MINUTES OF THE REGULAR MEETING OF THE 1 2 LOUISIANA PROFESSIONAL ENGINEERING 3 AND LAND SURVEYING BOARD 4 9643 Brookline Avenue. Suite 121 5 Baton Rouge, Louisiana 70809-1433 6 October 26, 2020 7 8 At 9:00 a.m. on October 26, 2020, Thomas R. Carroll, P.E., P.L.S. called the meeting to 9 order at the Louisiana Department of Transportation and Development, 1201 Capitol 10 Access Road, Room 102C, Baton Rouge, Louisiana, with the following members 11 present: 12 13 Thomas R. Carroll, III, P.E., P.L.S. Chairman 14 Charles G. Coyle, III, P.L.S. Vice-Chairman 15 Christopher K. Richard, P.E. Treasurer 16 Jeff A. Pike, P.E. Secretary 17 18 Edgar P. Benoit, P.E. 19 Chad C. Vosburg, P.E. 20 Wilfred J. Fontenot, P.L.S. 21 Connie P. Betts, P.E. 22 Reginald L. Jeter, P.E. 23 Linda H. Bergeron, P.E. 24 Byron D. Racca, P.E. 25 26 Also present: Donna D. Sentell, Executive Director 27 Cheron Seaman, Deputy Executive Director 28 Bill Tripoli, Board Staff 29 D. Scott Landry, Board Attorney 30 Alan D. Krouse, P.E. 31 D. Scott Phillips, P.E., P.L.S. (via Zoom) Joe Harman, P.E., Board Staff (via Zoom) 32 33 William Hyatt, Board Investigator (via Zoom) 34 Chris Aaron, Board Investigator (via Zoom) 35 36 The invocation was led by Mr. Pike and pledge was led by Chairman Carroll. 37 38 Chairman Carroll passed the Board chairman's gavel to Mr. Coyle. Mr. Coyle 39 presented the service plaque to Mr. Carroll. 40 41 New Board members, Ms. Bergeron and Mr. Racca, were sworn in by Mr. Landry. 42 43 Public comment time was recognized by Chairman Coyle. 44 45 The Board unanimously approved the motion made by Mr. Richard, seconded by Mr. 46 Vosburg, to accept the October 26, 2020 proposed Call and Agenda for the meeting. 47 48 The Board unanimously approved the motion made by Mr. Fontenot, seconded by Mr. 49 Pike, to approve the minutes from the July 27, 2020 Board meeting. 50 51 Chairman Coyle welcomed new Board members, Ms. Bergeron and Mr. Racca, thanked 52 outgoing Board members, Mr. Krouse and Mr. Phillips, for their service, and presented 53 a plaque to Mr. Krouse. 54 55 **Compliance and Enforcement** 56 57 Case # 2020-14 - Mr. Aaron reported on an unlicensed firm which practiced and/or 58 offered to practice engineering without proper licensure. The respondent has signed 59 and returned the proposed consent order offered by the Complaint Review 60 Committee. The proposed consent order contained the following sanctions: 61 1. Fine of \$3,000 Costs of \$178.27 62 63 3. Publication on the Board's website and in the Journal with name 64 4. Report to NCEES with name 65 After discussion, the Board unanimously approved the motion made by the Complaint

Review Committee, consisting of Mr. Richard, Mr. Benoit and Ms. Betts, to approve the

signed consent order. The name of the respondent is Elara Energy Services, Inc.

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 <u>Case # 2020-10</u> – Mr. Aaron reported on an unlicensed firm which practiced and/or offered to practice land surveying and used the words "surveyor", "surveying" 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 \$178.27
- 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 Mr. Richard, Mr. Benoit and Ms. Betts, to approve the signed consent order. The name of the respondent is **Tompkins Surveying & Mapping, LLC.** 

<u>Case # 2020-11</u> – Mr. Aaron reported on a professional land surveyor 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 \$178.27
- 3. Louisiana Laws & Rules Quiz
- 4. Louisiana Professionalism & Ethics Quiz
- 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 Mr. Richard, Mr. Benoit, and Ms. Fontenot, to approve the signed consent order. The name of the respondent is **Rhett P. Sloan**, **P.L.S.** 

<u>Case # 2020-15</u> – Mr. Aaron reported on a professional engineering firm which committed fraud, deceit, material misstatement or perjury, or the giving of 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 proposed consent order contained the following sanctions:

