

MINUTES OF THE REGULAR MEETING OF THE  
LOUISIANA PROFESSIONAL ENGINEERING  
AND LAND SURVEYING BOARD  
9643 BROOKLINE AVENUE, SUITE 121  
BATON ROUGE, LOUISIANA 70809-1433  
July 25, 2022

At 9:00 a.m. on July 25, 2022, 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
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.	
Janice P. Williams, P.E.	
Vijaya Gopu, Ph.D., P.E.	

Also present:

Donna D. Sentell, Executive Director  
Cheron Seaman, Deputy Executive Director  
Bill Tripoli, IT Director  
D. Scott Landry, Board Attorney  
Joe Harman, P.E., Technical Advisor  
David Patterson, P.L.S., Technical Advisor  
Chris Aaron, Board Investigator (*via Zoom video teleconferencing*)  
LaTasha Andrews, Board Investigator (*via Zoom video teleconferencing*)  
William Hyatt, Board Investigator (*via Zoom video teleconferencing*)

The invocation was led by Mr. Jeter and the pledge was led by Ms. Betts.

Public comment time was recognized by Chairman Richard.

The Board unanimously approved the motion made by Ms. Bergeron, seconded by Ms. Betts, to accept the July 25, 2022 proposed Call and Agenda for the meeting.

The Board unanimously approved the motion made by Mr. Benoit, seconded by Mr. Chustz, to approve the minutes from the May 23, 2022 Board meeting.

**Compliance and Enforcement**

**Case # 2022-1** – Ms. Andrews reported on a professional engineering firm which practiced and/or offered to practice engineering with an expired license. 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 \$1,500
2. Costs of \$672.71
3. Past unpaid renewal fees of \$120
4. Louisiana Laws & Rules Quiz by each supervising professional
5. Louisiana Professionalism & Ethics Quiz by each supervising professional
6. Immediate suspension of license if fail to comply with any portion of consent order, with suspension continuing until compliance
7. Publication on the Board's website and in the Journal with name.
8. 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 **The Dimension Group I, LP.**

**Case # 2022-2** – Ms. Andrews reported on a professional engineer who (a) aided or assisted another person in violating the laws and/or rules of the Board and (b) failed as a supervising professional to ensure that his professional engineering firm's license



1 was renewed. The respondent has signed and returned the proposed consent order  
2 offered by the Complaint Review Committee. The proposed consent order contained  
3 the following sanctions:

- 4 1. Fine of \$1,000
- 5 2. Costs of \$672.71
- 6 3. Louisiana Laws & Rules Quiz
- 7 4. Louisiana Professionalism & Ethics Quiz
- 8 5. Immediate suspension of license if fail to comply with any portion of consent  
9 order, with suspension continuing until compliance
- 10 6. Publication on the Board's website and in the Journal with name
- 11 7. Report to NCEES with name

12 After discussion, the Board unanimously approved the motion made by the Complaint  
13 Review Committee, consisting of Ms. Betts, Mr. Jeter and Ms. Bergeron, to approve the  
14 signed consent order. The name of the respondent is **Terry L. Hesseltine, P.E.**

15  
16 **Case # 2022-3** – Ms. Andrews reported on a professional engineer who (a) aided or  
17 assisted another person in violating the laws and/or rules of the Board and (b) failed  
18 as a supervising professional to ensure that his professional engineering firm's license  
19 was renewed. The respondent has signed and returned the proposed consent order  
20 offered by the Complaint Review Committee. The proposed consent order contained  
21 the following sanctions:

- 22 1. Fine of \$1,000
- 23 2. Costs of \$672.71
- 24 3. Louisiana Laws & Rules Quiz
- 25 4. Louisiana Professionalism & Ethics Quiz
- 26 5. Immediate suspension of license if fail to comply with any portion of consent  
27 order, with suspension continuing until compliance
- 28 6. Publication on the Board's website and in the Journal with name
- 29 7. Report to NCEES with name

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

33  
34 **Case # 2021-90** – Ms. Andrews reported on a professional engineering firm who  
35 practiced or offered to practice engineering without proper licensure between June  
36 17 and November 2021. The respondent has signed and returned the proposed  
37 consent order offered by the Complaint Review Committee. The proposed consent  
38 order contained the following sanctions:

- 39 1. Fine of \$3,000.00;
- 40 2. Administrative cost of \$492.39;
- 41 3. Publication of this Consent Order on the Board's website and a summary of  
42 the Consent Order in the Board's official Journal, in each case identifying  
43 Respondent by name; and
- 44 4. Report to NCEES identifying Respondent by name

