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Louisiana Ethics for Professional Land Surveyors

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Chapter 1

Overview of the Louisiana Land Surveying Ethics

Land Surveying Ethics

Land surveying ethics is (1) the study of moral issues and decisions confronting individuals and organizations involved in land surveying and (2) the study of related questions about moral conduct, character, ideals and relationships of peoples and organizations involved in professional land surveying practice (Martin and Schinzinger, *Ethics in Engineering*).

Louisiana Professional Engineering and Land Surveying Board

The Louisiana Professional Engineering and Land Surveying Board (Board) was created by La. R.S. 37:683 to administer the provisions of the state's engineering and land surveying licensure law. The Board consists of eleven members appointed by the Governor: nine professional engineers and two professional land surveyors. At least two members must be professional land surveyors actively engaged in land surveying. The Governor selects the land surveyor members from nominees recommended by the Louisiana Society of Professional Surveyors, and each appointment is submitted to the Senate for confirmation. Appointments run for terms of not less than five nor more than six years, scheduled so that no more than two terms end in any year, and each term expires on March 31. The Board is required to be financially self-sufficient, and its office is in Baton Rouge. The Board reviews applications, licenses qualified applicants, and regulates the professional practice of licensees throughout the state. Its standing committees include a land surveying committee, a laws and rules committee, and complaint review committees.

Louisiana Statutory Authority

The Louisiana Revised Statutes are the state's compilation of its laws, organized by title and chapter. Title 37, Chapter 8 (La. R.S. 37:681 through 37:703), commonly called the licensure law, regulates the practice of engineering and land surveying in the State of Louisiana to protect the public. Under La. R.S. 37:688, the Board has the power to adopt, amend, and promulgate the rules and regulations reasonably necessary to protect the public and to administer the chapter. Those rules bind all applicants, interns, professional engineers and professional land surveyors, and every firm required to hold a license. La. R.S. 37:698 sets out the grounds for disciplinary action and the procedure for charges, and La. R.S. 37:700 addresses violations by unlicensed persons.

Louisiana Administrative Code

The Louisiana Administrative Code (LAC) is a compilation of the rules and regulations of Louisiana's state agencies. The Board's rules appear in Title 46, Professional and Occupational Standards, Part LXI, Professional Engineers and Land Surveyors. The rules of professional conduct are in Chapter 25, Professional Conduct, with related ethics provisions in Chapter 27 (Use of Seals), Chapter 23 (Firms), and the ethics definitions in §105 of Chapter 1 (General Provisions). Section 2501 states that the conduct rules bind every licensee and requires licensees to report to the Board, in writing, any violation they know of. Chapter 25 also addresses licensees' professional obligations, conflicts of interest, improper solicitation, and advertising. The Louisiana Rules of Professional Conduct are presented in Chapter 2.

Louisiana Board Disciplinary Authority

The Board is charged with licensing the professional land surveyors it determines to be qualified. Under La. R.S. 37:698, it may take disciplinary action against a licensee for fraud, deceit, gross negligence, gross incompetence, or gross misconduct in the practice of land surveying, and for violating the licensure law or the Board's rules. Disciplinary action includes reprimand, probation, suspension, revocation or refusal to renew a license, and a fine of up to \$5,000 per violation. The Board may also assess the costs of the proceeding, and it may take action against a firm when one of its officers, employees, or agents violates the chapter.

Charges are preferred by a complaint review committee of at least three board members, either on its own initiative or on a written, sworn complaint filed with the Board by any person. The Board may resolve a proceeding informally by consent order, subject to ratification at its next regular meeting. Disciplinary actions are published on the Board's website and in its official journal, and a charged party aggrieved by a decision may appeal under the Administrative Procedure Act.

The Board is not authorized to settle boundary line disputes, establish costs for services, correct miscalculations or errors in a survey of real property, or settle contractual disputes. These are civil matters, usually settled between the parties either in or out of the courts. If wrongdoing by a licensee is proven in court, the Board would like to have certified copies of any orders issued to prevent the wrongdoing from happening again and to take other action as considered appropriate. Likewise, the Board has no powers of restitution, as these are reserved for the courts.

