

MINUTES OF THE REGULAR MEETING OF THE
LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 BROOKLINE AVENUE, SUITE 121
BATON ROUGE, LOUISIANA 70809-1433
January 23, 2023

At 9:07 a.m. on January 23, 2023, Christopher K. Richard, P.E. called the meeting to order at the Board's office in Baton Rouge, Louisiana, with the following members present:

Christopher K. Richard, P.E.	Chairman
Chad C. Vosburg, P.E.	Vice Chairman
Edgar P. Benoit, P.E.	Secretary
Wilfred J. Fontenot, P.L.S.	Treasurer

Connie P. Betts, P.E.
Reginald L. Jeter, P.E.
Linda H. Bergeron, P.E.
Byron D. Racca, P.E.
James H. Chustz, Jr., P.L.S.
Vijaya Gopu, Ph.D., P.E.

Absent: Janice P. Williams, P.E.

Also present: Donna D. Sentell, Executive Director
D. Scott Landry, Board Attorney
Joe Harman, P.E., Technical Advisor
David Patterson, P.L.S., Technical Advisor
Bill Tripoli, IT Director
Janet Lindsey, Application Manager
LaTasha Andrews, Board Investigator (*via Zoom video conferencing*)
Chris Aaron, Board Investigator (*via Zoom video conferencing*)
William Hyatt, Board Investigator (*via Zoom video conferencing*)

The invocation was led by Mr. Jeter and the pledge was led by Mr. Racca.

Public comment time was recognized by Chairman Richard.

The Board unanimously approved the motion made by Ms. Bergeron, seconded by Mr. Chustz, to accept the January 23, 2023 proposed Call and Agenda for the meeting.

The Board unanimously approved the motion made by Mr. Benoit, seconded by Mr. Racca, to approve the minutes from the October 10, 2022 Board meeting.

Compliance and Enforcement

Case # 2022-52 – Mr. Aaron reported on an unlicensed firm (that subsequently became licensed as a professional engineering firm) which practiced and/or offered to practice engineering without proper licensure. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of \$3,000
2. Costs of \$465.82
3. Publication on the Board's website and in the Journal with name
4. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Ms. Bergeron, Mr. Chustz and Dr. Gopu, to approve the signed consent order. The name of the respondent is **FastGrid, LLC.**

Case # 2022-53 – Mr. Aaron reported on an unlicensed individual (who subsequently became licensed as a professional engineer) who (a) practiced and/or offered to practice engineering without proper licensure without a license and (b) subsequently aided or assisted another person in violating the laws and/or rules of the Board. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of \$2,000
2. Costs of \$465.82
3. Louisiana Laws & Rules Quiz
4. Louisiana Professionalism & Ethics Quiz
5. Immediate suspension of license if fail to comply with any portion of consent order, with suspension continuing until compliance
6. Publication on the Board's website and in the Journal with name
7. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Ms. Bergeron, Mr. Chustz and Dr. Gopu, to approve the signed consent order. The name of the respondent is **Brady Burgason, P.E.**

Case # 2022-68 – Mr. Aaron reported on an unlicensed firm (that subsequently became licensed as a professional engineering firm) which practiced and/or offered to practice engineering without proper licensure. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of \$3,000
2. Costs of \$343.52
3. Publication on the Board's website and in the Journal with name
4. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Ms. Bergeron, Mr. Chustz and Dr. Gopu, to approve the signed consent order. The name of the respondent is **S. E. Consultants, Inc.**

Case # 2022-69 – Mr. Aaron reported on a professional engineer who aided or assisted another person in violating the laws and/or rules of the Board. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of \$500
2. Costs of \$343.52
3. Louisiana Laws & Rules Quiz
4. Louisiana Professionalism & Ethics Quiz
5. Immediate suspension of license if fail to comply with any portion of consent order, with suspension continuing until compliance
6. Publication on the Board's website and in the Journal with name
7. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Ms. Bergeron, Mr. Chustz and Dr. Gopu, to approve the signed consent order. The name of the respondent is **Steven W. Schaub, P.E.**

Case # 2022-53 – Mr. Aaron reported on a professional engineer who committed unlicensed practice of surveying, fraud, deceit, gross negligence, material misrepresentation, gross incompetence or gross misconduct in the practice of engineering. The respondent has signed and returned the proposed

consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:

1. Fine of \$12,000
2. Costs of \$1,037.31
3. Completion of the Louisiana Laws & Rules Quiz, with a score of 90% or higher
4. Completion of the Louisiana Professionalism & Ethics Quiz, with a score of 90% or higher
5. Publication on the Board's website and in the Board's official Journal identifying Respondent by name.
6. Report to NCEES identifying Respondent by name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Ms. Betts, Mr. Jeter and Ms. Bergeron, to approve the signed consent order. The name of the respondent is **Beau A. Barbera, P.E.**