- 1. Fine of \$1,000
- 2. Costs of \$178.27
- 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 Mr. Richard, Mr. Benoit, and Ms. Betts, to approve the signed consent order. The name of the respondent is **Altieri Sebor Wieber, LLC.** 

<u>Case # 2020-16</u> – Mr. Aaron reported on a professional engineering firm which committed fraud, deceit, material misstatement or perjury, or the giving of 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 proposed consent order contained the following sanctions:

- 1. Fine of \$1,000
- 2. Costs of \$210.88
- 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 Mr. Richard, Mr. Benoit, and Ms. Betts, to approve the signed consent order. The name of the respondent is **Forensic Analysis & Engineering Corporation.** 

<u>Case # 2018-81</u> – Mr. Hyatt reported on a professional engineer and professional land surveyor who failed to meet the Board's standards of practice for boundary surveys. 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 \$1,018.26
- 3. Louisiana Standards of Practice for Boundary Surveys Quiz

- 4. Correct the standards of practice violations on revised survey plats, provide the revised survey plats to the Board for review, properly file the revised survey plats into the public record and provide copies of the filed revised survey plats to the Board
- 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 Mr. Pike, Mr. Carroll, and Mr. Richard, to approve the signed consent order. The name of the respondent is **William J. Bodin, Jr., P.E., P.L.S.** 

<u>Case # 2018-100</u> – Mr. Hyatt reported on a professional engineering firm which had an employee, owner, President, representative and supervising professional who (a) committed gross misconduct in the practice of engineering; (b) approved and sealed design documents which were not safe for public health, property and welfare, which were not complete and accurate, which were not in conformity with accepted engineering standards or practice, or which did not conform to applicable laws and ordinances; (c) performed services outside the area of the licensee's competence and when not qualified by education or experience in the specific technical fields of engineering involved; (d) sealed or signed engineering documents dealing with subject matters in which the licensee lacked competence; and (e) practiced or offered to practice engineering when not qualified. 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 \$3,500
- 2. Costs of \$564.41
- 3. Cease and desist
- 4. Provide written notification to client of this case and the deficiencies in the plans, provide client with options available to client to remedy said deficiencies at no cost to client, and provide satisfactory evidence of accomplishment of these requirements to the Board
- 5. Louisiana Laws & Rules Quiz by each supervising professional
- 6. Louisiana Professionalism & Ethics Quiz by each supervising professional
- 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 Mr. Pike, Mr. Carroll, and Mr. Richard, to approve the signed consent order. The name of the respondent is **Istre Engineering Services**, **Inc.** 

<u>Case # 2018-101</u> – Mr. Hyatt reported on a professional engineer who (a) committed gross misconduct in the practice of engineering; (b) approved and sealed design documents which were not safe for public health, property and welfare, which were not complete and accurate, which were not in conformity with accepted engineering standards or practice, or which did not conform to applicable laws and ordinances; (c) performed services outside the area of the licensee's competence and when not qualified by education or experience in the specific technical fields of engineering involved; (d) sealed or signed engineering documents dealing with subject matters in which the licensee lacked competence; and (e) practiced or offered to practice engineering when not qualified. 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 \$3,500
- 2. Costs of \$564.41
- 3. Cease and desist
- 4. Provide written notification to client of this case and the deficiencies in the plans, provide client with options available to client to remedy said deficiencies at no cost to client, and provide satisfactory evidence of accomplishment of these requirements to the Board
- 5. Louisiana Laws & Rules Quiz
- 6. Louisiana Professionalism & Ethics Quiz
- 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 Mr. Pike, Mr. Carroll, and Mr. Richard, to approve the signed consent order. The name of the respondent is **Dexter G. Istre, P.E.** 

Case # 2018-102 – Mr. Hyatt reported on a professional engineering firm (and professional land surveying firm in expired status) which had an employee, owner, manager, representative and supervising professional who (a) committed gross misconduct in the practice of engineering; (b) approved and sealed design documents which were not safe for public health, property and welfare, which were not complete and accurate, which were not in conformity with accepted engineering standards or practice, or which did not conform to applicable laws and ordinances; (c) sealed, signed or issued engineering documents not prepared by the licensee or under their responsible charge; (d) performed services outside the area of the licensee's competence and when not qualified by education or experience in the specific technical fields of engineering involved; (e) sealed or signed engineering documents dealing with subject matters in which the licensee lacked competence; and (f) practiced or offered to practice engineering when not qualified. 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 \$3,500

