

1 MINUTES OF THE REGULAR MEETING OF THE
2 LOUISIANA PROFESSIONAL ENGINEERING
3 AND LAND SURVEYING BOARD
4 9643 BROOKLINE AVENUE, SUITE 121
5 BATON ROUGE, LOUISIANA 70809-1433
6 March 27, 2023
7

8 At 9:00 a.m. on March 27, 2023, Christopher K. Richard, P.E. called the meeting
9 to order at the Board's office in Baton Rouge, Louisiana, with the following
10 members present:

11
12 Edgar P. Benoit, P.E. Chairman
13 Wilfred J. Fontenot, P.L.S. Vice Chairman
14 Reginald L. Jeter, P.E. Secretary
15 Connie P. Betts, P.E. Treasurer
16

17 Linda H. Bergeron, P.E.
18 Byron D. Racca, P.E.
19 James H. Chustz, Jr., P.L.S.
20 Janice P. Williams, P.E.
21 Vijaya Gopu, Ph.D., P.E. *(via Zoom video teleconferencing)*
22 Christopher K. Richard, P.E.
23 Chad C. Vosburg, P.E.
24

25 Also present: Donna D. Sentell, Executive Director
26 D. Scott Landry, Board Attorney
27 Joe Harman, P.E., Technical Advisor
28 David Patterson, P.L.S., Technical Advisor
29 Cheron Seaman, Deputy Executive Director
30 Bill Tripoli, IT Director
31 Janet Lindsey, Application Manager
32 Chris Aaron, Board Investigator
33

34 The invocation was led by Mr. Jeter and the pledge was led by Ms. Betts.
35

36 Mr. Richard recognized Mr. Benoit as the new Chairman of the Board and
37 presented him with the Chairman's gavel.
38

39 Public comment time was recognized by Chairman Benoit.
40

41 The Board unanimously approved the motion made by Mr. Racca, seconded by
42 Ms. Bergeron, to accept the March 27, 2023 proposed Call and Agenda for the
43 meeting.
44

45 The Board unanimously approved the motion made by Mr. Fontenot, seconded
46 by Ms. Bergeron, to approve the minutes from the January 23, 2023 Board
47 meeting.
48

49 **Compliance and Enforcement**
50

51 **Case # 2022-62** - Mr. Aaron reported on a professional engineer who
52 practiced and/or offered to practice engineering with an expired license. The
53 respondent has signed and returned the proposed consent order offered by the
54 Complaint Review Committee. The proposed consent order contained the
55 following sanctions:

- 56 1. Fine of \$1,000.00;
57 2. Costs of \$180.45;
58 3. Successful completion of Louisiana Laws & Rules Quiz, with a score of
59 90% or higher;
60 4. Successful completion of Louisiana Professionalism & Ethics Quiz with a
61 score of 90% or higher;

- 1 5. Publication of consent order on the Board’s website and summary of
2 consent order in the Journal by name;
3 6. Report to NCEES by name

4 After discussion, the Board unanimously approved the motion to approve the
5 signed consent order made by the Complaint Review Committee, consisting of
6 Ms. Bergeron, Mr. Chustz and Dr. Gopu. The name of the Respondent is
7 **Jonathan P. Miller, P.E.**

8
9 Mr. Aaron exited the meeting at 9:16 a.m.

10 11 **Committee Reports**

12 13 **Laws and Rules Committee**

14
15 Mr. Landry presented the Petition for Declaratory Order and Ruling filed by
16 Andrew R. Hall, P.E. After discussion, the Board unanimously approved the
17 motion made by Ms. Betts, seconded by Mr. Jeter, to approve the following
18 ruling on Mr. Hall’s Petition for Declaratory Order and Ruling:
19

20 **RULING ON PETITION FOR DECLARATORY ORDER**

21
22 1.

23 On or about March 1, 2023, Andrew R. Hall, P.E. (“Petitioner”) filed
24 with the Louisiana Professional Engineering and Land Surveying Board
25 (the “Board”) a petition for declaratory order and ruling pursuant to
26 LAC Title 46:LXI§727.
27

28 2.

29 Petitioner seeks a declaratory order as to whether (a) design
30 drawings and calculations prepared in connection with the
31 manufacturing of pressure vessels in Louisiana must be sealed by a
32 professional engineer licensed with the Board and (b) a manufacturer
33 of pressure vessels who prepares design drawings and calculations in
34 connection with its manufacturing of said pressure vessels in Louisiana
35 must be licensed with the Board.
36

37 3.

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

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

48 (b) A person shall be construed to practice or offer to
49 practice engineering: who practices in any discipline of the
50 profession of engineering; or who, by verbal claim, sign,
51 advertisement, letterhead, card, or in any other way represents
52 himself to be a professional engineer; or who represents himself
53 as able to perform; or who does perform any engineering service
54 or work or any other professional service designated by the
55 practitioner or recognized by educational authorities as
56 engineering. The practice of engineering shall not include the
57 work ordinarily performed by a person who himself operates or
58 maintains machinery or equipment.
59

60 4.

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

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

8
9 5.