Selected disciplinary case studies illustrating violations of Louisiana's ethics standards and disciplinary laws and rules for land surveyors are presented in Chapter 3 below.

Chapter 2

Louisiana Rules of Professional Conduct and Ethics for Land Surveyors

Louisiana Administrative Code, Title 46, Part LXI: Professional Engineers and Land Surveyors, Chapters 1, 23, 25 and 27

The following are excerpts from Chapter 1 (General Provisions), Chapter 23 (Firms), Chapter 25 (Professional Conduct) and Chapter 27 (Use of Seals) of Part LXI of Title 46 of the Louisiana Administrative Code, which the Louisiana Professional Engineering and Land Surveying Board administers. If you wish to review the complete Louisiana Administrative Code, please visit the websites at:

<https://www.doa.louisiana.gov/media/ksrag55i/46v61.doc>
<https://doa.la.gov/media/ksrag55i/46v61.docx>

§Ch. 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.

§Ch. 25, Professional Conduct; §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.

I. A licensee who was licensed under R.S. 37:51 et seq. and either §903.F or §909.F shall not be identified as a professional engineer, professional land surveyor, P.E., P.L.S., or any modification or derivative thereof, as applicable, unless the phrase "Licensed by Endorsement, R.S. 37:51 et seq." immediately follows such identification.

§Ch. 25, Professional Conduct; §2505, Services

A. Licensees shall provide 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 overall 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.

§Ch. 25, Professional Conduct; §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.

§Ch. 25, Professional Conduct; §2509, Improper Solicitation

A. Licensees shall avoid improper solicitation of professional employment or services.

B. Licensees shall not falsify or permit misrepresentation or exaggeration of:

1. the licensees' or any associate's academic or professional qualifications;
2. the licensee's degree of responsibility in or for the subject matter of prior work; or
3. pertinent facts concerning employers, employees, associates or joint ventures, of the licensees or his/her firm's past accomplishments.

C. Licensees shall not pay nor offer to pay, directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, except under the following circumstances:

1. securing salaried positions through employment agencies; or
2. as a bona fide employee, or a bona fide established commercial marketing agency retained by them.

§Ch. 25, Professional Conduct; §2511, Conduct of Advertising

A. Licensees shall not make exaggerated, misleading, deceptive or false statements or claims about professional qualifications, experience or performance in brochures, correspondence, listings, websites, or other public communications.

B. The prohibitions listed in Subsection A include, but are not limited to:

1. the use of statements containing a material misrepresentation of fact;
2. omitting a material fact necessary to keep the statement from being misleading;
3. the use of statements intended or likely to create an unjustified expectation; and
4. the use of statements containing a prediction of future success.

C. Consistent with the foregoing, licensees may advertise for recruitment of personnel.

D. Consistent with the foregoing, licensees may prepare articles for the lay or technical press. Such articles shall not imply credit to the author for work performed by others.

§Ch. 27, Use of Seals; §2701, Seal and Signature

A. The following rules for the use of seals to identify work performed by a professional engineer or professional land surveyor shall be binding on every licensee.

1. Seal Possession

a. Each professional engineer or professional land surveyor, upon licensure, shall obtain an official seal.

i. Firms are not authorized to possess seals.

ii. In the case of a temporary permit issued to a licensee of another state, territory, or possession of the United States, or the District of Columbia, the licensee shall affix the seal of his/her jurisdiction of licensure, his/her signature, the date of execution, and his/her Louisiana temporary permit number to all of his/her work.

b. Firms are not authorized to possess or use seals.

c. In the case of a temporary permit issued to a licensee of another state, territory, or possession of the United States, or the District of Columbia, the licensee shall affix the seal of his/her jurisdiction of licensure, his/her signature, the date of execution, and his/her Louisiana temporary permit number to all of his/her work.