- 2. Costs of \$788.94
- 3. Cease and desist
- 4. Louisiana Laws & Rules Quiz by engineering supervising professionals
- Louisiana Professionalism & Ethics Quiz by engineering supervising professionals
- 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 Mr. Pike, Mr. Carroll, and Mr. Richard, to approve the signed consent order. The name of the respondent is **Spec, L.L.C.** 

<u>Case # 2018-103</u> – Mr. Hyatt reported on a professional engineer who (a) committed gross misconduct in the practice of engineering; (b) approved and sealed design documents which were not safe for public health, property and welfare, which were not complete and accurate, which were not in conformity with accepted engineering standards or practice, or which did not conform to applicable laws and ordinances; (c) sealed, signed or issued engineering documents not prepared by the licensee or under their responsible charge; (d) performed services outside the area of the licensee's competence and when not qualified by education or experience in the specific technical fields of engineering involved; (e) sealed or signed engineering documents dealing with subject matters in which the licensee lacked competence; and (f) practiced or offered to practice engineering when not qualified. 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 \$3,500
- 2. Costs of \$788.94
- 3. Cease and desist
- 4. Louisiana Laws & Rules Quiz
- 5. Louisiana Professionalism & Ethics Quiz
- 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 Mr. Pike, Mr. Carroll, and Mr. Richard, to approve the signed consent order. The name of the respondent is **Robert W. Potier, P.E.** 

Chairman Coyle appointed Mr. Pike, Mr. Benoit, Ms. Betts and Mr. Racca to an ad hoc committee, chaired by Mr. Pike, and charged it with reviewing the request of **Anthony R. Venson** for reinstatement of his revoked professional engineer license and making a recommendation at the next Board meeting.

## **Committee Reports**

# **Laws and Rules Committee**

Mr. Richard presented the report for the Laws and Rules Committee:

Senate Bill 17 of the 2020 Second Extraordinary Session (by Senator Hewitt) has been passed by the Legislature and signed into law by the Governor (as Act 2). It will become effective on January 1, 2021.

The Board unanimously approved the motion made by the Laws and Rules Committee to adopt the following Position Statement on the jurisdiction of origin of engineering work for purposes of Board rules 2701(A)(3)(b)(ii)(a) and (b):

# POSITION STATEMENT ON JURISDICTION OF ORIGIN OF ENGINEERING WORK FOR PURPOSES OF BOARD RULES 2701(A)(3)(b)(ii)(a) AND (b)

#### **Board Position:**

There are only a few circumstances in which a professional engineer can affix his/her seal and signature to engineering work developed by another person not under his/her responsible charge.

One of those circumstances is described in LAC Title 46:LXI§2701(A)(3)(b)(ii)(a), which allows a Louisiana professional engineer to check and take the professional responsibility for the work of an engineer who is not licensed in Louisiana (but is properly licensed in the **jurisdiction of origin** of such work). In such case, the Louisiana professional engineer must completely check and assume responsible charge of the work, which includes taking possession of the sealed, signed and dated reproducible drawings, with complete sealed, signed and dated calculations indicating all changes.

Another of those circumstances is described in LAC Title 46:LXI§2701(A)(3)(b)(ii)(b), which allows a Louisiana professional engineer to certify standard plans that were initially prepared, sealed and signed by an engineer who is not licensed in Louisiana (but is properly licensed in the **jurisdiction of origin** of such plans). In such case, the Louisiana professional engineer may review the plans for code conformance, design adequacy, and site adaption for the specific application within Louisiana. The Louisiana professional engineer, who is assuming responsibility for such plans, must then affix his/her seal, signature and date to the plans, along with a specific statement set forth in the Board rule.

It is the position of the Board that, as used in LAC Title 46:LXI§2701(A)(3)(b)(ii)(a) and (b), the term "jurisdiction of origin" means the state, territory, or possession of the United States, the District of Columbia, or the foreign country, where the work or plans were prepared.

