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Engineering Ethics for Louisiana Professional Engineers

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Chapter 1

Overview of Louisiana Engineering Board Regulations

Louisiana Professional Engineering and Land Surveying Board

The Louisiana Professional Engineering and Land Surveying Board is the primary government body that regulates the practice of engineering within the State of Louisiana. The Board consists of eleven (11) members as follows: nine (9) licensed professional engineers and two (2) licensed professional land surveyors. All appointments to the board shall be for terms of not less than five nor more than six years.

The Board has the authority to implement provisions of Title 37, Chapter 8 of the "Louisiana Revised Statutes" (LRS), also known as the "Engineering Law" and Title 46, Part LXI of the Louisiana Administrative Code (LAC), which constitute the "Rules of the Board".

Louisiana Administrative Code (LAC)

The Louisiana Revised Statutes are supplemented by rules embodied in the Louisiana Administrative Code (LAC). Title 46, Professional and Occupational Standards, Part LXI. Professional Engineers and Land Surveyors constitute the "Rules of the Board".

The LAC is a compilation of the rules and regulations of the Louisiana regulatory agencies. Its counterpart in the federal system is the *Code of Federal Regulations*. It is organized by titles with each title number representing a department, commission, board or other agency. The set has a single comprehensive index volume.

The LAC states the rule followed by statutory authority, implementation and a history of the rule. The set is annotated with decisions of the Federal courts, State appellate courts, State Attorney General opinions, final and recommended orders of the Division of Administrative Hearings and final agency orders. At the end of each rule in the LAC, an authority note is located indicating the LRS citation promulgating this rule. Furthermore, a history note is also located indicating when the rule has been modified, renumbered, or repealed.

Title 46, Part LXI of the LAC pertains exclusively to the Louisiana Professional Engineering and Land Surveying Board and its functions with respect to the practice of engineering. Pertinent sections of Title 46, Part LXI of the Louisiana Administrative Code, which relate to the code of professional conduct and responsibility, are presented in Chapter 2.

Louisiana Revised Statutes (LRS)

The Louisiana Legislature found that it was necessary in the interest of public health and safety to regulate the practice of engineering in the State of Louisiana and thus created the Louisiana Revised Statutes (LRS) 37:681 through 37:703 of Chapter 8. These statutes are a collection of state laws organized by subject area into a code made up of titles and chapters. They are enacted by the Louisiana Legislature and can be amended only by the Legislature.

The LRS establish and delineate the powers of the Professional Engineering and Land Surveying Board and are commonly referred to as "the engineering law" or "the law". Under this law, the Louisiana Board is responsible for reviewing applications, administering examinations, licensing qualified applicants, and regulating the practice of engineering throughout the state.

Similar to Title 46 of the Louisiana Administrative Code, these statutes were created by laws that adopt, amend, or repeal statutory material. Pertinent sections of Title 37, Chapter 8, which relate to the code of professional conduct and responsibility, are presented in Chapter 3 below.

Louisiana Board Disciplinary Process

Under Louisiana Revised Statutes 37:698, the Board has the authority to take disciplinary action against any licensee or certificate holder who is found by the Board to be guilty of any of the acts or offenses under the laws and rules of the engineering profession. That disciplinary action can include reprimand, probation, suspension, revocation of license or certificate, refusal to renew license or certificate, or fine in an amount not to exceed five thousand dollars (\$5,000.00) per violation.

Under Louisiana Revised Statutes 37:700, the Board also has the authority to take enforcement action against any non-licensee or non-certificate holder who is found by the Board to be guilty of any of the acts or offenses under the laws and rules of the engineering profession. That enforcement action can include a fine in an amount not to exceed five thousand dollars (\$5,000.00) per violation.

Any of these actions may be taken following an administrative disciplinary/enforcement hearing. An administrative hearing may result when results of the investigation of a sworn affidavit of complaint substantiates the allegation that a violation of the Board's laws and/or rules may have occurred.

In situations where the Board determines after investigation that the allegations(s) filed are completely unfounded, more appropriately resolved outside the formal disciplinary or enforcement proceedings, or not within the jurisdiction of the Board, the Board will notify the respondent and complainant in writing of its decision.