Case # 2022-66 – Ms. Andrews reported on an unlicensed firm (that subsequently became licensed as a professional engineering firm) which practiced and/or offered to practice engineering and used the words “engineer”, “engineering” or a modification or derivative thereof in a person’s name or form of business or activity without proper licensure. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of \$3,000
2. Costs of \$383.16
3. Publication on the Board's website and in the Journal with name
4. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Ms. Bergeron, Mr. Chustz and Dr. Gopu, to approve the signed consent order. The name of the respondent is **Island Structures Engineering, P.C. Corp.**

Case # 2022-70 – Ms. Andrews reported on a professional engineer who aided or assisted another person in violating the laws and/or rules of the Board. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of \$500
2. Costs of \$383.16
3. Louisiana Laws & Rules Quiz
4. Louisiana Professionalism & Ethics Quiz
5. Immediate suspension of license if fail to comply with any portion of consent order, with suspension continuing until compliance
6. Publication on the Board's website and in the Journal with name
7. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Ms. Bergeron, Mr. Chustz and Dr. Gopu, to approve the signed consent order. The name of the respondent is **William R. Schlumpf, P.E.**

Case # 2022-5 – Mr. Hyatt reported on a professional engineer who **(a)** made material misstatements in applying for a renewal license with the Board; **(b)** was not truthful in communications with the Board and made material misstatements in connection with such communications; **(c)** practiced and/or offered to practice engineering with an expired license; and **(d)** aided or assisted another person in violating the laws and/or rules of the Board. The respondent has signed and returned the proposed consent order offered by the

Complaint Review Committee. The proposed consent order contained the following sanctions:

5. Fine of \$3,250
6. Costs of \$3,605.94
7. Past unpaid renewal fees of \$120
8. Louisiana Laws & Rules Quiz
9. Louisiana Professionalism & Ethics Quiz
10. Five PDH online course in engineering ethics offered through Texas Tech University
11. Immediate suspension of license if fail to comply with any portion of consent order, with suspension continuing until compliance
12. Publication on the Board's website and in the Journal with name
13. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Ms. Betts, Mr. Jeter and Ms. Bergeron, to approve the signed consent order. The name of the respondent is **David R. O'Reilly, P.E.**

The Board recessed at 10:30 a.m. and resumed at 10:50 a.m.

Committee Reports

Laws and Rules Committee

Mr. Richard presented the Petition for Declaratory Order and Ruling filed by Richard D. Copeland, Jr., P.E. After discussion, the Board unanimously approved the motion made by Ms. Bergeron, seconded by Ms. Betts, to approve the following ruling on Mr. Copeland's Petition for Declaratory Order and Ruling:

RULING ON PETITION FOR DECLARATORY ORDER

1.

On or about December 27, 2022, Richard D. Copeland, Jr., P.E. ("Petitioner") filed with the Louisiana Professional Engineering and Land Surveying Board (the "Board") a petition for declaratory order and ruling pursuant to LAC Title 46:LXI§727.

2.

Petitioner seeks a declaratory order as to whether the Board may list a professional engineer in a discipline of engineering other than the discipline in which the professional engineer has passed a National Council of Examiners for Engineering and Surveying (NCEES) principles and practice of engineering examination.

3.

La. R.S. 37:693(A)(2) states as follows:

Professional engineers shall be issued licenses by the board as a professional engineer. The board shall list a professional engineer in one or more of the disciplines of engineering approved by the National Council of Examiners for Engineering and Surveying to signify the area in which the professional engineer has demonstrated competence pursuant to education, experience, and examination. The professional engineer may use a seal that designates the discipline of engineering in which the board has listed the professional engineer or a seal that identifies the licensee as a professional engineer.

4.

LAC Title 46:LXI§1901 states as follows:

Professional engineers will be issued licenses by the board as a professional engineer, and the board shall list a professional engineer in one or more of the disciplines of engineering approved by NCEES based on such individual having passed the examination in the principles and practice of engineering in such discipline(s).

5.

LAC Title 46:LXI§1311 states as follows:

The board provides the opportunity for professional engineers who were previously licensed in Louisiana to take the examination in the

principles and practice of engineering in the discipline(s) of engineering in which they seek to be listed without affecting their current licensure status with the board. These examinations are offered at times and places designated by the board or NCEES. Each individual will be charged a fee for this service.