#### **Underlying Board Rules:**

LAC Title 46:LXI§2701(A)(3)(b)(ii)(a) and (b) state as follows:

- ii. No licensee shall affix his/her seal or signature to documents developed by others not under his/her responsible charge, except:
- (a). in the case of an individual Louisiana professional engineer checking and taking the professional responsibility for the work of an engineer who is not licensed in this state but is properly licensed in the jurisdiction of origin of such work, the Louisiana professional engineer shall completely check and have responsible charge of the work. Such responsible charge shall include possession of the sealed, signed and dated reproducible drawings, with complete sealed, signed and dated calculations indicating all changes;
- (b). certification of standard plans which were initially prepared, sealed and signed by an engineer who is not licensed in this state but is properly licensed in the **jurisdiction of origin** of such plans. Such plans may then be reviewed by a Louisiana professional engineer for code conformance, design adequacy, and site adaption for the specific application within Louisiana. The Louisiana professional engineer assumes responsibility for such plans. The plans, which already bear the seal and signature of the engineer who is not licensed in this state but is properly licensed in the **jurisdiction of origin** of such plans, shall also be sealed, signed and dated by the Louisiana professional engineer who is assuming responsibility. In addition to the Louisiana professional

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engineer's seal, signature and date, a statement shall be included on the plans as follows;

"These standard plans have been properly examined by me, the undersigned Louisiana professional engineer. I have determined that these plans comply with all applicable Louisiana codes and have been properly site adapted to use in this area."

(Emphasis added).

The Board recessed at 11:05 a.m. and resumed at 11:20 a.m.

After discussion, the Board unanimously approved the motion made by the Laws and Rules Committee to amend Rules 903, 905, 909 and 911 as follows:

#### §903. Professional Engineer Licensure

A. - A.2. ...

- B. The requirements for licensure as a professional engineer under the alternatives provided in R.S. 37:3651(A) are as follows:
- 1. the applicant for licensure as a professional engineer shall be a member of the military, or a United States Department of Defense civilian employee assigned to duty in this state, who holds a current and valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has held such license for at least one year, who has passed any examinations and met any education, training, or experience standards as required by such other jurisdiction, who is held in good standing by such other jurisdiction, who has received education and experience as a member of the military at a level that is comparable to the requirements for licensure under R.S. 37:693(B)(2)(a) and Paragraph 1 of Subsection A herein, who does not have a disqualifying criminal record as determined by the board under the laws of this state, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board; or
- 2. the applicant for licensure as a professional engineer shall be a spouse or dependent of a member of the military or a United States Department of Defense civilian employee, if the member or civilian employee has received military orders for a change of station to a military installation or assignment located in this state or has established this state as their state of legal residence as reflected in their military record, who holds a current and valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has held such license for at least one year, who has passed any examinations and met any education, training, or experience standards as required by such other jurisdiction, who is held in good standing by such other jurisdiction, who does not have a disqualifying criminal record as determined by the board under the laws of this state, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has

submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board.

C. The requirements for licensure as a professional engineer under the alternatives provided in R.S. 37:3651(B) are as follows:

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- 1. the applicant for licensure as a professional engineer shall be a member of the military who has lawfully engaged in the practice of engineering for at least three years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of engineering, who has received education and experience as a member of the military at a level that is comparable to the requirements for licensure under R.S. 37:693(B)(2)(a) and Paragraph 1 of Subsection A herein, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board; or
- the applicant for licensure as a professional engineer shall be a spouse or dependent of a member of the military or United States Department of Defense civilian employee assigned duty in this state, who has lawfully engaged in the practice of engineering for at least three years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of engineering, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board.
- D. The requirements for licensure as a professional engineer under the alternatives provided in R.S. 37:3651(C) are as follows:
- 1. the applicant for licensure as a professional engineer shall be a member of the military, or a United States Department of Defense civilian employee assigned duty in this state, who has lawfully engaged in the practice of engineering for at least two years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of engineering, who holds a current and valid private certification to engage in the practice of engineering, who is held in good standing by the organization that issued such private certification, who has received education and experience as a member of the military at a level that is comparable to the requirements for licensure under R.S. 37:693(B)(2)(a) and Paragraph 1 of Subsection A herein, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to

unprofessional conduct or an alleged crime, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board; or

- the applicant for licensure as a professional engineer shall be a spouse or dependent of a member of the military or United States Department of Defense civilian employee, who has lawfully engaged in the practice of engineering for at least two years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of engineering, who holds a current and valid private certification to engage in the practice of engineering, who is held in good standing by the organization that issued such private certification, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board.
- E. The provisions of Subsections B, C and D shall not apply to any applicant who received a dishonorable discharge or to a military spouse whose spouse received a dishonorable discharge.
- F. In Subsections B, C and D, the term *military* shall mean the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.
- G. In Subsections B, C and D, the term *dependent* shall mean a resident spouse or resident unmarried child under 21 years of age, a child who is a student under 24 years of age and who is financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.
- H. The authority for the executive director to issue a license can only be granted by the board.

# §905. Temporary Permit to Practice Engineering

Α. ..