Several disciplinary cases, presented in Chapter 4 below, were selected at random to further illustrate the disciplinary actions taken by the Board. In selecting these cases, different scenarios of violations are depicted along with their corresponding final decisions issued by the Board.

Chapter 2

LA Administrative Code - Professional Conduct

Title 46, Part LXI: Professional Engineers and Land Surveyors

The following are excerpts from Title 46, Part LXI of the Louisiana Administrative Code as it relates to professional conduct. If you wish to review the entire part, please visit the website of the Louisiana Board at:

https://www.lapels.com/docs/Laws_and_Rules/Board_Rules.pdf

Chapter 25. Professional Conduct

§2501. Scope; Knowledge; Definition of Licensee

A. In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the following rules of professional conduct shall be binding on every licensee. These rules of professional conduct deal primarily with the relationship between licensees and the public and should not be construed as a substitute for codes of ethics of the various professional and technical societies.

B. All licensees are charged with having knowledge of the licensure law and the rules of the board and shall be deemed to be familiar with their provisions and to understand them.

C. For purposes of this Chapter only, the term licensee shall mean any professional engineer, professional land surveyor, engineer intern, land surveyor intern, or firm holding a license or certificate issued by the board.

D. A licensee possessing personal knowledge of a violation of the licensure law or the rules of the board shall report such knowledge to the board in writing and shall cooperate with the board in furnishing such further information or assistance as it may require.

E. Licensees shall timely respond to all inquiries and correspondence from the board and shall timely claim correspondence sent to them from the board via the U.S. Postal Service or other delivery service.

F. Licensees shall be truthful in all communications with the board. Licensees shall not engage in any fraud, deceit or perjury, make any material misstatements, or submit any false or forged evidence, in connection with such communications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:299 (August 1978), amended LR 7:648 (December 1981), LR 16:776 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1720 (August 2004), LR 44:623 (March 2018), LR 47:897 (July 2021).

§2503. Licensees

A. Licensees shall hold paramount the life, health, property and welfare of the public in the performance of their professional duties.

B. Licensees shall at all times recognize that their primary obligation is to protect the life, health, property, and welfare of the public. If their professional judgment is overruled by nontechnical authority, they will clearly point out the consequences, notifying the proper authority of any observed conditions which endanger public life, health, property and welfare.

C. Licensees shall approve and seal only those documents which are safe for public life, health, property, and welfare, which are complete and accurate, which are in conformity with accepted engineering and land surveying standards or practice, and which conform to applicable laws and ordinances.

1. Licensees shall comply fully with Chapter 27 (Use of Seals).

2. Except as permitted by §2701.A.3.b.ii, licensees shall not seal the work of or take the professional responsibility for any documents related to engineering or land surveying not performed by the licensee or under their responsible charge.

3. Licensees shall not accept the responsibility for, nor review, revise, sign, or seal documents when such documents are begun by persons not properly licensed; or do any other act to enable anyone to evade the requirements of the licensure law.

D. Licensees shall submit to a client only that work prepared by the licensee or under their responsible charge; however, licensees, as third parties, may complete, correct, revise, or add to the work of another licensee or other related design professional, if allowed by Louisiana law, when engaged to do so by a client, provided:

1. the client furnishes the documentation of all such work submitted to him/her by the previous licensees or other related design professionals;

2. the previous licensees or other related design professionals are notified in writing by the licensee of the engagement referred to herein within five business days of acceptance of the engagement; and

3. all work completed, corrected, revised, or added to shall contain a notation describing the work done by the licensee now in responsible charge, shall have the seal and signature

of the licensee affixed thereto, shall contain the date of execution, and shall become the responsibility of the licensee.

E. Licensees shall be objective and truthful in all professional reports, statements or testimony. Licensees shall include all relevant and pertinent information in such reports, statements or testimony.

F. When serving as an expert or technical witness before any court, commission, or other tribunal, licensees shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the licensee's testimony.

