

MINUTES OF THE REGULAR MEETING OF THE
LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 BROOKLINE AVENUE, SUITE 121
BATON ROUGE, LOUISIANA 70809-1433
September 18, 2017

At 8:00 a.m. on September 18, 2017, David L. Patterson, P.L.S. called the meeting to order at the Board's office in Baton Rouge, Louisiana, with the following members present:

David L. Patterson, P.L.S.	Chairman
Terry J. Huval, P.E.	Vice Chairman
Christopher P. Knotts, P.E.	Treasurer
Paul N. Hale, Jr., Ph.D., P.E.	Secretary

Alan D. Krouse, P.E.
D. Scott Phillips, P.E., P.L.S.
Thomas R. Carroll, III, P.E., P.L.S.
Charles G. Coyle, III, P.L.S.
Jeffrey A. Pike, P.E.
Christopher K. Richard, P.E.
Chad C. Vosburg, P.E.

Also present: Donna D. Sentell, Executive Director
Richard L. Savoie, Jr., P.E., Deputy Executive Director
Tyson Ducote, Director of Enforcement
Joe H. Harman, P.E., Technical Support Staff
William Hyatt, Board Investigator
D. Scott Landry, Board Attorney
Bill Tripoli, Board Staff

The invocation was led by Mr. Pike and pledge was led by Mr. Knotts.

Chairman Patterson presented the Chairman's gavel to Mr. Huval.

The Board unanimously approved the motion made by Mr. Knotts, seconded by Mr. Carroll, to accept the September 18, 2017 proposed Call and Agenda for the Meeting.

Public comment time was recognized by Chairman Huval.

The Board unanimously approved the motion made by Mr. Patterson, seconded by Mr. Pike, to approve the minutes from the May 15, 2017 Board meeting.

The Board unanimously approved the motion made by Mr. Coyle, seconded by Mr. Phillips, to schedule the Board's next regular meeting for November 13-14, 2017.

Compliance and Enforcement

Case #2015-40 – Mr. Ducote reported on a professional engineer who **(a)** failed to seal and sign engineering documents that were issued by him to a client or public or governmental agency as completed work and **(b)** failed to place the appropriate disclaimer on preliminary engineering documents, along with his name and license number. 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 \$1,995.34
3. Louisiana Laws and Rules Quiz
4. Louisiana Professionalism and Ethics Quiz
5. Seal and sign all engineering documents issued to a client or governmental agency as completed work unless specifically exempted
6. Place the appropriate disclaimer on all preliminary documents, along with the licensee's name and license number
7. Publication on the Board's website and in the Journal with name
8. Report to NCEES with name

After discussion, the Board approved the motion made by the Complaint Review Committee, consisting of Mr. Carroll, Mr. Knotts and Dr. Hale, to approve the signed consent order. The name of the respondent is **Elmer Jones, P.E.**

Case #2015-41 – Mr. Ducote reported on a professional engineering firm on whose behalf a professional engineer **(a)** failed to seal and sign engineering documents that were issued by him to a client or any public or governmental agency as completed work and **(b)** failed to place the appropriate disclaimer on preliminary engineering documents, along with his name and license number. 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 \$1,995.34
3. Louisiana Laws and Rules Quiz by supervising professional
4. Louisiana Professionalism and Ethics Quiz by supervising professional
5. Ensure that its professional engineers seal and sign all engineering documents issued to a client or governmental agency as completed work unless specifically exempted
6. Ensure that its professional engineers place the appropriate disclaimer on all preliminary documents, along with their name and license number
7. Publication on the Board's website and in the Journal with name
8. Report to NCEES with name

After discussion, the Board approved the motion made by the Complaint Review Committee, consisting of Mr. Carroll, Mr. Knotts and Dr. Hale, to approve the signed consent order. The name of the respondent is **EJA Partners, LLC**.

The Board unanimously approved the motion made by Mr. Patterson, seconded by Mr. Carroll, to allow Board staff to waive late licensure renewal fees and continuing professional development audit administrative fees related to the Fall 2017 biennial licensure renewal cycle for those licensees who were impacted by Hurricane Harvey in the Houston, Texas and southwest Louisiana areas and by Hurricane Irma in the state of Florida.