2. Seal Design and Signature Requirements

a. The design of the seal shall have the following minimum information:

i. "State of Louisiana";

ii. licensee's name;

iii. license number;

iv. "Professional Engineer" or "Professional Engineer in _____ Engineering," or "Professional Land Surveyor";

v. "Licensed by Endorsement, R.S. 37:51 et seq." (if licensee was licensed under R.S. 37:51 et seq. and either §903.F or §909.F)

Seals issued prior to promulgation of these rules may use the word "registered" in lieu of "licensed". If a seal is replaced, the new seal shall use the word "licensed" in lieu of "registered".

b. Indicated below is a sample of the seal design authorized by the board.

c. Seals of two sizes are acceptable:

i. 1-5/8 inch seal commonly used in pocket seals; and

ii. 2-inch seal commonly used in desk seals.

- d. Rubber seals of the same design and size are acceptable for use.
- e. Computer-generated seals of the same design and size may be used.
- f. A seal must always be accompanied by the licensee's signature and date. The signature and date must be placed adjacent to or across the seal.



3. Seal Responsibility

a. The application of the licensee's seal, signature, and date shall constitute certification that the work thereon was done by the licensee or under his/her responsible charge. The licensee shall be personally and professionally responsible and accountable for the care, custody, control and use of his/her seal, professional signature and identification. A seal which has been lost, misplaced or stolen shall, upon discovery of its loss, be reported immediately to the board by the licensee. The board may invalidate the license number of said licensee, if it deems this necessary, and issue another license number to the licensee.

b. Responsible Charge

i. Documents will be deemed to have been prepared under the responsible charge of a licensee only when:

(a). the client or any public or governmental agency requesting preparation of such documents makes the request directly to the licensee or the licensee's employee as long as the employee works in the licensee's place(s) of business;

(b). the licensee supervises the initial preparation of the documents and has continued input into their preparation prior to their completion;

(c). the licensee reviews the final documents; and

(d). the licensee has the authority to and does make any necessary and appropriate changes to the final documents:

(i). if the documents are prepared outside the licensee's office, the licensee shall maintain all evidence of the licensee's responsible charge including correspondence, time records, check prints, telephone logs, site visit logs, research done for project, calculations, changes, and all written agreements with any persons preparing the documents outside of the licensee's office;

(ii). a licensee failing to maintain documentation of the items set forth above, when such are applicable, shall be considered to be in violation of R.S. 37:698(A)(6), and the licensee shall be subject to disciplinary action as set forth in the licensure law.

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 engineers 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."

(c). certification of standard plans, including special details, which were initially prepared by the Department of Transportation and Development and signed and dated by such agency's chief engineer, but which are not for use on such agency's projects. Such plans may then be reviewed by another professional engineer for code conformance, design adequacy, and site adaption for the specific application. The other professional engineer assumes responsibility for such plans. The plans, which already bear the signature of the agency's chief engineer, shall be sealed, signed and dated by the other professional engineer who is assuming responsibility. In addition to the other professional 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 professional engineer I have determined that these plans comply with all applicable codes and have been properly adapted to use on this project."

(d). certification of single family residential design plans for conformance with applicable state and local building codes. Such plans shall be sealed, signed and dated by the professional engineer who is making such certification. In addition to the professional engineers seal, signature and date, a statement shall be included on the plans as follows.

"These single family residential design plans have been properly examined by me, the undersigned professional engineer. I have determined that these plans comply with the following applicable codes for the jurisdiction in which the residence is to be located (*check all that apply*): ☐ structural; ☐ mechanical; ☐ electrical; ☐ plumbing."

iii. No licensee shall affix his/her seal, signature or date to documents having titles or identities excluding the licensee's name unless:

(a). such documents were indeed developed by the licensee or under the licensee's responsible charge;

(b). the licensee shall exercise full authority to determine his/her development; and

(c). except as set forth in §2701. A.3.b.i (a)

4. Seal Use

a. Completed Work

i. Professional engineers shall affix their seal, sign their name, and place the date of execution on all engineering documents that have been issued by them to a client or any public or governmental agency as completed work.