G. Licensees shall issue no statements, criticisms, or arguments on engineering or land surveying matters connected with public policy which are inspired or paid for by an interested party or parties, unless the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing the identities of any party or parties on whose behalf the licensee is speaking, and by revealing the existence of any pecuniary interest the licensee may have in the instant matter.

H. Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another licensee, nor indiscriminately criticize another licensee's work in public. If the licensee believes that another licensee is guilty of misconduct or illegal practice, such information shall be presented to the board in a manner consistent with the requirement of those rules for reporting personal knowledge of rule or licensure law violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended LR 11:950 (October 1985), LR 16:776 (September 1990), LR 17:273 (March 1991), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1037 (July 2001), LR 30:1721 (August 2004), LR 44:624 (March 2018), LR 48:2365 (September 2022).

§2505. Services

A. Licensees shall perform services only in the area of their competence.

B. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or land surveying involved.

C. Licensees shall not affix their signatures or seals to any documents dealing with subject matters in which they lack competence, nor to any such document not prepared by them or under their responsible charge. Responsible charge requires a licensee to have client contact, provide internal and external financial control, oversee training of subordinates, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review. A licensee shall not contract with a non-licensed individual to provide these professional services. Other types of

research, such as land title searches and material testing, may be contracted to a non-licensed individual, provided the licensee reviews the work. Licensees may affix their seal, signature and date to documents depicting the work of two or more licensees or other related design professionals provided that a note under the seal designates the specific subject matter for which each is responsible.

D. Licensees may accept an assignment outside of their areas of competence to the extent that their services are restricted to those phases of the project in which they are qualified, and to the extent that they are satisfied that all other phases of such project will be performed or supervised by other licensees, in which case they may then seal, sign and date the documents for the whole project.

E. In the event a question arises as to the competence of a licensee in a specific technical field which cannot be otherwise resolved to the board's satisfaction, the board, either upon request of the licensee or on its own volition, may require the licensee to take an appropriate examination or quiz or submit to an appropriate interview.

F. Firms may offer and/or provide a combination of engineering and construction services in connection with a design-build project in Louisiana without obtaining a firm license from the board, provided that:

1. prior to the execution of the contract for the project, the firm obtains an authorization certificate from the board by filing, on a form approved by the board, a written disclosure on which it shall designate a professional engineer (professional of record) licensed in Louisiana to be in responsible charge of all engineering services offered and/or provided by the firm for such project;

2. the professional of record and an officer of the firm sign the written disclosure submitted to the board, identifying the professional of record's role in the project and certifying that the professional of record will be in responsible charge of all engineering services offered and/or provided by the firm for the project;

3. all engineering services offered and/or provided by the firm for the project are performed by or under the responsible charge of the professional of record; and

4. in the event such professional of record's services terminate with respect to the project or his/her role in the project otherwise changes, then within five business days:

- a. both the firm and the professional of record shall notify the board in writing of such termination or change; and

- b. the firm shall file with the board a new written disclosure designating a new professional of record employed by the firm and licensed in Louisiana to be in responsible charge of all engineering services offered and/or provided by the firm for such project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1037 (July 2001), LR 30:1721 (August 2004), LR 32:1620 (September 2006), LR 33:2789 (December 2007), LR 35:2856 (December 2009), LR 44:624 (March 2018).

§2507. Conflicts of Interest

A. Licensees shall further act in professional matters for each employer or client as faithful agents or trustees and shall avoid conflicts of interest.

B. Licensees shall disclose all known or potential conflicts of interest to their employers or clients by promptly informing them of any business association, interest, or other circumstances which could influence their professional judgment or the quality of their professional services.

C. Licensees shall not accept compensation, financial or otherwise, from more than one party for professional services on the same project, or for professional services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

D. Licensees shall not solicit or accept, directly or indirectly, benefits of any substantial nature or significant gratuity, from any supplier of materials or equipment, or from contractors, their agents, servants or employees or from any other party dealing with the client or employer of the licensee in connection with any project on which the licensee is performing or has contracted to perform professional services.

E. When in public service as a member, advisor or employee of a governmental body or agency, or under contract to provide consultation, advice, technical reviews and recommendations to a governmental body or agency, licensees shall not participate in considerations or actions with respect to professional services provided by them or their organization to that governmental body or agency or to any other person.