Committee Reports

Enforcement Committee

Mr. Pike presented the report for the Enforcement Committee.

The Board unanimously approved the motion made by the Enforcement Committee to adopt the following enforcement policy to be included in the Disciplinary and Enforcement Sanction Guidelines for Consent Orders:

Policy on Publication by Name for Disciplinary and Enforcement Actions:

Unless otherwise noted in the Disciplinary and Enforcement Sanction Guidelines (*e.g.*, certain Standards of Practice violations), all disciplinary and enforcement actions will be published by name on the Board's website and in the Journal and reported to NCEES.

The Board approved the motion made by the Enforcement Committee, with Mr. Pike, Mr. Carroll, Mr. Krouse, Mr. Knotts, Dr. Hale, Mr. Phillips, Mr. Coyle, Mr. Richard and Mr. Vosburg for and Mr. Patterson against, to adopt the following enforcement policy to be included in the Disciplinary and Enforcement Sanction Guidelines for Consent Orders:

Policy on Allowing Respondents to Pay Fines and Administrative Costs in Installments:

Fines and administrative costs totaling less than \$6,000 combined per case must be paid in full with the Respondent's submission of the signed Consent Order. If fines and administrative costs totaling \$6,000 or more combined per case are assessed (and if requested by the Respondent), the Complaint Review Committee may allow the total amount to be paid in equal monthly installments over the course of up to 4 months from the effective date of the Consent Order. If installments are allowed, at least 25% must be paid with the Respondent's submission of the signed Consent Order.

The Board unanimously approved the motion made by the Enforcement Committee to adopt the following enforcement policy to be included in the Disciplinary and Enforcement Sanction Guidelines for Consent Orders:

Policy on Adding Administrative Costs incurred between the mailing of a Proposed Consent Order to a Respondent and the ratification of the Consent Order by the Board:

Typically, administrative costs incurred after the mailing of a proposed Consent Order to a Respondent are not added to the Consent Order; however, at the discretion of the Complaint Review Committee, they may be added to the Consent Order prior to the final ratification by the Board.

The Board unanimously approved the motion made by the Enforcement Committee to adopt the following enforcement policy to be included in the Disciplinary and Enforcement Sanction Guidelines for Consent Orders:

Policy on Automatic Suspension of License/Certificate if Licensee/Certificate Holder fails to comply with any part of their Consent Order:

All Consent Orders for licensees/certificate holders should include standardized language which provides for the automatic suspension of their license/certificate if they fail to comply with any part of their Consent Order. The automatic suspension shall continue until they so comply.

The Board unanimously approved the motion made by the Enforcement Committee to adopt the following enforcement policy to be included in the Disciplinary and Enforcement Sanction Guidelines for Consent Orders:

Policy on Minimum Fines:

The total fine in a Consent Order shall not be less than \$500.

The Board unanimously approved the motion made by the Enforcement Committee to adopt the following enforcement policy to be included in the Disciplinary and Enforcement Sanction Guidelines for Consent Orders:

Policy on Using Prior Disciplinary and Enforcement Actions in the Determination of Sanctions in a Current Case:

Unless otherwise noted in the Disciplinary and Enforcement Sanction Guidelines (*e.g.*, Standards of Practice violations), a Complaint Review Committee shall consider prior disciplinary and enforcement actions against the Respondent when determining the severity of the proposed sanctions in the current case.

The Board unanimously approved the motion made by the Enforcement Committee to adopt the following enforcement policy to be included in the Disciplinary and Enforcement Sanction Guidelines for Consent Orders:

The following outside ethics courses may be utilized as a sanction when the Complaint Review Committee feels they are warranted:

Texas Tech University Engineering Ethics Courses – various courses from short (2 to 10 PDHs) (\$100-500) to long (30, 60 or 90 PDHs) (\$600-1,200)

The Board unanimously approved the motion made by the Enforcement Committee to amend the Disciplinary and Enforcement Sanction Guidelines for Consent Orders to provide that the Board’s online Louisiana Standards of Practice for Boundary Surveys Quiz (a) may be included as a sanction for a first violation of Board Rules 2901-2913 and (b) shall be included as a sanction for a second, third, fourth or subsequent violation of Board Rules 2901-2913.