- B. An individual who has applied to the board for licensure pursuant to §903.B, §903.C, or §903.D shall be granted a temporary permit to practice or offer to practice engineering in Louisiana for the period from the time the individual has applied to the board for licensure until either the license has been granted or notice of denial of licensure has been issued, provided that before beginning such temporary practice in Louisiana, the individual shall have applied to the board for a temporary permit, paid the prescribed fee, and received a temporary permit.
- C. The provisions of Subsection B shall not apply to any applicant who received a dishonorable discharge or to a military spouse whose spouse received a dishonorable discharge.
- D. In Subsection C, the term *military* shall mean the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.

E. - F. ..

## §909. Professional Land Surveyor Licensure

A. - A.2. ...

- B. The requirements for licensure as a professional land surveyor under the alternatives provided in R.S. 37:3651(A) are as follows:
- 1. the applicant for licensure as a professional land surveyor shall be a member of the military, or a United States Department of Defense civilian

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employee assigned to duty in this state, who holds a current and valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has held such license for at least one year, who has passed any examinations and met any education, training, or experience standards as required by such other jurisdiction, who is held in good standing by such other jurisdiction, who has received education and experience as a member of the military at a level that is comparable to the requirements for licensure under R.S. 37:693(B)(4)(a) and Paragraph 1 of Subsection A herein, who does not have a disqualifying criminal record as determined by the board under the laws of this state, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the

- 2. the applicant for licensure as a professional land surveyor shall be a spouse or dependent of a member of the military or a United States Department of Defense civilian employee, if the member or civilian employee has received military orders for a change of station to a military installation or assignment located in this state or has established this state as their state of legal residence as reflected in their military record, who holds a current and valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has held such license for at least one year, who has passed any examinations and met any education, training, or experience standards as required by such other jurisdiction, who is held in good standing by such other jurisdiction, who does not have a disqualifying criminal record as determined by the board under the laws of this state, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board.
- C. The requirements for licensure as a professional land surveyor under the alternatives provided in R.S. 37:3651(B) are as follows:
- 1. the applicant for licensure as a professional land surveyor shall be a member of the military who has lawfully engaged in the practice of land surveying for at least three years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of land surveying, who has received education and experience as a member of the military at a level that is comparable to the requirements for licensure under R.S. 37:693(B)(4)(a) and Paragraph 1 of Subsection A herein, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the

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profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board; or

- 2. the applicant for licensure as a professional land surveyor shall be a spouse or dependent of a member of the military or United States Department of Defense civilian employee assigned duty in this state, who has lawfully engaged in the practice of land surveying for at least three years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of land surveying, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board.
- D. The requirements for licensure as a professional land surveyor under the alternatives provided in R.S. 37:3651(C) are as follows:
- 1. the applicant for licensure as a professional land surveyor shall be a member of the military, or a United States Department of Defense civilian employee assigned duty in this state, who has lawfully engaged in the practice of land surveying for at least two years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of land surveying, who holds a current and valid private certification to engage in the practice of land surveying, who is held in good standing by the organization that issued such private certification, who has received education and experience as a member of the military at a level that is comparable to the requirements for licensure under R.S. 37:693(B)(4)(a) and Paragraph 1 of Subsection A herein, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board; or
- 2. the applicant for licensure as a professional land surveyor shall be a spouse or dependent of a member of the military or United States Department of Defense civilian employee, who has lawfully engaged in the practice of land surveying for at least two years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of land surveying, who holds a current and valid private certification to engage in the practice of land surveying, who is held in good standing by the organization that issued such private certification, who has not had a professional or occupational license revoked by another state, territory, or possession of the

United States, or the District of Columbia, because of negligence or intentional 2 misconduct related to their work in the profession or occupation, who has not 3 surrendered a professional or occupational license because of negligence or 4 intentional misconduct related to their work in the profession or occupation in 5 another state, territory, or possession of the United States, or the District of 6 Columbia, who does not have a complaint, allegation, or investigation pending 7 in another state, territory, or possession of the United States, or the District of 8 Columbia, which relates to unprofessional conduct or an alleged crime, who 9 has passed the examination required by the board in the Louisiana laws of land 10 surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional 12 land surveyor by the board. 13

- E. The provisions of Subsections B, C and D shall not apply to any applicant who received a dishonorable discharge or to a military spouse whose spouse received a dishonorable discharge.
- F. In Subsections B, C and D, the term military shall mean the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.
- G. In Subsections B. C and D. the term dependent shall mean a resident spouse or resident unmarried child under 21 years of age, a child who is a student under 24 years of age and who is financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.
- H. The authority for the executive director to issue a license can only be granted by the board.