45 After discussion, the Board unanimously approved the motion made by the Complaint  
46 Review Committee, consisting of Ms. Betts, Mr. Jeter and Ms. Bergeron to approve the  
47 signed consent order. The name of the respondent is **Proficient Engineering, Inc.**

48  
49 **Case # 2021-91** – Ms. Andrews reported on a licensed engineer for aiding and  
50 assisting his firm in practicing and offering to practice engineering without proper  
51 licensure between June 17 and November 2021. The respondent has signed and  
52 returned the proposed consent order offered by the Complaint Review Committee.  
53 The proposed consent order contained the following sanctions:

- 54 1. Fine of \$500.00;
- 55 2. Administrative cost of \$492.39;
- 56 3. Successfully complete the Laws & Rules Quiz, with a score of 90% or higher;
- 57 4. Successfully complete the Professionalism & Ethics Quiz, with a score of 90%  
58 or higher;
- 59 5. Publication on the Board's website and a summary in the Board's official  
60 Journal each time identifying Respondent by name; and
- 61 6. Report to NCEES identifying Respondent by name

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

65  
66 **Case # 2022-6** – Ms. Andrews reported on a licensed engineer for aiding and assisting  
67 his firm in practicing and offering 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 \$500.00;
2. Cost of \$492.39;
3. Successfully complete the Laws & Rules Quiz, with a score of 90% or higher;
4. Successfully complete the Professionalism & Ethics Quiz, with a score of 90% or higher;
5. Publication on the Board's website and a summary in the Board's official Journal identifying Respondent by name; and
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 **Brian M. Armenta, P.E.**

**Case # 2021-38** – Ms. Andrews reported on a unlicensed professional engineering firm who practiced or offered to practice engineering without proper licensure and provided misinformation on an application for licensure as an engineering firm. 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 \$3,750.00
2. Cost of \$838.10
3. Publication on the Board's website and in the Board's official Journal identifying Respondent by name.
4. 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 **Albert Architecture & Urban Design, APLLC.**

**Case # 2021-47** – Ms. Andrews reported on a licensed engineer for aiding and assisting his firm in practicing and offering 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 \$500.00
2. Cost of \$404.97
3. Supervising Professionals complete the Laws & Rules Quiz, with a score of 90% or higher
4. Supervising Professionals complete the Professionalism & Ethics Quiz, with a score of 90% or higher
5. Publication on the Board's website and in the Journal with name
6. 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 **Charles D. Stevens, P.E.**

**Case # 2021-48** – Ms. Andrews reported on a licensed engineer for aiding and assisting his firm in practicing and offering 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 \$500.00
2. Cost of \$838.10
3. Supervising Professionals complete the Laws & Rules Quiz, with a score of 90% or higher
4. Supervising Professionals complete the Professionalism & Ethics Quiz, with a score of 90% or higher
5. Publication on the Board's website and in the Journal with name
6. 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 **Michael P. Leitzinger, P.E.**

**Case # 2022-9** – Ms. Andrews reported on a licensed engineer for aiding and assisting his firm in practicing and offering 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 \$500.00
2. Cost of \$296.97
3. Supervising Professionals complete the Laws & Rules Quiz, with a score of 90% or higher
4. Supervising Professionals complete the Professionalism & Ethics Quiz, with a score of 90% or higher
5. Publication on the Board's website and in the Journal with name
6. 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 **James V. Reuter, III, P.E.**

**Case # 2021-92** – 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 \$619.68
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. Betts, Mr. Jeter and Ms. Bergeron, to approve the signed consent order. The name of the respondent is **Telecad Wireless Site Design Inc.**

**Case # 2021-93** – 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 \$619.68
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. Betts, Mr. Jeter and Ms. Bergeron, to approve the signed consent order. The name of the respondent is **Stephen E. Hunt, P.E.**

**Case # 2021-94** – Mr. Aaron reported on an engineering firm who failed to disclose disciplinary actions in another jurisdiction on application of a license. 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 \$750;
2. Costs of \$505.93;
3. Publication on the Board's website and in the Journal with name; and
4. 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 **U.P. Engineers and Architects, Inc.**

**Case # 2021-95** – Mr. Aaron reported on a professional engineer who failed to disclose disciplinary actions in another jurisdiction on application of a firm's license. 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 \$1,000;
2. Costs of \$505.93;