(a). In the case of an individual who has been granted a temporary permit to practice engineering in Louisiana, the individual shall affix the seal from his/her jurisdiction of licensure, his/her signature, the date of execution, and his/her Louisiana temporary permit number to the completed work.

ii. Professional land surveyors shall affix their seal, sign their name, and place the effective date on all land surveying documents that have been issued by them to a client or any public or governmental agency as completed work. For purposes of this §2701. A.4.a ii, *effective date* is defined as the date the professional land surveyor certifies that the land surveying document represents his/her work.

iii. Drawings and Plats

(a). In the case of multiple sealings, the first sheet or title page of each document shall be sealed, signed and dated by the licensee(s) in responsible charge of the whole project. In addition, each other sheet shall be sealed, signed and dated by the licensee(s) in responsible charge of the work on that sheet.

iv. Specifications, Reports, Design Calculations and Information

(a). In the case of specifications, reports, design calculations and information of multiple pages, the first sheet or title page of each document shall be sealed, signed and dated by the licensee(s) in responsible charge of the whole project.

v. Compiled As-Built Record Drawings

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

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

(b). The preparation of compiled land surveying as-built record drawings is considered to be the practice of land surveying, and such drawings are required to be sealed, signed and dated by a professional land surveyor. Compiled land surveying as-built record drawings must also contain notes identifying the sources of the data and a disclaimer stating whether or not the professional land surveyor has verified the data.

b. Preliminary Work

i. All preliminary documents shall be marked in large bold letters with one or more of the following statements:

(a). "Preliminary-Not For Construction";

(b). "Preliminary-For Permit Purposes Only";

(c). "Preliminary-For Review Only"; or

(d). "Preliminary-Not For Recordation, Conveyances or Sales".

ii. Preliminary documents are not required to have the licensee's seal, signature and date affixed, but must bear the name and license number of the licensee, and the name of the licensee's firm, if applicable.

c. Exempt Work

i. No seal or signature shall be required in any of the following situations:

(a). on any sewage facility project in which the estimated number of gallons of sewage affected does not exceed 3,000 per day, as calculated by the governmental body or agency reviewing the project;

(b). on any water facility project in which the estimated number of gallons of water affected does not exceed 3,000 per day, as calculated by the governmental body or agency reviewing the project; provided that such project does not cause a change in treatment, chemical addition, or any other process affecting either the quality or quantity of water being produced;

(c). on any project for the construction of individual or private water wells;

(d). on any project involving both water and sewage facilities in which the estimated number of gallons of water affected does not exceed 3,000 per day and the estimated number of gallons of sewage affected does not exceed 3,000 per day, as calculated by the governmental body or agency reviewing the project; or

(e). on any project involving the in-kind replacement of water or sewage facilities in which the estimated number of gallons of water affected does not exceed 3,000 per day and the estimated number of gallons of sewage affected does not exceed 3,000 per day, as calculated by the governmental body or agency reviewing the project.

ii. No seal shall be required on standard plans, including special details, which are prepared by the Department of Transportation and Development and signed and dated by such agency's chief engineer for use on such agency's projects.

5. Electronic Transmission

a. Documents which require a seal may be transmitted electronically provided the seal, signature and date of the licensee are transmitted in a secure mode that precludes the seal, signature and date being reproduced or modified.

b. Originally-sealed documents which no longer require a seal may be transmitted electronically but shall have the seal removed before transmitting and shall have the following inserted in lieu of the seal, signature and date.

"This document was originally issued and sealed by (name of licensee and license number) on (date of sealing). This document should not be considered a completed work."

§Ch. 23, Firms; §2305, Supervising Professional

A.

1. Each firm licensed with the board shall designate one or more supervising professionals. Each supervising professional shall be a licensed professional in an active status:

a. whose primary employment is with the firm, provided the supervising professional works for the firm for a 12-month average of at least 30 hours per week or 130 hours per month; or

b. whose employment is with the firm, provided the supervising professional has at least a 25 percent ownership interest in the firm.