## §911. Temporary Permit to Practice Land Surveying

- A. An individual who has applied to the board for licensure pursuant to §909.B, §909.C, or §909.D shall be granted a temporary permit to practice or offer to practice land surveying in Louisiana for the period from the time the individual has applied to the board for licensure until either the license has been granted or notice of denial of licensure has been issued, provided that before beginning such temporary practice in Louisiana, the individual shall have applied to the board for a temporary permit, paid the prescribed fee, passed the examination required by the board in the Louisiana laws of land surveying, and received a temporary permit.
- B. The provisions of Subsection A shall not apply to any applicant who received a dishonorable discharge or to a military spouse whose spouse received a dishonorable discharge.
- C. In Subsection B, the term military shall mean the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.

D. - E.

§3105. Requirements

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After discussion, the Board unanimously approved the motion made by the Laws and Rules Committee to amend Rules 3105, 3109, 3113, 3115, 3119 and 3121 as follows:

- A. Every professional engineer, including those listed in two or more disciplines, is required to earn 15 PDHs per calendar year in engineeringrelated acceptable activities. Professional engineers may not earn more than 8 PDHs within a single calendar day.
- 1. At least one of the PDHs per calendar year shall be earned in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer.
- 2. At least four of the PDHs per calendar year shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer who designs buildings and/or building systems in Louisiana during such calendar year.

- 1 B. Every professional land surveyor is required to earn 8 PDHs per calendar 2 year in land surveying-related acceptable activities. 3 1. At least one of the PDHs per calendar year shall be earned in 4 professional ethics. Professional ethics concerns the standard of professional 5 conduct and responsibility required of a professional land surveyor. 6 2. At least one of the PDHs per calendar year shall be earned in the 7 standards of practice for boundary surveys in Louisiana. 8 C. Each dual licensee is required to earn 15 PDHs per calendar year; 9 however, at least one-third of the PDHs for each calendar year shall be earned 10 separately for each profession. 11 1. At least one of the PDHs per calendar year shall be earned in professional ethics. Professional ethics concerns the standard of professional 12 13 conduct and responsibility required of a professional engineer and/or 14 professional land surveyor. 15 2. At least one of the PDHs per calendar year shall be earned in the 16 standards of practice for boundary surveys in Louisiana. 3. At least four of the PDHs per calendar year shall be earned in *Life Safety* 17 Code, building codes and/or Americans with Disabilities Act Accessibility 18 19 Guidelines by every professional engineer who designs buildings and/or 20 building systems in Louisiana during such calendar year. 21 D. Excess PDHs 22 1. If a licensee exceeds his/her annual requirement of PDHs, up to a 23 maximum of 7 PDHs may be carried forward into the subsequent calendar 24 25 D.2. - E. 26 §3109. Exemptions 27 28 any one or more of the following reasons. 29 30 calendar year in which they are licensed. 31 32 33 the CPD requirements during that calendar year. 34
  - A. A licensee may be exempt from the CPD requirements in this Chapter for
  - 1. New licensees shall be exempt from the CPD requirements during the
  - 2. Licensees serving on active duty in the United States military for a period of time exceeding 180 consecutive days in a calendar year shall be exempt from
  - 3. Licensees experiencing disability, serious illness, or serious injury of a nature and duration which prevent them from satisfying the CPD requirements during a calendar year may be granted an exemption from such requirements for said year. Supporting documentation, such as a signed letter from a physician who has treated the disability, illness or injury, is required. This documentation shall be on the letterhead of the physician, shall set forth the nature of the disability, illness or injury and the period of time under treatment by the physician, and shall contain a statement by the physician as to any limitations placed upon the licensee which impaired his/her ability to satisfy the CPD requirements. This exemption may only be granted for one calendar year at a time.
  - 4. Licensees working outside of the United States for more than 90 days in a calendar year where compliance with the CPD requirements is impractical due to location, working hours, mail restrictions, etc., may be granted an exemption from such requirements for said calendar year. Supporting documentation, such as a signed letter from the licensee's employer, is required. This documentation shall be on the letterhead of the employer, shall set forth both the location and the period of time in which the licensee has been working outside of the United States, and shall contain a statement by the employer as to why it was impractical for the licensee to satisfy the CPD requirements.

A.5. - A.6.

# §3113. Units

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A. - A.3. ...