3. Successful completion of the Louisiana Laws & Rules Quiz, with a score of 90% or higher;
4. Successful completion of the Louisiana Professionalism & Ethics Quiz, with a score of 90% or higher;
5. Publication on the Board's website and a summary in the Board's official Journal each identifying Respondent by name; and
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 **Stephen E. Wright, P.E.**

**Case # 2020-112** – Mr. Hyatt reported on an unlicensed firm which practiced and offered to practice engineering and used the words “engineer”, “engineering” or modifications or derivatives 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 \$1,208.13
3. Cease and desist
4. Publication on the Board's website and in the Journal with name
5. 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 **Acuren Inspection, Inc.**

**Case # 2021-82** – Mr. Hyatt reported on a consent order agreed to by a professional engineer for fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a renewal license with the Board. The Respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The consent order contained the following sanctions:

1. Fine of \$1,000;
2. Administrative Costs of \$425.59;
3. Successful completion of Louisiana Laws & Rules Quiz with a score of 90% or higher;
4. Successful completion of Louisiana Professionalism & Ethics Quiz with a score of 90% or higher;
5. Publication on the Board's website and in the 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 **Lewis K. Pegues, P.E.**

**Case # 2021-79** – Mr. Hyatt reported on a professional engineering and land surveying firm that practiced and offered to practice engineering in Louisiana with an expired engineering firm license on three projects between May 2017 and June 2021. 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 \$5000;
2. Administrative Costs of \$453.66;
3. Have each of its Supervising Professionals pass the Louisiana Laws & Rules Quiz;
4. Supervising Professionals: Louisiana Professionalism & Ethics Quiz and Louisiana Professionalism & Ethics Quizzes;
5. Publication on the Board's website and in the Journal identifying Respondent by name; and
6. Reporting 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 **Crafton, Tull & Associates, Inc.**

**Case # 2022-18** – Mr. Hyatt reported on a professional engineer who aided and assisted his firm in practicing and offering to practice engineering in Louisiana with



an expired engineering firm license. 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. Administrative Costs of \$453.66;
3. Successful completion of the Louisiana Laws & Rules Quiz with a score of 90% or better;
4. Successful completion of the Louisiana Professionalism & Ethics Quiz with a score of 90% or better;
5. Publication on the Board's website and in the Journal identifying Respondent by name; and
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 **Jerry J. Kelso, P.E.**

#### **Committee Reports**

#### **Laws and Rules Committee**

Chairman Richard presented the Petition for Declaratory Order and Ruling filed by Ryan D. Hill, P.E. After discussion, the Board unanimously approved the motion made by Mr. Racca, seconded by Chad Vosburg, to approve the following ruling on Mr. Hill's Petition for Declaratory Order and Ruling:

#### **RULING ON PETITION FOR DECLARATOR ORDER**

1.

On or about May 23, 2022, Ryan D. Hill, 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 a professional engineer is required to seal and sign his as-built piping drawings for a project where (a) a permit is required by a governmental agency and (b) he was not in responsible charge of the original underlying piping design work.

3.

La. R.S. 37:682(13) defines the "practice of engineering" as follows:

(a) "Practice of engineering" shall mean responsible professional service which may include consultation, investigation, evaluation, planning, designing, or inspection of construction in connection with any public or private utilities, structures, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health, and property is concerned or involved, when such professional service requires the application of engineering principles and the interpretation of engineering data.

(b) A person shall be construed to practice or offer to practice engineering: who practices in any discipline of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer; or who represents himself as able to perform; or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering. The practice of engineering shall not include the work ordinarily performed by a person who himself operates or maintains machinery or equipment.

La. R.S. 37:682(15) defines "responsible charge" as follows:

"Responsible charge" shall mean the direct control and personal supervision of engineering or land surveying service or work, as the case may be.



4.  
La. R.S. 37:682(16) defines "responsible professional services" as follows:

"Responsible professional services" shall mean the technical responsibility, control, and direction of the investigation, design, or construction of engineering service or work requiring initiative, engineering ability, and its use of independent judgment.

