 2022 and February 16,

2022 Respondent emailed to the Board a list of his engineering projects in Louisiana within the previous five years which (i) included incorrect project start and end dates that made it appear as though those projects had been performed while Respondent's license was in an active status (when in fact they had been performed while his license was in an expired status) and (ii) failed to include some Louisiana engineering projects performed by Respondent and/or DROEC within said period; **(m)** on June 7, 2022 Respondent emailed to the Board the engineering documents prepared and issued by Respondent and/or DROEC in connection with some of the projects on the Louisiana project lists previously provided to the Board which included incorrect dates that made it appear as though those documents had been prepared and issued while Respondent's license was in an active status (when in fact they had been prepared and issued while his license was in an expired status); **(n)** since at least January 2018 DROEC has provided and/or offered to provide engineering services in Louisiana under firm names which are different than the firm name contained on its certificate of licensure issued by the Board; and **(o)** respondent aided or assisted DROEC in violating the laws and/or rules of the Board.

By letter dated October 14, 2022, 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. 37:698(A)(1), relative to material misstatement in applying for a renewal license with the Board; **(b)** La. R.S. 37:698(A)(6), *to wit* LAC Title 46:LXI§2501(F), relative to being truthful in all communications with the Board and making material misstatements in connection with such communications; **(c)** La. R.S. 37:698(A)(9) and (16), relative to practicing and/or offering to practice engineering with an expired license; and **(d)** La. R.S. 37:698(A)(12), relative to aiding or assisting another person in violating the laws and/or rules of 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 Three Thousand Two Hundred Fifty and No/100 (\$3,250.00) Dollars; **(b)** pay administrative costs of Three Thousand Six Hundred Five and 94/100 (\$3,605.94) Dollars; **(c)** pay past unpaid renewal fees of One Hundred Twenty and No/100 (\$120.00) Dollars;

(d) successfully complete the Board's online Louisiana Laws and Rules Quiz; (e) successfully complete the Board's online Louisiana Professionalism and Ethics Quiz; (f) successfully complete the five (5) PDH online course on engineering ethics through the Texas Tech University Murdough Center for Engineering Professionalism; (g) the immediate suspension of his Louisiana professional engineer license if he fails to comply with any portion of this Consent Order, with said suspension continuing until he so complies; and (h) 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 an informal conference, 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 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 him 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 Three Thousand Two Hundred Fifty and No/100 (\$3,250.00) 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 Thousand Six Hundred Five and 94/100 (\$3,605.94) 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 pay past unpaid renewal fees of One Hundred Twenty and No/100 (\$120.00) Dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
4. 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
5. 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
6. Respondent shall successfully complete the five (5) PDH online course in engineering ethics through the Texas Tech University Murdough Center for Engineering Professionalism and submit evidence of such successful completion to the Board within sixty (60) days of the effective date of this Consent Order; and
7. Respondent's Louisiana professional engineer license, number PE-34032, shall be immediately suspended if he fails to comply with any portion of this Consent Order, with said suspension continuing until he so complies; and
8. 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

9. 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: 1/23/2023

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

DATE: 12/15/22

David R. O'Reilly, P.E.
DAVID R. O'REILLY, P.E., Respondent

Witnesses to the signature of
David R. O'Reilly, P.E.

Joe H. Harman
Print Name: JOE H. HARMAN

William Hyatt
Print Name: WILLIAM HYATT