F. Licensees shall not solicit nor accept professional services from a governmental body or agency of which the licensee or a principal, officer or employee of the licensee's firm serves as a member, employee, consultant, contractor or representative, except upon public disclosure of all pertinent facts and circumstances and consent of all parties.

G. Licensees shall not attempt to supplant another licensee in a particular engagement after becoming aware that the other has been selected for the engagement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1038 (July 2001), LR 30:1722 (August 2004), LR 44:625 (March 2018).

Chapter 3

LA Statutes - Disciplinary Proceedings

Title 37, Chapter 8: Professional Engineering and Professional Surveying

The following are excerpts from Chapter 8 of the Louisiana Revised Statutes as they relate to disciplinary and enforcement proceedings. If you wish to review the entire chapter, please visit the website of the Louisiana Board at:

https://www.lapels.com/docs/Laws_and_Rules/Board_Laws.pdf

37:698. Disciplinary proceedings against licensees and certificate holders; procedure

A. The board shall have the power to take disciplinary action against any licensee or certificate holder found by the board to be guilty of any of the following acts or offenses:

(1) Any fraud, deceit, material misstatement, or perjury or the giving of any false or forged evidence in applying for a license or certificate, or in taking any examination, or in applying for any renewal license or certificate provided for in this Chapter.

(2) Any fraud, deceit, gross negligence, material misrepresentation, gross incompetence, or gross misconduct in the practice of engineering or land surveying.

(3) Conviction of a felony or of any crime of moral turpitude or entry of a plea of guilty or nolo contendere to a felony charge or to a crime of moral turpitude under the laws of the United States or any state, territory, or district of the United States.

(4) Conviction of any crime or entry of a plea of guilty or nolo contendere to any criminal charge an element of which is fraud or which arises out of such person's practice of engineering or land surveying.

(5) Conviction of any civil or criminal violation of, or entry of a plea of guilty or nolo contendere to any criminal charge under the Louisiana Campaign Finance Disclosure Act or any other campaign finance and/or practices laws of the state of Louisiana, the United States, or any state, territory, or district of the United States.

(6) Violation of any provision of this Chapter or any rules or regulations adopted and promulgated by the board.

(7) The refusal of the licensing authority of another state, territory, or district of the United States to issue or renew a license, permit, or certificate to practice engineering or land surveying, or the revocation, suspension, or any other disciplinary action imposed on a license, permit, or certificate issued by such licensing authority, on grounds other than nonpayment of a licensure fee, or a finding by such licensing authority that a person has

engaged in the unlicensed practice of engineering or land surveying, provided that the reason for the action taken by the other licensing authority was recognized by the Louisiana board as a ground for disciplinary action at the time the action was taken.

(8) Providing false testimony before the board.

(9) Using a seal or stamp or engaging in any other act constituting the practice of engineering or land surveying, or violating any order or terms of probation imposed by the board, at a time when his license or certificate is suspended or revoked, or at a time when his license or certificate has been expired for more than ninety days, or at a time when he is in retired or inactive status as a board licensee.

(10) Failure to provide, within thirty calendar days of receipt of notice by certified mail, information or documents requested by the board relating to any alleged violation of this Chapter.

(11) The use of any advertising or solicitation which is false or misleading.

(12) Aiding or assisting another person in violating any provision of this Chapter or any rule or regulation adopted and promulgated by the board.

(13) Knowingly making or signing false statements, certificates, or affidavits in connection with the practice of engineering or land surveying.

(14) Declaration of insanity or incompetence by a court of competent jurisdiction.

(15) Presenting or attempting to use as one's own the license, certificate, seal, or stamp of another person.

(16) Using or attempting to use an expired, inactive, retired, or revoked license or certificate.

(17) Falsely impersonating any other licensee or certificate holder of like or different name.

(18) Practicing or offering to practice engineering or land surveying when not qualified.

(19) Violation of or noncompliance with any order, ruling, or decision of the board.