2. The supervising professionals of an engineering firm shall be professional engineers. The supervising professionals of a land surveying firm shall be professional land surveyors.

3. The responsibilities of a supervising professional include:

a. renewal of the firm's license and notification to the board of any change in the firm's supervising professionals;

b. institution of and adherence to policies of the firm that are in accordance with the licensure law and the rules of the board; and

c. ensuring that all professional services provided by the firm are performed by or under the responsible charge of licensed professionals.

B. The supervising professional of a firm which participates in a joint venture shall be responsible for assuring that all professional services performed by the joint venture are rendered in conformity with the provisions of these rules.

C. Nothing herein shall prohibit a supervising professional from also being in responsible charge of professional services provided by the firm.

D. If there is a change in a firm's supervising professionals, the new supervising professional(s) must successfully complete the board's Louisiana laws and rules quiz and Louisiana ethics and professionalism quiz. Additionally, if there is a change in a land surveying firm's supervising professionals, the new supervising professional(s) must also successfully complete the board's Louisiana standards of practice for boundary surveys quiz.

E. A failure to comply with any of the provisions of this Chapter may subject both the licensed firm and the supervising professional to disciplinary action by the board.

F. Compliance with this Section will not be met by a contractual relationship between the firm and a licensed professional or a firm of licensed professionals in which such licensed professional or firm of licensed professionals is available on a consultative basis. Nor will it be considered compliance if a licensed professional is related to the firm solely in a nominal or inactive capacity.

§Ch. 23, Firms; §2307, Professional Identification

A. Letterhead, business cards, advertisements, promotional materials, websites and other identifying items issued or used by firms in Louisiana shall reflect the exact firm name contained on the firm's certificate of licensure issued by the board.

§Ch. 23, Firms; §2309, Enforcement

A. In the event that a firm shall fail to comply with these rules, the board may take whatever action is necessary against such firm to require compliance or to enjoin further practice or offers to practice engineering or land surveying.

B. Firms are subject to all disciplinary and enforcement provisions provided for in the licensure law.

Chapter 3

Review of Disciplinary Cases

The following cases were extracted from the public disciplinary summaries published by the Louisiana Professional Engineering and Land Surveying Board, which report the final actions taken by the Board against licensed land surveyors.

CASE 1: Alvin A. Fairburn, Jr., P.L.S. | Case No.: 2015-62

Fraud in a License Renewal Application

Case Review: The Board’s investigator reported that Fairburn, a professional land surveyor, committed fraud, deceit, material misstatement or perjury, or gave false or forged evidence, in applying for a renewal license. He signed and returned the consent order offered by the Complaint Review Committee, and the Board approved it unanimously on April 9, 2018.

Violations: Fraud, deceit, material misstatement, or false evidence in a renewal application, which is a violation of the Board’s rules of professional conduct.

Board Decision: A \$500 fine and \$672.32 in costs. He also had to pass the Louisiana Laws and Rules Quiz and the Louisiana Professionalism and Ethics Quiz. His name was published on the Board’s website and in its journal, and reported to NCEES.

Why this matters: A renewal application is a sworn representation to the Board, so a false statement in it is dishonesty, not a paperwork error. The sanction here included the ethics quiz and public reporting to NCEES, the national body that tracks licensure discipline.

CASE 2: Fulton V. Clinkscales, Jr., P.L.S. | Case No.: 2013-103

Aiding an Unlicensed Firm and Issuing a Preliminary Survey Without the Required Disclaimer

Case Review: The Board’s Director of Enforcement reported two violations by Clinkscales. First, he aided or assisted his unlicensed firm in practicing or offering engineering and land surveying in Louisiana, and in calling itself “engineers” and “land surveyors,” without proper licensure. Second, he prepared and gave a client a preliminary land surveying document for Louisiana property that lacked the required preliminary work disclaimer. The Board approved the signed consent order unanimously on June 1, 2015. The firm, Freeland-Clinkscales & Associates, Inc. of N.C., entered its own consent order in the same meeting.