ORDER

After due consideration of the petition for declaratory order and ruling filed by Petitioner and after discussion by the Board during its meeting on January 23, 2023:

IT IS THE RULING of the Board that:

6.

The Board can only list a professional engineer in a discipline of engineering which is approved by NCEES based on the individual having passed an NCEES examination in the principles and practice of engineering in such discipline.

7.

If an individual who is already licensed as professional engineer and listed by the Board in one discipline of engineering desires to be listed in an additional discipline, such individual can do so by taking and passing the NCEES examination in the principles and practice of engineering in the additional discipline of engineering in which he/she seeks to be listed (without affecting his/her current licensure status with the Board).

Applications

The Board reviewed the request from **Anthony R. Venson** for reinstatement of his revoked professional engineer license. After discussion, the Board unanimously approved the motion made by Mr. Benoit, seconded by Dr. Gopu, to request that Mr. Venson formally submit a modified application to reinstate an expired license. The application and supporting documentation submitted by Mr. Venson will then be reviewed by the Board.

Application Appeals

The Board unanimously approved the motion made by Ms. Bergeron, seconded by Dr. Gopu, to affirm the reviewing committee's decision to *disapprove* the application of **John Thompson** for licensure as a professional engineer based on not satisfying the educational requirements of the Board.

The Board recessed for lunch at 12:35 p.m. and resumed at 1:11 p.m.

Dr. Gopu exited the meeting at 1:00 p.m. Mr. Landry exited the meeting at 1:20 p.m.

Cheron Seaman, Deputy Executive Director of the Board, entered the meeting at 1:25 p.m.

Committee Reports (continued)

Finance Committee

Ms. Sentell presented the report for the Finance Committee.

The Board unanimously approved the motion made by Mr. Benoit, seconded by Mr. Racca, to accept the year-to-date finance report for FY 22-23 as presented.

The Board unanimously approved the motion made by Ms. Bergeron, seconded by Ms. Betts, to renew the certificate of deposit at Citizens Bank when it matures on February 28, 2023.

The Board unanimously approved the motion made by Mr. Benoit, seconded by Ms. Betts, to renew the certificate of deposit at United Community Bank when it matures on March 10, 2023.

Ms. Seaman exited the meeting at 1:40 p.m.

1 **Nominations and Awards Committee**

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3 The Board unanimously approved the motion made by the Nominations and Awards
4 Committee to elect the following Board officers for 2023-2024:

- 5 • Edgar P. Benoit, P.E – Chairman
6 • Wilfred J. Fontenot, P.L.S. – Vice-Chairman
7 • Reginald L. Jeter, P.E. – Secretary
8 • Connie P. Betts, P.E. – Treasurer
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10 **Old Business/New Business**

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12 The Board unanimously approved the motion made by Mr. Benoit, seconded by Mr.
13 Jeter, to authorize \$7,000 for a new office sign.

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15 The Board unanimously approved the motion made by Mr. Jeter, seconded by Mr.
16 Vosburg, to schedule the next Board meeting for Monday, March 27, 2023 and
17 additional 2023 Board meetings on the following dates:

- 18 • Monday, June 5, 2023
19 • Monday, July 24, 2023
20 • Monday, October 16, 2023
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22 The Board unanimously approved the motion made by Mr. Chustz, seconded by Mr.
23 Jeter, to request NCEES Associate Member status for Cheron Seaman and Janet
24 Lindsey.
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26 **Closing Business**

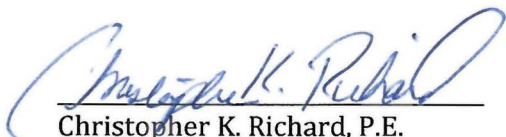
27
28 The Board unanimously approved the motion made by Ms. Betts, seconded by Ms.
29 Bergeron, to approve all committee recommendations and actions.

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31 The Board unanimously approved the motion made by Mr. Benoit, seconded by Ms.
32 Bergeron, to acknowledge and confirm all licenses and certificates issued and
33 renewed since the last Board meeting.
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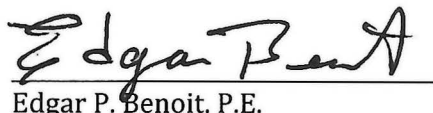
35 The Board unanimously approved the motion made by Mr. Fontenot, seconded by Mr.
36 Racca, to approve all Board expenses.

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38 The Board unanimously approved the motion made by Mr. Jeter, seconded by Mr.
39 Fontenot, to adjourn.
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41 The meeting adjourned at 3:08 p.m. on January 23, 2023.
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46 Christopher K. Richard, P.E.
47 Chairman
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Edgar P. Benoit, P.E.
Secretary