B. PDH credit will be awarded as follows:

13	presenting;
14 15 16 17 18	4. authoring and publishing a peer reviewed (refereed) article/paper in an engineering or land surveying journal, or authoring and publishing a peer reviewed (refereed) book related to engineering or land surveying, in accordance with §3111.A.5 = 5 PDHs per calendar year for all such articles/papers or books;
19 20 21	5. authoring and publishing a non-peer reviewed (non-refereed) article/paper in an engineering or land surveying journal in accordance with §3111.A.5 = 3 PDHs per calendar year for all such articles/papers;
22 23	6. obtaining a patent in accordance with $\S 3111.A.6 = 10$ PDHs for each patent;
24 25 26 27	7. serving as a thesis director for a student pursuing a masters or doctoral degree in engineering in accordance with §3111.A.8 = 1 PDH per hour of thesis credit. A maximum of 5 PDHs will be allowed per calendar year for all such students;
28 29 30 31 32	8. serving on a technical committee that is assisting federal, state or local governmental agencies in developing standards related to engineering or land surveying in accordance with §3111.A.9 = 1 PDH per 50 contact minutes of attendance at a committee meeting. A maximum of 5 PDHs will be allowed per calendar year for service on all of such committees.
33	§3115. Record Keeping
34	A
35 36 37 38 39	B. All licensees are required to maintain a board-approved professional development activity log outlining all PDHs claimed during a calendar year. Licensees must complete all sections of the log and be prepared to submit the completed log and any corresponding documentation to the board upon request. Blank log forms can be obtained from the board's website.
40 41 42 43	C. Maintaining records to be used to support PDHs claimed is the responsibility of the licensee. These records must be maintained for at least six consecutive calendar years and copies may be requested by the board at any time.
44	§3119. Failure to Comply
45	A
46 47	B. PDHs earned and used to satisfy a not-in-compliance situation may not also be used to satisfy the CPD requirements for the current calendar year.
48	§3121. CPD Reinstatement
49 50 51 52 53	A. To become reinstated to an active status, a licensee in an expired, inactive, or retired status must have earned all PDHs which he/she would have been required to earn if he/she had been in an active status during the previous two calendar years as provided in §3105.
54 55	After discussion, the Board unanimously approved the motion made by the Laws and Rules Committee to amend Rules 105 and 1101 as follows:
56 57	§105. Definitions

1. fifty contact minutes of verified attendance at an activity in accordance

2. membership in an engineering or land surveying professional

3. teaching/instructing or presenting an activity in accordance with §3111.A.1-3 = twice the PDHs allowed for attending the activity. A maximum of

with §3111.A.1-2, or problem preparation for a NCEES or state professional

engineering or land surveying exam in accordance with §3111.A.7 = one PDH.

A maximum of five PDHs will be allowed per calendar year for problem

association or technical society in accordance with §3111.A.4 = one PDH per

calendar year for each association or society. A maximum of two PDHs will be

15 PDHs will be allowed per calendar year for teaching, instructing and

allowed per calendar year for all such memberships;

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11 12 preparation;

4 5 Accredited Land Surveying Curriculum—a curriculum approved by 6 ANSAC/ABET, EAC/ABET or ETAC/ABET as a land surveying or geomatics 7 academic program that satisfies the academic requirements for the practice of 8 land surveying at the professional level. 9 10 ETAC/ABET-the Engineering Technology Accreditation Commission of ABET. 11 12 \* \* \* 13 §1101. Approved Curricula 14 15 A. - E. ... 16 F. Based on an investigation by a committee of the board, the board may, by 17 a majority vote at a regular meeting, recognize as an approved curriculum a 18 non-accredited land surveying curriculum of four years or more from a school 19 of satisfactory standing that does not meet the specifications of §1101.E. The 20 board shall keep a record of the land surveying curricula thus approved. 21 22 The Board adjourned for lunch at 12:00 p.m. and resumed at 12:45 p.m. Mr. Racca 23 was not present. 24 25 Mr. Carroll gave a brief update on the work of the Incidental Practice Task Force. 26 Chairman Coyle appointed Mr. Richard to replace Mr. Krouse on this task force. 27 28 Mr. Landry exited the meeting at 1:45 p.m. 29 30 **Land Surveying Committee** 31 32 Chairman Coyle presented an update on the recent Louisiana Laws of Land Surveying 33 oral exams and upcoming exam administration. 34 35 **Applications** 36 37 **Application Appeals** 38 39 The Board unanimously approved the motion made by Mr. Carroll, seconded by Ms. 40 Betts, to affirm the reviewing committee's decision to *disapprove* the application of David S. Allison for licensure as a professional engineer by comity based on not 41 42 satisfying the educational requirements of the Board. 43 44 The Board unanimously approved the motion made by the reviewing committee, 45 comprised of Mr. Benoit and Mr. Jeter, to approve the application of Robert F. Matius 46 for licensure as a professional engineer by comity. 47 48 The Board unanimously approved the motion made by the reviewing committee, 49 comprised of Mr. Benoit and Mr. Jeter, to approve the application of Manab Medhi for 50 licensure as a professional engineer by comity. 51 **Committee Reports (continued)** 52 53 54 **Finance Committee** 55 56 Mr. Richard presented the report for the Finance Committee. 57 58 The Board unanimously approved the motion made by the Finance Committee to 59 accept the year-to-date financial report. 60 61 The Board unanimously approved the motion made by the Finance Committee to 62 accept the proposed budget for fiscal year 2021-2022. 63

