

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

IN THE MATTER OF:)
)
MICHAEL D. CLARK, P.E.)
)
RESPONDENT)
)
_____)

CASE NO. 2023-73

Received

APR 12 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 Michael D. Clark, 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-25050. At all times material hereto, Winkelmann & Associates, Inc. [hereinafter “Winkelmann”] 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. Winkelmann subsequently became licensed in the State of Louisiana as a professional engineering firm, number EF-7388, effective August 22, 2022. At all times material hereto, Respondent was the President and a representative of Winkelmann. Respondent has been the supervising professional of Winkelmann since August 22, 2022.

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 prior to June 30, 2022 (a) Winkelmann admittedly offered to provide engineering services in Louisiana and provided engineering services on at least one (1) project in Louisiana and (b) Respondent provided engineering services for and on behalf of Winkelmann in Louisiana in connection with said project(s).

The investigation also disclosed that on or about June 30, 2022 Respondent signed and submitted to the Board on behalf of Winkelmann an application for engineering firm licensure, confirming thereon that (a) Winkelmann had never practiced or offered to practice engineering in Louisiana, (b) 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, **(c)** he had not omitted any information requested in the application and **(d)** an omission or untrue response in the application could constitute fraud, deceit, material misstatement, perjury or the giving of false or forged evidence under La. R.S. 37:698 and 37:700.

Additionally, the investigation disclosed that between June 30, 2022 and August 21, 2022 **(a)** Winkelmann admittedly continued to offer to provide engineering services in Louisiana and provide engineering services on at least one (1) project in Louisiana and **(b)** Respondent provided engineering services for and on behalf of Winkelmann in Louisiana in connection with said project(s).

La. R.S. 37:681 and La. R.S. 37:700(A)(1), (7) 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. 37:698(A)(1) prohibits licensees from committing fraud, 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. 37:698(A)(12) prohibits licensees from aiding or assisting another person in violating the laws and/or rules of the Board. La. R.S. 37:700(A)(3) prohibits any fraud, 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. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(1) 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. 37:681, La. R.S. 37:698(A)(1) and (12), La. R.S. 37:698(H), La. R.S. 37:700(A)(1), (3), (7) and (9), and LAC Title 46:LXI§2301(B) 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)** until August 22, 2022 Winkelmann was not licensed in Louisiana as a professional engineering firm and, therefore, was not authorized to practice and/or offer to practice engineering in Louisiana, **(c)** at all times material hereto Respondent was the President and a representative of Winkelmann, **(d)** Respondent has been the supervising professional of Winkelmann since August 22, 2022, **(e)** prior to June 30, 2022 Winkelmann admittedly practiced and offered to practice engineering and used the word “engineering” in describing its services and business activities in Louisiana without proper licensure, **(f)** on or about June 30, 2022

Respondent falsely stated in Winkelmann's application for engineering firm licensure that Winkelmann had never practiced or offered to practice engineering in Louisiana, (g) between at least June 30, 2022 and August 21, 2022 Winkelmann admittedly continued to practice and offer to practice engineering and use the word "engineering" in describing its services and business activities in Louisiana without proper licensure and (h) Respondent aided or assisted Winkelmann in violating the laws and/or rules of the Board.

By letter dated March 28, 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 (a) La. R.S. 37:698(A)(1), relative to fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a license with the Board, and (b) 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 One Thousand Five Hundred and No/100 (\$1,500) Dollars, (b) pay administrative costs One Thousand Five Hundred Twenty-One and 62/100 (\$1,521.62) 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, (e) 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 (f) 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 One Thousand Five Hundred and No/100 (\$1,500) 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 Thousand Five Hundred Twenty-One and 62/100 (\$1,521.62) 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 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. Respondent's Louisiana professional engineer license, number PE-25050, 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

6. 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

7. 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: 4-9-24


MICHAEL D. CLARK, P.E., Respondent

Witnesses to the signature of
Michael D. Clark, P.E.


Print Name: Leonard Lueker


Print Name: CHRISTOFONTAINE