5.  
LAC Title 46:LXI§2701(A)(4)(a)(v)(a) states as follows:  
The preparation of compiled engineering as-built record drawings is not considered to be the practice of engineering and such drawings are not required to be sealed or signed by a professional engineer. If the professional engineer was in responsible charge of the original underlying engineering work, he/she should (in lieu of a seal) include on the title page of the compiled engineering as-built record drawings a disclaimer (with date) which incorporates the following:

These compiled engineering as-built record drawings are a compilation of a copy of the original sealed engineering design drawings for this project, modified by addenda, change orders and information furnished by the contractor or others associated with the construction of the project. The information shown on these compiled engineering as-built record drawings that was provided by the contractor and/or others cannot be verified for accuracy or completeness. The compilation of this information does not relieve the contractor or others of responsibility for errors resulting from incorrect, incomplete or omitted data on their as-built record drawings - nor does it relieve them of responsibility for non-conformance with the original contract documents. The original sealed engineering drawings are on file in the offices of (name of professional engineer).

#### **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 July 25, 2022:

**IT IS THE RULING** of the Board that:

6.  
Under the scenario presented above, the preparation of the as-built piping drawings would not constitute the "practice of engineering". Therefore, the Board's laws and rules would not require that such drawings be sealed and signed by a professional engineer, even though a permit for the project is being required by a governmental agency.

7.  
Furthermore, since the professional engineer was not in responsible charge of the original underlying piping design work, he could not (in lieu of his seal) include on the as-built piping drawings the disclaimer referenced in LAC Title 46:LXI§2701(A)(4)(a)(v)(a).

The Board reviewed the request from Neal Waguespack to consider a retraction of the Board's Ruling on Petition for Declaratory Order 2022-01. After discussion, the Board unanimously approved the motion made by Ms. Betts, seconded by Ms. Bergeron, to deny Mr. Waguespack's request and to notify him of the Board's decision.

Board member Wilfred J. Fontenot, P.L.S. entered the meeting at 9:44 a.m.

Mr. Landry reviewed legislation from the 2022 Regular Session of the Louisiana Legislature. After discussion, the Board unanimously approved the motion made by Mr. Racca, seconded by Mr. Jeter, to notify the Office of the State Fire Marshal and parish building officials of the new law (Act 145 of the 2022 Regular Session) concerning the incidental practice of engineering by an architect. Copies of this letter should also go to the American Institute of Architects - Louisiana (AIA Louisiana) and the Louisiana State Board of Architectural Examiners (LSBAE).

Chairman Richard appointed an ad committee, comprised of Mr. Chustz, Ms. Williams and Dr. Gopu, to work with Board staff on ensuring compliance with the provisions outlined in HB 639/Act 486 of the 2022 Regular Session.

Janet Lindsey, Board applications and licensing manager, entered the meeting at 10:17 a.m.

The Board recessed at 10:27 a.m. and resumed at 10:45 a.m.

### Applications

### Applications Reviews

The Board unanimously approved the motion made by Ms. Bergeron, seconded by Mr. Jeter, to *disapprove* the application of Karl E. Tonander for licensure as a professional engineer under Rule 903(A)(3) based on not satisfying the educational requirements of the Board.

The Board approved the motion made by Dr. Gopu, seconded by Ms. Bergeron, with Mr. Vosburg, Mr. Chustz, Mr. Fontenot, Mr. Jeter, Mr. Benoit, Ms. Betts, Mr. Racca, Dr. Gopu and Ms. Bergeron for, and Ms. Williams against, to *approve* the application of Alessandra Simone for licensure as a professional engineer under Rule 903(A)(3).

The Board recessed at 11:47 a.m. and resumed at 12:30 p.m.

Mr. Landry and Ms. Lindsey exited the meeting at 1:07 p.m.

### Finance Committee

Ms. Sentell presented the report for the Finance Committee.

The Board unanimously approved the motion made by the Finance Committee to accept the year-to-date finance report for FY 21-22 as presented.

### Old Business/New Business

The Board unanimously approved the motion made by Ms. Bergeron, seconded by Mr. Jeter, to schedule the next Board meeting for October 10, 2022.

The Board unanimously approved the motion made by Mr. Vosburg, seconded by Mr. Jeter, to reschedule the January Board meeting for January 23, 2023.

### Closing Business


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

The Board unanimously approved the motion made by Mr. Jeter, seconded by Mr. Vosburg, to acknowledge and confirm all licenses and certificates issued and renewed since the last Board meeting.

The Board unanimously approved the motion made by Ms. Betts, seconded by Ms. Bergeron, to approve all Board expenses.

The Board unanimously approved the motion made by Mr. Chustz, seconded by Mr. Vosburg, to adjourn.

The meeting adjourned at 2:32 p.m. on July 25, 2022.

  
Christopher K. Richard, P.E.  
Chairman

  
Edgar P. Benoit, P.E.  
Secretary