B. For purposes of this Chapter, the term "disciplinary action" shall include but not be limited to reprimand, probation, suspension, revocation of license or certificate, refusal to renew license or certificate, or fine in an amount not to exceed five thousand dollars per violation.

C. The board shall have the power to take disciplinary action against a firm if one or more of its officers, directors, managers, employees, agents, or representatives violate any provision of this Chapter.

D. Charges may be preferred against any licensee or certificate holder in the following manner:

(1) A complaint review committee of the board, on its own initiative, may prefer charges against any licensee or certificate holder who commits or engages in any of the acts or

offenses listed in Subsection A of this Section. Any decision to prefer charges shall be made by a minimum two-thirds vote of the board members serving on the complaint review committee.

(2) A complaint review committee of the board, on receipt of a complaint from any person, may prefer charges against any licensee or certificate holder who commits or engages in any of the acts or offenses listed in Subsection A of this Section. Such complaint shall be in writing, shall be sworn to by the person or persons making the complaint, and shall be filed with the board. Any decision to prefer charges shall be made by a minimum two-thirds vote of the board members serving on the complaint review committee.

E. Within twenty days of the preferal of charges, the board shall mail a copy of said charges to the last known address of the licensee or certificate holder so charged.

F. In the event a complaint review committee of the board determines after investigation that charges so preferred are completely unfounded, more appropriately resolved outside the formal disciplinary proceedings, or not within the jurisdiction of the board, the committee shall so advise the charged party, in writing, of its determination and the charges shall be withdrawn. Otherwise, all charges shall be heard by the board or a hearing committee designated by the board within twelve months after the date on which they shall have been preferred. This twelvemonth period may be extended with the consent of both the board and the charged party.

G. The date, time, and place for said hearing shall be fixed by the complaint review committee and a copy of the charges, together with a notice of the date, time, and place of the hearing, shall be personally served on or mailed to the last known address of the charged party, at least thirty days before the date fixed for hearing. At any hearing, the charged party shall have the right to appear in person, or by counsel, or both, to cross-examine witnesses in his defense, and to produce evidence, and witnesses in his defense. If the charged party fails or refuses to appear at the hearing, the board or the hearing committee may proceed to hear and determine the validity of the charges.

H. If, after such hearing, a majority of the entire board membership authorized to participate in the proceeding vote in favor of sustaining the charges, the board may take disciplinary action against the charged party. Any charges found by the board after a hearing to be unfounded shall be published in the official journal of the board, if requested in writing by the charged party.

I. A charged party aggrieved by any disciplinary action taken by the board may appeal therefrom, pursuant to the provisions of the Administrative Procedure Act.

J. In addition to any other action, the board may assess all reasonable costs incurred in connection with a disciplinary proceeding, including investigators', stenographers', and attorneys' fees in conjunction with any other disciplinary action taken. The assessment of costs may be considered disciplinary action.

K. All disciplinary actions taken shall be published on the official website and in the official journal of the board and may be released to other professional organizations relating to professional engineering and land surveying or to the news media.

L. The board may make informal disposition by consent order, agreement, settlement, or default of any disciplinary proceeding pending before it. Each such informal disposition shall have no force or effect unless ratified by the board at its next regular meeting.

Consent orders may be considered disciplinary actions.

M. The board shall establish complaint review committees to investigate, mediate, or initiate disciplinary or legal proceedings on behalf of the board with respect to complaints or information received by the board alleging that a licensee or certificate holder committed or engaged in any of the acts or offenses listed in Subsection A of this Section. Complaint review committees shall consist of at least three members of the board. Other employees or representatives of the board may be on the committees to provide administrative assistance, background information, legal advice, or any other assistance the committees deem necessary but shall not be granted voting privileges.

N. The board, for reasons it may deem sufficient, may reissue or reinstate a license or certificate to any person whose license or certificate has been revoked, if a majority of the entire board membership authorized to participate in the proceeding vote in favor of such reissuance or reinstatement.