Violations: Aiding another person in violating the Board’s laws and rules, and issuing a preliminary survey document without the required disclaimer.

Board Decision: A \$1,250 fine, \$583.20 in costs, and a cease and desist order. He also had to pass the Laws and Rules Quiz and the Professionalism and Ethics Quiz, and his name was published and reported to NCEES. His firm separately paid a \$2,500 fine.

Why this matters: A good-faith misreading of an order did not prevent a violation finding. The Section did adjust the payment schedule for financial hardship, but it kept the supervision in place. A licensed surveyor answers for the firm he works through. He cannot let an unlicensed entity offer surveying under his license. The missing disclaimer is a separate failure, because it is the statement that tells a client the document is not a final survey.

CASE 3: John O. Hebert, III, P.L.S. | Case No.: 2017-9 (firm: Case No. 2017-67)

A Licensed Surveyor Aiding a Violation, With an Unlicensed Firm on the Same Matter

Case Review: The Board's investigator reported that Hebert aided or assisted another person in violating the Board's laws and rules. In the same meeting, the Board approved a consent order against Hebert Professional Services, Inc., an unlicensed firm that practiced or offered to practice land surveying without proper licensure. The minutes do not state how the two matters are connected, so I have not asserted that they are the same facts. Both orders were approved unanimously on June 8, 2020.

Violations: Aiding or assisting another person in violating the laws and rules of the Board (Hebert); practicing or offering land surveying without proper licensure (the firm).

Board Decision: Hebert received a \$500 fine, \$474.30 in costs, both quizzes, publication, and a report to NCEES. The firm received a \$1,500 fine, the same costs, publication, and a report to NCEES.

Why this matters: The Board treated the individual's violation as an ethics matter, which is why he was sent through the Professionalism and Ethics Quiz, and treated the firm's as a licensing matter, with a larger fine. The two fines show how differently the Board weighed the two kinds of violation.

CASE 4: Michael E. James, P.L.S. | Case No.: 2018-15

Aiding Another Person in Violating the Board's Rules

Case Review: The Board's investigator reported that James, a professional land surveyor, aided or assisted another person in violating the laws or rules of the Board. The minutes give no further facts. He signed the consent order and the Board approved it unanimously on June 8, 2020. In the same meeting it approved a consent order against Bickford Surveys, LLC, an unlicensed firm that practiced and used the words "land surveyor" and "land surveying" in its name or activity, though the minutes don't say James was connected to it.

Violations: Aiding or assisting another person in violating the laws and rules of the Board.

Board Decision: A \$500 fine, \$522.95 in costs, both the Laws and Rules Quiz and the Professionalism and Ethics Quiz, publication on the Board's website and in its journal, and a report to NCEES.

Why this matters: This is the Board's standard outcome for a licensee who lends his license to someone else's violation. The fine is modest, but the quizzes, publication, and the NCEES report make the discipline visible to other licensing boards.

CASE 5: Phillip J. Landry, Jr. | Case No.: 2016-55

A Land Surveyor Intern Offering Surveying and Using Protected Titles

Case Review: The Board's investigator reported that Landry, a land surveyor intern, offered to practice land surveying and used the words "land surveyor," "land surveying," or a derivative in his name or business without proper licensure. He signed the consent order and the Board approved it unanimously on April 9, 2018.

Violations: Offering to practice land surveying without a license, and using the protected titles without a license.

Board Decision: A \$2,000 fine, \$515.95 in costs, a cease and desist order, publication on the Board's website and in its journal, and a report to NCEES.

Why this matters: Holding intern status is not a license to practice, and using the title "land surveyor" holds you out to the public as licensed. At \$2,000 this is a higher fine than the \$500 imposed on the licensed surveyors who aided others, which suggests the Board treats offering services without a license as the more serious violation.

Appendix A

References

Louisiana Division of Administration. (n.d.). Louisiana administrative code: Title 46, Part LXI, Professional engineers and land surveyors.
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