A. The words and phrases defined in R.S. 37:682 shall apply to these rules.

In addition, the following words and phrases shall have the following meanings,

unless the content of the rules clearly states otherwise.

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 The Board unanimously approved the motion made by Mr. Richard, seconded by Mr. Fontenot, to approve cashing in the certificate of deposit at Home Bank at maturity on January 9, 2021.

The Board unanimously approved the motion made by the Finance Committee to authorize the Executive Director to enter into a contract with **Celia Cangelosi** to serve as legal counsel and as a prosecuting attorney for Board disciplinary and enforcement hearings. The term of the contract will be for three years **beginning July 1, 2021 and ending June 30, 2024,** in the annual amount not to exceed **\$36,000**.

The Board unanimously approved the motion made by the Finance Committee to authorize the Executive Director to enter into a contract with **D. Scott Landry of Chaffe McCall, L.L.P.** to serve as legal counsel and as a prosecuting attorney for Board disciplinary and enforcement hearings. The term of the contract will be for three years **beginning July 1, 2021 and ending June 30, 2024,** in the annual amount not to exceed **\$150.000.** 

The Board unanimously approved the motion made by the Finance Committee to authorize the Executive Director to enter into a contract with **Joe H. Harman & Associates**, **LLC** to serve as technical advisor to the Board. The term of the contract will be for three years **beginning July 1, 2021 and ending June 30, 2024**, in the annual amount not to exceed \$60,000.

The Board unanimously approved the motion made by the Finance Committee to authorize the Executive Director to enter into a contract with **L.A. Champagne & Co., L.L.P.** to provide accounting services for the Board. The term of the contract will be for three years **beginning July 1, 2021 and ending June 30, 2024,** in the annual amount not to exceed **\$28,000**.

The Board unanimously approved the motion made by the Finance Committee to authorize the Executive Director to enter into a contract with **Tri-Core Technologies**, **L.L.C.** to provide information technology support services for the Board. The term of the contract will be for one year **beginning July 1, 2021 and ending June 30, 2022**, in the annual amount not to exceed \$37,200.

#### Nominations and Awards Committee

The Nominations and Awards Committee presented the following nominations for election of Board officers for 2021-22, to be voted on at the January 2021 Board meeting:

Jeff A. Pike, P.E. – Chairman Christopher K. Richard, P.E. – Vice Chairman Chad C. Vosburg, P.E. – Treasurer Edgar P. Benoit, P.E. - Secretary

## **Old/New Business**

The Board unanimously approved the motion made by Mr. Jeter, seconded by Mr. Vosburg, to schedule the next Board meeting for January 11, 2021.

The Board unanimously approved the motion made by Mr. Richard, seconded by Ms. Betts, to schedule additional Board meetings on the following dates:

March 22, 2021 May 24, 2021 July 26, 2021 October 11, 2021 January 24, 2022

The Board unanimously approved the motion made by Mr. Pike, seconded by Mr. Richard, to request NCEES emeritus status for Mr. Krouse.

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# **Closing Business**

The Board unanimously approved the motion made by Mr. Richard, seconded by Mr. Pike, to approve all committee recommendations and actions.

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

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

The Board unanimously approved the motion made by Mr. Benoit, seconded by Mr. Jeter, to adjourn.

The meeting adjourned at 2:20 p.m. on October 26, 2020.

Charles G. Coyle, III, P.L.S.

Chairman

Jeffrey A. Pike, P.E.

Secretary