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MINUTES OF THE REGULAR MEETING OF THE
LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 BROOKLINE AVENUE, SUITE 121
BATON ROUGE, LOUISIANA 70809-1433
February 1, 2022

At 9:03 a.m. on February 1, 2022, Jeffrey A. Pike, P.E. called the meeting to order at the Board's office in Baton Rouge, Louisiana, with the following members present:

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

Wilfred J. Fontenot, P.L.S.
Linda H. Bergeron, P.E.
Byron D. Racca, P.E.
Connie P. Betts, P.E.
Reginald L. Jeter, P.E.
James H. Chustz, Jr., P.L.S.
Janice P. Williams, P.E. (*via Zoom
video teleconferencing*)

Also present:

Donna D. Sentell, Executive Director
Cheron Seaman, Deputy Executive Director
Bill Tripoli, IT Director
D. Scott Landry, Board Attorney
Joe Harman, P.E., Technical Advisor
David Patterson, P.L.S., Technical Advisor
LaTasha Andrews, Board Investigator (*via Zoom
video teleconferencing*)
William Hyatt, Board Investigator (*via Zoom
video teleconferencing*)
Andrew Zoutewelle, P.L.S.
Craig Campbell, P.E.
Foy Gadberry, P.E., P.L.S.

The invocation was led by Mr. Jeter and the pledge was led by Mr. Richard.

Public comment time was recognized by Chairman Pike. Mr. Zoutewelle, Mr. Campbell and Mr. Gadberry were recognized.

The Board unanimously approved the motion made by Mr. Benoit, seconded by Mr. Jeter, to accept the February 1, 2022 proposed Call and Agenda for the meeting.

The Board unanimously approved the motion made by Mr. Fontenot, seconded by Mr. Racca, to approve the minutes from the October 11, 2021 Board meeting.

Mr. Zoutewelle, Vice President for the NCEES Southern Zone, made an NCEES overview presentation and answered questions from Board members.

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Committee Reports

Incidental Practice Task Force

Mr. Richard briefed the Board on the recent meetings of the Incidental Practice Task Force.

The Board recessed at 10:23 a.m. and resumed at 10:35 a.m.

Compliance and Enforcement

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Case # 2021-52 – Mr. Hyatt reported on a professional engineer who committed fraud, deceit, material misstatement or perjury, or the giving of any false or forged evidence, in applying for a renewal license with the Board. The respondent has signed

1 and returned the proposed consent order offered by the Complaint Review
2 Committee. The proposed consent order contained the following sanctions:

- 3 1. Fine of \$1,000
- 4 2. Costs of \$424.40
- 5 3. Louisiana Laws & Rules Quiz
- 6 4. Louisiana Professionalism & Ethics Quiz
- 7 5. Publication on the Board's website and in the Journal with name.
- 8 6. Report to NCEES with name

9 After discussion, the Board unanimously approved the motion made by the Complaint
10 Review Committee, consisting of Ms. Betts, Mr. Jeter, and Ms. Bergeron, to approve the
11 signed consent order. The name of the respondent is **Timothy J. Tieaskie, P.E.**

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13 **Case # 2021-51** – Mr. Hyatt reported on a professional engineering firm which
14 practiced and/or offered to practice engineering with an expired license. The
15 respondent has signed and returned the proposed consent order offered by the
16 Complaint Review Committee. The proposed consent order contained the following
17 sanctions:

- 18 7. Fine of \$500
- 19 8. Costs of \$668.60
- 20 9. Past unpaid renewal fees of \$120
- 21 10. Louisiana Laws & Rules Quiz by each supervising professional
- 22 11. Louisiana Professionalism & Ethics Quiz by each supervising professional
- 23 12. Publication on the Board's website and in the Journal with name
- 24 13. Report to NCEES with name

25 After discussion, the Board unanimously approved the motion made by the Complaint
26 Review Committee, consisting of Ms. Betts, Mr. Jeter and Ms. Bergeron, to approve the
27 signed consent order. The name of the respondent is **Badeaux Engineers**
28 **Incorporated.**

29
30 **Case # 2021-89** – Mr. Hyatt reported on a professional engineer who aided or
31 assisted another person in violating the laws and/or rules of the Board. The
32 respondent has signed and returned the proposed consent order offered by the
33 Complaint Review Committee. The proposed consent order contained the following
34 sanctions:

- 35 1. Fine of \$500
- 36 2. Costs of \$668.60
- 37 3. Louisiana Laws & Rules Quiz
- 38 4. Louisiana Professionalism & Ethics Quiz
- 39 5. Publication on the Board's website and in the Journal with name
- 40 6. Report to NCEES with name

41 After discussion, the Board unanimously approved the motion made by the Complaint
42 Review Committee, consisting of Ms. Betts, Mr. Jeter and Ms. Bergeron, to approve the
43 signed consent order. The name of the respondent is **Michael H. Badeaux, P.E.**

44
45 **Case # 2020-80** – Mr. Hyatt reported on an unlicensed firm (that subsequently
46 became licensed as a professional engineering firm) which practiced and/or offered
47 to practice engineering and used the words "engineer", "engineering" or any
48 modifications or derivatives thereof in a person's name or form of business or
49 activity without proper licensure. The respondent has signed and returned the
50 proposed consent order offered by the Complaint Review Committee. The
51 proposed consent order contained the following sanctions:

- 52 1. Fine of \$3,000
- 53 2. Costs of \$999.77
- 54 3. Publication on the Board's website and in the Journal with name
- 55 4. Report to NCEES with name

56 After discussion, the Board unanimously approved the motion made by the
57 Complaint Review Committee, consisting of Mr. Benoit, Ms. Betts and Mr. Jeter, to
58 approve the signed consent order. The name of the respondent is **Partner**
59 **Assessment Corporation.**

60
61 **Case # 2020-81** – Mr. Hyatt reported on an unlicensed individual (who
62 subsequently became licensed as a professional engineer) who practiced and/or
63 offered to practice engineering and used the words "engineer", "engineering" or any
64 modifications or derivatives thereof in a person's name or form of business or
65 activity without proper licensure. The respondent has signed and returned the

1 proposed consent order offered by the Complaint Review Committee. The
2 proposed consent order contained the following sanctions:

- 3 14. Fine of \$1,500
- 4 15. Costs of \$999.77
- 5 16. Publication on the Board's website and in the Journal with name
- 6 17. Report to NCEES with name

7 After discussion, the Board unanimously approved the motion made by the
8 Complaint Review Committee, consisting of Mr. Benoit, Ms. Betts and Mr. Jeter, to
9 approve the signed consent order. The name of the respondent is **Jonnae L. Hice,**
10 **P.E.**

11
12 **Case # 2020-82** – Mr. Hyatt reported on an unlicensed individual who practiced
13 and/or offered to practice engineering and used the words “engineer”,
14 “engineering” or any modifications or derivatives thereof in a person’s name or
15 form of business or activity without proper licensure. The respondent has signed
16 and returned the proposed consent order offered by the Complaint Review
17 Committee. The proposed consent order contained the following sanctions:

- 18 1. Fine of \$1,500
- 19 2. Costs of \$999.77
- 20 3. Publication on the Board's website and in the Journal with name
- 21 4. Report to NCEES with name

22 After discussion, the Board unanimously approved the motion made by the
23 Complaint Review Committee, consisting of Mr. Benoit, Ms. Betts and Mr. Jeter, to
24 approve the signed consent order. The name of the respondent is **Tyler A.**
25 **Palmatary.**

26
27 **Case # 2021-02** – Mr. Hyatt reported on a professional engineer who committed
28 fraud, deceit, material misstatement or perjury, or the giving of any false or forged
29 evidence, in applying for a renewal license with the Board. The respondent has
30 signed and returned the proposed consent order offered by the Complaint Review
31 Committee. The proposed consent order contained the following sanctions:

- 32 1. Fine of \$1,000
- 33 2. Costs of \$881.93
- 34 3. Louisiana Laws & Rules Quiz
- 35 4. Louisiana Professionalism & Ethics Quiz
- 36 5. Publication on the Board's website and in the Journal with name
- 37 6. Report to NCEES with name

38 After discussion, the Board unanimously approved the motion made by the
39 Complaint Review Committee, consisting of Mr. Benoit, Ms. Betts and Mr. Jeter, to
40 approve the signed consent order. The name of the respondent is **John A. Fowler,**
41 **P.E.**

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43 **Case # 2020-90** – Mr. Hyatt reported on a professional engineer who committed
44 fraud, deceit, material misstatement or perjury, or the giving of any false or forged
45 evidence, in applying for a renewal license with the Board. The respondent has
46 signed and returned the proposed consent order offered by the Complaint Review
47 Committee. The proposed consent order contained the following sanctions:

- 48 1. Fine of \$1,000
- 49 2. Costs of \$1,471.62
- 50 3. Louisiana Laws & Rules Quiz
- 51 4. Louisiana Professionalism & Ethics Quiz
- 52 5. Publication on the Board's website and in the Journal with name
- 53 6. Report to NCEES with name

54 After discussion, the Board unanimously approved the motion made by the
55 Complaint Review Committee, consisting of Ms. Betts, Mr. Jeter and Ms.
56 Bergeron, to approve the signed consent order. The name of the respondent is
57 **Christopher T. Johnson, P.E.**

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1 **Case # 2021-31** – Mr. Hyatt reported on a professional engineer who practiced
2 and/or offered to practice engineering with an expired license. The respondent has
3 signed and returned the proposed consent order offered by the Complaint Review
4 Committee. The proposed consent order contained the following sanctions:

- 5 1. Fine of \$1,500
- 6 2. Louisiana Laws & Rules Quiz
- 7 3. Louisiana Professionalism & Ethics Quiz
- 8 4. Publication on the Board’s website and in the Journal with name
- 9 5. Report to NCEES with name

10 After discussion, the Board unanimously approved the motion made by the
11 Complaint Review Committee, consisting of Ms. Betts, Mr. Jeter and Ms.
12 Bergeron, to approve the signed consent order. The name of the respondent is
13 **Jason L. Ward, P.E.**

14 **Committee Reports (continued)**

15 **Laws and Rules Committee**

16
17 Mr. Richard presented the Petition for a Declaratory Order and Ruling filed by John G.
18 Williams, P.E.