O. Repealed by Acts 2004, No. 442, §2.

Acts 1980, No. 568, §1. Amended by Acts 1985, No. 580, §1; Acts 1987, No. 694, §1; Acts 1989, No. 149, §1; Acts 1993, No. 53, §1; Acts 1999, No. 329, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5; Acts 2004, No. 442, §1; Acts 2010, No. 252, §1; Acts 2020, 2nd Ex. Sess., No. 2, eff. Jan. 1, 2021.

Chapter 4

Ethical and Disciplinary Case Studies

As explained in Chapters 2 and 3, we, as Professional Engineers, are expected to take reasonable precautions or care in the practice of our engineering profession as we must hold paramount the safety, health and welfare of the public. So, what happens when we fall short of our professional responsibilities for which we were entrusted by the public when we earned our honorable title of "Professional Engineer"?

The following disciplinary cases were extracted from the website of the Louisiana Board Professional Engineering and Land Surveying Board. In selecting these cases, different scenarios of violations are depicted along with their corresponding final decisions issued by the Board.

CASE NO. 2021-85

VIOLATION: *Unlicensed Practice of and/or Offering to Practice Engineering in LA*

ACTION DATE: *July 24, 2023*

Case Review:

An investigation was opened based upon the Board's receipt of information and documents which suggested that the Respondent aided and assisted an unlicensed engineering firm in practicing and/or offering to practice engineering in Louisiana on fifteen (15) projects without proper licensure, and the use of the word "Engineering" in the firm name while doing business in Louisiana and not licensed as an engineering firm in Louisiana.

Board Decision:

La. R.S. 37:698(A)(12), prohibits licensees from aiding and assisting another person in violating the laws and/or rules of the Board. La. R.S. 37:681 and La. R.S. 37:700(A)(1), (7) and (9), to wit LAC Title 46:LXI§2301 (B), collectively prohibit the practice of and/or offer to practice engineering in Louisiana without proper licensure and use of the words "engineer", "engineering", or any modifications or derivatives thereof in one's name or form of business in Louisiana without proper licensure. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(12), upon a finding of guilt following the referral of charges, notice and hearing and a majority vote of its entire membership authorized to participate in the proceeding. La. R.S. 37:681, La. R.S. 37:698(A)(12), La. R.S. 37:698(A)(1), (7) and (9), La. R.S. 37:698(H) and LAC Title 46:LXI§2301(B) were in effect at all times material hereto.

The Respondent agreed to enter into a consent order with the Board whereby the Respondent agreed to:

- Pay a fine of \$500.00
- Pay administrative costs of \$431.16
- Complete the Board's online Louisiana Laws and Rules Quiz with a score of 90% or higher within sixty (60) days
- Complete the Board's online Louisiana Professionalism and Ethics Quiz with a score of 90% or higher within sixty (60) days

CASE NO. 2021-67

VIOLATION: *Fraud, Deceit, and Gross Negligence in the Practice of Engineering*

ACTION DATE: *January 23, 2023*

Case Review:

An investigation was opened based upon the Board's receipt of three Affidavits of Complaint and documents which suggested that the Respondent copied and affixed the seal and forged the signature of a Louisiana licensed P.L.S., forged the signature of a Louisiana licensed P.E., forged the signature of a Planning Director, and edited previously prepared documents by a licensed surveyor with boundary information while not being a licensed Louisiana P.L.S.

Board Decision:

La. R.S. 37:698 (A)(2), prohibits licensees from engaging in any fraud, deceit, gross negligence, material misrepresentation, gross incompetence, or gross misconduct in the practice of engineering or land surveying; La. R.S. 37:698(A)(6), prohibits licensees from violations of any provision of this Chapter (La. R.S. 37:681-704) or any rules or regulations promulgated by the Board, to wit, LAC 46:LXI §2503(A) which provides licensees shall hold paramount the life, health, property and welfare of the public in the performance of their professional duties, and LAC 46:LXI §2503(B), which provides that licensees shall at all times recognize that their primary obligation is to protect the life, health, property, and welfare of the public; La. R.S. 37:698(A)(13), prohibits licensees from knowingly making or signing false statements, certificates, or affidavits in connection with the practice of engineering or land surveying; La. R.S. 37:698(A)(15), which prohibits licensees from presenting or attempting to use as one's own the license, certificate, seal, or stamp of another person; La. R.S. 37:698(A)(17), which prohibits licensees from falsely impersonating any other licensee or certificate holder of like or different name; La. R.S. 37:681 which requires anyone practicing or offering to practice land surveying to be licensed as a land surveyor in the State of Louisiana; La. R.S. 37:700(A)(1), which prohibits a person not licensed as a land surveyor from and falsely impersonating any licensee or certificate holder of like or different name; La. R.S. 37:700(A)(2) which prohibits a person not licensed as a land surveyor from presenting or attempting to use as one's own the license, certificate, seal, or stamp of another person; and La. R.S. 37:700(A)(4) which prohibits a person not licensed as a land surveyor from falsely impersonating any license or certificate holder of like or different name; La. R.S. 37:698(H) permits the Board to take disciplinary action against licensees who violate La. R.S. 37:698(A)(2), (6), (13), (15) or (17); and LAC 46:LXI §2503(A) or (B), upon a finding of guilt following the preferral of charges, notice of hearing and a majority vote of its entire membership authorized to participate in the proceeding. La. R.S. 37:700(H) permits the Board to take enforcement action against persons who violate La. R.S. 37:681 and La. R.S. 37:700(A)(1), (2), or (4),

upon a finding of guilt following the preferral of charges, notice of hearing and a majority vote of its entire membership authorized to participate in the proceeding.

The Respondent agreed to enter into a consent order with the Board whereby the Respondent agreed to:

- Pay a fine of \$12,000.00
- Pay administrative costs of \$1,037.31
- Complete the Board's online Louisiana Laws and Rules Quiz with a score of 95% or higher within ninety (90) days
- Complete the Board's online Louisiana Professionalism and Ethics Quiz with a score of 95% or higher within ninety (90) days

CASE NO. 2022-17

VIOLATION: *Falsification of Information on License Renewal Application*

ACTION DATE: *October 10, 2022*

Case Review:

An investigation was opened based upon the Board's receipt of information and documents which suggested that the Respondent designed buildings and/or building systems in connection with at least eleven (11) projects in Louisiana. The Respondent submitted to the Board his 2021 Louisiana professional engineer license renewal online, confirming thereon that (a) he had not designed buildings or building systems in Louisiana since his previous license renewal; (b) all information provided in his online renewal was true and correct to the best of his knowledge, information and belief; and (c) an omission or untrue response may constitute fraud, deceit, material misstatement, perjury or the giving of false or forged evidence under the Board's licensure law.

Board Decision:

La. R.S. 37:698(A)(1) prohibits licensees from committing any fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a renewal license with the Board. La. R.S. 37:698(H) permits the Board to take disciplinary action against persons who violate La. R.S. 37:698(A)(1), upon a finding of guilt following the preferral of charges, notice and hearing and a majority vote of its entire membership authorized to participate in the proceeding. La. R.S. 37:698(A)(1) and La. R.S. 698(H) were in effect at all times material hereto.

The Respondent agreed to enter into a consent order with the Board whereby the Respondent agreed to:

- Pay a fine of \$1,000.00
- Pay administrative costs of \$718.55
- Complete the Board's online Louisiana Laws and Rules Quiz with a score of 90% or higher within sixty (60) days
- Complete the Board's online Louisiana Professionalism and Ethics Quiz with a score of 90% or higher within sixty (60) days

Appendix A

References

Louisiana Professional Engineering and Land Surveying Board
<https://www.lapels.com/>

How to File an Affidavit of Complaint
<https://www.lapels.com/Enforcement/Affidavit.pdf>

Louisiana Revised Statutes (LRS) 37:681 through 37:703, Professional Engineering and Professional Surveying
https://www.lapels.com/docs/Laws_and_Rules/Board_Laws.pdf

Louisiana Administrative Code, Title 46, Part LXI, Professional Engineers and Land Surveyors
https://www.lapels.com/docs/Laws_and_Rules/Board_Rules.pdf

Louisiana Board Disciplinary Actions
https://www.lapels.com/Disciplinary_Actions.html