The Board recessed at 10:00 a.m. and resumed at 10:10 a.m.

1 The Board unanimously approved the motion made by the Enforcement Committee to
2 approve the Board staff recommendation to create a standing Complaint Review
3 Committee and to have Board staff assign to that committee disciplinary and
4 enforcement cases as appropriate. The standing Complaint Review Committee will
5 serve for a period of 6 months, effective immediately.
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7 **Liaison and Law Review Committee**

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9 Mr. Knotts presented the report for the Liaison and Law Review Committee.

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11 The Board unanimously approved the motion made by the Liaison and Law Review
12 Committee to amend the Board's rules as per the Committee's proposed housekeeping
13 rule changes as presented but to delay the start of the formal rulemaking process until
14 after the November Board meeting.
15

16 Mr. Vosburg exited the meeting at 11:30 a.m.

17
18 The Board recessed at 12:30 p.m. for lunch and resumed at 1:10 p.m.
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20 Chairman Huval charged the Continuing Professional Development Committee with
21 making a recommendation to the Board regarding the ability of licensees to earn
22 professional development hours for attendance at professional (*i.e.*, LES, LSPS, ACEC)
23 and technical society Board of Director meetings, non-technical programs and vendor
24 receptions.
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26 Mr. Vosburg returned to the meeting at 1:45 p.m.

27 **Land Surveying Committee**

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29 Mr. Patterson presented the report for the Land Surveying Committee.

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31 The Board unanimously approved the motion made by the Land Surveying Committee
32 to authorize the Executive Director to enter into a contract with **TEST, Inc.** to assist in
33 developing, scoring and supporting the Louisiana Laws of Land Surveying
34 Examination for the Board. The term of the contract will be for one year **beginning**
35 **July 1, 2017 and ending June 30, 2018**, in the amount not to exceed **\$8,100.00**.
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38 **Finance Committee**

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40 Mr. Knotts presented the report for the Finance Committee.

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42 The Board unanimously approved the motion by the Finance Committee to amend the
43 budget to increase account 5513/Hardware by the amount of \$30,000.
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45 The Board unanimously approved the motion made by the Finance Committee to
46 renew the certificate of deposit at Neighbors Credit Union when it matures on October
47 18, 2017.
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49 The Board unanimously approved the motion by the Finance Committee to accept the
50 finance report as presented.
51

52 **Old/New Business**

53
54 Chairman Huval appointed an ad hoc committee comprised of Mr. Patterson, Mr.
55 Knotts and Mr. Coyle to develop Guidelines for Board Member Conduct. These
56 Guidelines should address standards of conduct for Board members and instances
57 when Board members should recuse themselves from Board matters.
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59 Chairman Huval appointed Mr. Carroll to represent the Board at the ABET review at
60 Louisiana Tech on October 8-10, 2017.
61

62 The Board unanimously approved the motion made by Mr. Patterson, seconded by Mr.
63 Richard, to approve the travel, meal and lodging expenses for Mr. Carroll to represent
64 the Board at the ABET review at Louisiana Tech on October 8-10, 2017.
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66 Chairman Huval appointed Mr. Knotts, Mr. Carroll, Mr. Pike and Mr. Richard to serve
67 on the standing Complaint Review Committee.
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Closing Business

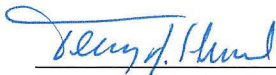
The Board unanimously approved the motion made by Mr. Knotts, seconded by Dr. Hale, to approve all committee recommendations and actions.

The Board unanimously approved the motion made by Mr. Carroll, seconded by Mr. Krouse, 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. Patterson, seconded by Mr. Krouse, to approve all Board expenses.

The Board unanimously approved the motion made by Mr. Knotts, seconded by Mr. Krouse, to adjourn.

The meeting adjourned at 4:00 p.m. on Monday, September 18, 2017.



Terry J. Huval, P.E.
Chairman



Paul N. Hale, Jr., Ph.D., P.E.
Secretary