10 La. R.S. 37:701(C) states as follows:

11 This Chapter shall not apply to, affect, interfere with, or in any
12 way regulate employees of firms engaged in industrial
13 operations, including but not limited to producing, processing,
14 manufacturing, transmitting, distributing, or transporting, when
15 performing services within the state of Louisiana in the course
16 and scope of the business of said firms or affiliates thereof. In the
17 event any of the activities set forth in this Subsection shall fall
18 within the definition of practice of engineering as defined in R.S.
19 37:682, such activities shall be under the responsible charge of a
20 professional engineer. However, this Subsection shall not apply
21 to persons practicing civil engineering or land surveying, who
22 must at all times comply with the provisions of this Chapter.

23
24 6.

25 LAC Title 46:LXI§105(A) states as follows:

26 *Under the Responsible Charge of a Professional Engineer*—as it
27 applies in R.S. 37:701(C) only, shall mean:

- 28 a. the work performed by a professional engineer duly
29 licensed under the provisions of the licensure law; or
30 b. the work reviewed and approved by a professional
31 engineer duly licensed under the provisions of the licensure law,
32 who is authorized to direct changes to the engineering work; or
33 c. the work performed in accordance with a system of
34 engineering practices approved by a professional engineer duly
35 licensed under the provisions of the licensure law.

36
37 **ORDER**

38 After due consideration of the petition for declaratory order and
39 ruling filed by Petitioner and after discussion by the Board during its
40 meeting on March 27, 2023:

41
42 **IT IS THE RULING** of the Board that:

43 7.

44 The preparation of design drawings and calculations in connection
45 with the manufacturing of pressure vessels in Louisiana constitutes the
46 "practice of engineering" as defined in La. R.S. 37:682(13).

47
48 8.

49 The preparation of design drawings and calculations in connection
50 with the manufacturing of pressure vessels constitutes mechanical
51 engineering.

52
53 9.

54 The preparation of design drawings and calculations in connection
55 with the manufacturing of pressure vessels in Louisiana must be
56 performed "under the responsible charge of a professional engineer" as
57 defined in LAC Title 46:LXI§105(A), which means that such design
58 drawings and calculations must be either:

59 (a) prepared and sealed by a professional engineer licensed with
60 the Board; or

1 (b) reviewed, approved and sealed by a professional engineer
2 licensed with the Board, who is authorized to direct changes to such
3 design drawings and calculations;or

4 (c) prepared in accordance with a system of engineering practices
5 approved by a professional engineer licensed with the Board.
6

7 10.

8 A manufacturer of pressure vessels and its employees who prepare
9 design drawings and calculations in connection with their
10 manufacturing of said pressure vessels in Louisiana must be licensed
11 with the Board if such design drawings and calculations are not
12 prepared "under the responsible charge of a professional engineer" as
13 defined in LAC Title 46:LXI§105(A). If such design drawings and
14 calculations are prepared "under the responsible charge of a
15 professional engineer" as defined in LAC Title 46:LXI§105(A), such
16 manufacturer and its employees are not required to be licensed with
17 the Board, unless they otherwise engage in the "practice of engineering"
18 as defined in La. R.S. 37:682(13).
19

20
21 Ms. Betts presented the report for the Laws and Rules Committee concerning
22 the proposed adoption of Rule 729 and the proposed revisions to Rule 2907.
23

24 After discussion, the Board unanimously approved the motion made by Mr.
25 Fontenot, seconded by Mr. Vosburg, to adopt Rule 729 to read as follows:
26

27 **§729. Petition for Adoption, Amendment or Repeal of Rule**

28 A. An interested person may petition the board requesting the
29 adoption, amendment, or repeal of a rule. The petition shall be made on
30 a form provided by the board.

31 B. In its consideration of a petition, the board may request further
32 information from the person who submitted the petition.

33 C. The board shall decide whether to grant or deny a petition within
34 90 days of its receipt of the petition. In making its decision, the board
35 shall consider any information submitted with the petition and any
36 other relevant information.

37 D. If the board denies a petition, it shall send written notice of its
38 denial to the person who submitted the petition. The notice shall state
39 in writing the reasons for the denial.

40 E. If the board grants a petition, it shall initiate rulemaking
41 proceedings within 90 days of its receipt of the petition, and it shall
42 send written notice that rulemaking proceedings have been initiated to
43 the person who submitted the petition.
44

45 After discussion, the Board unanimously approved the motion made by Mr.
46 Chustz, seconded by Mr. Fontenot, to amend Rule 2907 as follows:
47

48 **§2907. Property Boundary Survey**

49 A. – F.7. ...

50 G. Plats and Maps. Every original plat or map of a property boundary
51 survey should be a reproducible drawing at a suitable scale which clearly
52 shows the results of the field work, computations, research and record
53 information as compiled and checked. The plat or map shall be prepared
54 in conformity with the following guidelines.

55 1. – 13. ...

56 14. Each plat or map shall show the following:

57 a. – b. ...

