

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

IN THE MATTER OF:)
)
NOEL K. CLARY, P.E.)
)
RESPONDENT)
)
)

CASE NO. 2023-60

Received
MAR 08 2024

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 Noel K. Clary, 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-23299. At all times material hereto, Allied Engineering Design, LLC [hereinafter “AED”] was licensed in the State of Louisiana as a professional engineering firm, number EF-4557; however, its license was in an expired status from October 1, 2018 through October 17, 2023. At all times material hereto, Respondent was an employee, representative, the President and the supervising professional of AED.

An investigation was opened based upon the Board’s receipt of information and/or documents which suggested that Respondent may have committed violations of the Board’s laws and/or rules. The investigation disclosed that between October 1, 2018 and October 17, 2023 (a) AED admittedly offered to provide engineering services in Louisiana and provided engineering services on Twenty-One (21) projects in Louisiana and (b) Respondent provided engineering services for and on behalf of AED in Louisiana in connection with said projects, and Respondent aiding and abetting AED in violating La. R.S. 37:681, and La. R.S. 37:698(A)(9) and (16).

La. R.S. 37:698(A)(9) and (16) prohibit licensees from practicing and/or offering to practice of engineering with an expired license. La. R.S. 37:681 makes it unlawful to practice or offer to practice engineering in Louisiana unless licensed to do so. 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)(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. 37:681 and 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)** at all times material hereto Respondent was licensed in Louisiana as a professional engineer, **(b)** at all times material hereto AED was licensed in Louisiana as a professional engineering firm; however, its license was in an expired status from October 1, 2018 through October 17, 2023, **(c)** at all times material hereto Respondent was an employee, representative, the President and the supervising professional of AED and **(d)** between October 1, 2018 and October 17, 2023 AED admittedly practiced and offered to practice engineering in Louisiana and **(e)** Respondent aided or assisted AED in violating the laws and/or rules of the Board.

By letter dated February 14, 2024, 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. 37:698(A)(12), relative to aiding or assisting another person in violating the laws and/or rules of the Board, particularly La. R.S. 37:681, La. R.S. 37:698(A)(9) and (A)(16).

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 Five Hundred and No/100 (\$500.00) Dollars, **(b)** pay administrative costs of One Hundred Eighty Two and 05/100 (\$182.05) 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), each 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 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 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 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 One Hundred Eighty Two and 05/100 (\$182.05), 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), each identifying Respondent by name; and

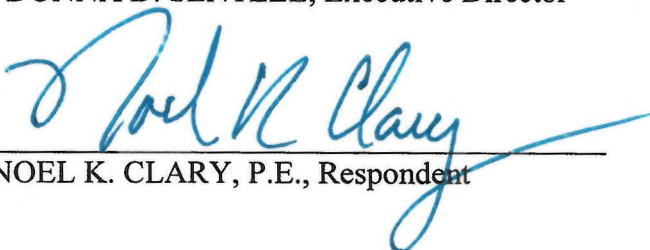
6. This Consent Order shall not become effective unless and until it is accepted and signed by and on behalf of the Board. Should the Board not accept and sign this Consent Order, it is agreed that presentation of this matter to the Board shall not prejudice the Board or any of its members, staff, attorneys or representatives from further participation, consideration, or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATE: April 22, 2024

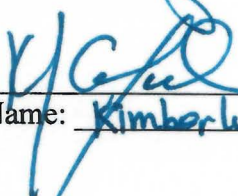
BY: 
DONNA D. SENTELL, Executive Director

DATE: 03/06/2024

BY: 
NOEL K. CLARY, P.E., Respondent

Witnesses to the signature of
Noel K. Clary, P.E.


Print Name: Angela Simpson


Print Name: Kimberly Crawford