58 c. section, township, range, land district, incorporated area or
59 community, parish and state (as applicable);

60 d. vicinity map. A vicinity map will not be required if there are
61 sufficient features and landmarks (officially named streets and street

intersections, lots and blocks within a subdivision, adjoining subdivisions, Township-Range-Section lines, etc.) on the plat or map that would sufficiently enable a person to identify the location of the survey site;

- e. date of the survey;
 - f. name, telephone number, mailing address and license number of the professional land surveyor and, if applicable, the firm who employs the professional land surveyor;
 - g. signature and seal of the professional land surveyor under whose responsible charge the survey was done;
 - h. scale, written and/or graphic;
 - i. north arrow, and it is recommended that the drawings be oriented so that north is toward the top of the sheet; and
 - j. legend for symbols and abbreviations used on the plat or map.
15. ...

H. Descriptions. A written legal description of the surveyed tract of land shall provide information to properly locate the property on the ground and distinctly set it apart from all other lands. The following guidelines apply.

1. - 2. ...

3. Every aliquot description shall contain the following basic information: aliquot part of section, township, range, land district, parish and state.

4. Every subdivision lot description shall also contain the following basic information: lot, block, unit (if applicable), name of subdivision, incorporated area or community (if applicable), parish and state.

5. Every metes and bounds description may be written in at least two parts. The first part, called the "general description," shall indicate the general location of the property by naming the particular lot or block within which it is located if in a subdivision or by naming the grant or aliquot part of a rectangular section within which it is located, along with the section, township, range, land district, incorporated area or community (if applicable), parish and state. The second part, called the "particular description," shall logically compile and incorporate calls for the following:

5.a. - 11. ...

Applications

The Board reviewed the application of Anthony R. **Venson** for reinstatement of his revoked professional engineer license. After discussion, the Board approved the motion made by Ms. Bergeron, seconded by Mr. Jeter, with Mr. Richard, Mr. Vosburg, Ms. Betts, Mr. Racca, Mr. Chustz, Ms. Williams, Ms. Bergeron and Mr. Jeter for and Mr. Fontenot against, to reinstate Mr. Venson's revoked professional engineer license upon his providing to the Board satisfactory evidence of the following:

- Thirty (30) professional development hours in engineering-related acceptable activities earned within the past 24 months
- Clarification of his work experience in 2006
- Two employment experience verifications

The Board recessed at 10:20 a.m. resumed at 10:36 a.m.

Committee Reports (continued)

Finance Committee

Ms. Betts presented the report for the Finance Committee.

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

4
5 The Board unanimously approved the motion made by Ms. Bergeron, seconded
6 by Mr. Jeter, to renew the four certificates of deposit at Investar Bank when
7 they mature on April 4, 2023.

8
9 The Board unanimously approved the motion made by Ms. Bergeron, seconded
10 by Ms. Williams, to accept the proposed budget for FY 23-24.

11
12 **Old Business/New Business**

13
14 The Board unanimously approved the motion made by Mr. Vosburg, seconded
15 by Mr. Fontenot, to approve Board and staff members to attend the NCEES
16 Annual Meeting in Boston, MA on August 15-19, 2023.

17
18 The Board unanimously approved the motion made by Mr. Jeter, seconded by
19 Mr. Chustz, to fund Ms. Bergeron and Chairman Benoit to attend the Louisiana
20 Engineering Society Annual Meeting on June 8-9, 2023.

21
22 At 11:21 a.m., the Board unanimously approved the motion made by Mr.
23 Chustz, seconded by Mr. Vosburg, to enter into executive session to discuss
24 personnel matters.

25
26 At 11:29 a.m., the Board unanimously approved the motion made by Mr. Racca,
27 seconded by Ms. Williams, to exit the executive session.

28
29 The Board unanimously approved the motion made by Mr. Richard, seconded
30 by Ms. Betts, to authorize a 7% salary increase for the Executive Director,
31 effective March 27, 2023.

32
33 **Closing Business**

34
35 The Board unanimously approved the motion made by Ms. Betts, seconded by
36 Mr. Richard, to approve all committee recommendations and actions.

37
38 The Board unanimously approved the motion made by Ms. Bergeron, seconded
39 by Mr. Fontenot, to acknowledge and confirm all licenses and certificates
40 issued and renewed since the last Board meeting.

41
42 The Board unanimously approved the motion made by Mr. Fontenot, seconded
43 by Mr. Racca, to approve all Board expenses.

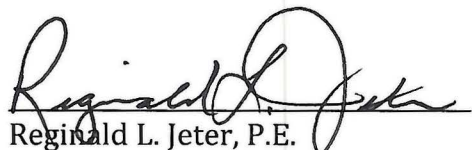
44
45 The Board recessed at 11:47 a.m. for lunch and resumed at 12:21 p.m.

46
47 The Board unanimously approved the motion made by Ms. Williams, seconded
48 by Mr. Racca, to adjourn.

49
50 The meeting adjourned at 12:22 p.m. on March 27, 2023.

51
52
53 

54
55 Edgar P. Benoit, P.E.
56 Chairman

57


Reginald L. Jeter, P.E.
Secretary