19
20 After discussion, the Board unanimously approved the motion made by Mr. Richard,
21 seconded by Mr. Racca, to approve the following ruling on Mr. Williams’ Petition for
22 Declaratory Order and Ruling:
23

24 **RULING ON PETITION FOR DECLARATORY ORDER**

25
26 1.

27 On November 2, 2021, John G. Williams, P.E. (“Petitioner”) filed with the
28 Louisiana Professional Engineering and Land Surveying Board (the “Board”) a
29 petition for declaratory order and ruling pursuant to LAC Title 46:LXI\$727.
30

31
32 2.

33 Petitioner seeks a declaratory order as to whether a professional engineer
34 is required to seal and sign documents in connection with a public water
35 system’s switch of its secondary (distribution system) disinfection residual
36 type from free to total chlorine where (a) the system is already permitted by
37 the Louisiana Department of Health to feed chlorine, (b) the system is under
38 the control and direction of a certified operator holding the appropriate
39 professional certification in the category of water treatment, (c) the existing
40 feed equipment for the system is adequate to accomplish the dosage required
41 to achieve the desired residual (free or total chlorine) and no additional feed
42 equipment is required and (d) only an adjustment of chlorine dose is required.
43

44 3.

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

46 (13)(a) “Practice of engineering” shall mean responsible professional
47 service which may include consultation, investigation, evaluation,
48 planning, designing, or inspection of construction in connection with
49 any public or private utilities, structures, machines, equipment,
50 processes, works, or projects wherein the public welfare or the
51 safeguarding of life, health, and property is concerned or involved,
52 when such professional service requires the application of engineering
53 principles and the interpretation of engineering data.

54 (b) A person shall be construed to practice or offer to practice
55 engineering: who practices in any discipline of the profession of
56 engineering; or who, by verbal claim, sign, advertisement, letterhead,
57 card, or in any other way represents himself to be a professional
58 engineer; or who represents himself as able to perform; or who does
59 perform any engineering service or work or any other professional
60 service designated by the practitioner or recognized by educational
61 authorities as engineering. The practice of engineering shall not
62 include the work ordinarily performed by a person who himself
63 operates or maintains machinery or equipment.
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La. R.S. 37:682(16) defines "responsible professional services" as follows:

(16) "Responsible professional services" shall mean the technical responsibility, control, and direction of the investigation, design, or construction of engineering service or work requiring initiative, engineering ability, and its use of independent judgment.

ORDER

After due consideration of the petition for declaratory order and ruling filed by Petitioner and after discussion by the Board during its meeting on February 1, 2022:

IT IS THE RULING of the Board that:

5.

Under the scenario presented above, the preparation and issuance of documents in connection with the public water system's switch of its secondary (distribution system) disinfection residual type from free to total chlorine would not constitute the "practice of engineering", particularly since no changes are being made to the feed equipment for the system. Therefore, the Board's laws and rules would not require that such documents be prepared, sealed and signed by a professional engineer.

6.

However, this ruling does not affect any other applicable laws or rules (such as those of the Louisiana Department of Health) which may require that such documents be prepared, sealed, signed or issued by a professional engineer, certified operator and/or other qualified person.

Land Surveying Committee

The Board unanimously approved the motion made by the Land Surveying Committee to approve \$5,000 for the proposed Item Writing Workshop with Jack Warner, PhD on May 13, 2022.

The Board recessed at 11:20 a.m. and resumed at 11:30 a.m. Mr. Landry and Mr. Campbell were not present.

Finance Committee

Mr. Vosburg presented the report for the Finance Committee.

The Board unanimously approved the motion made by the Finance Committee to renew the certificate of deposit at United Community Bank when it matures on March 10, 2022.

The Board unanimously approved the motion made by the Finance Committee to renew the four certificates of deposit at Investar Bank when they mature on April 4, 2022.

The Board unanimously approved the motion made by the Finance Committee to accept the year-to-date finance report for FY 21-22 as presented.

The Board unanimously approved the motion made by the Finance Committee to accept the proposed budget for FY 22-23 as presented.

Nominations and Awards Committee

Mr. Pike presented the report for the Nominations and Awards Committee. After discussion, the Board unanimously approved the motion made by the Nominations and Awards Committee to elect the following Board officers for 2022-2023:

- Christopher K. Richard, P.E. – Chairman
- Chad C. Vosburg, P.E. – Vice Chairman
- Edgar P. Benoit, P.E. – Secretary
- Wilfred J. Fontenot, P.L.S. – Treasurer

1 The Board recessed at 12:05 p.m. and resumed at 12:25 p.m. Mr. Zoutewelle was not
2 present.
3

4 **Old/New Business**
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6 The Board unanimously approved the motion made by Mr. Richard, seconded by Ms.
7 Bergeron, to have Board staff provide a webinar for licensees on Professional Ethics in
8 late December, 2022.
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10 The Board unanimously approved the motion made by Mr. Richard, seconded by Mr.
11 Vosburg, to schedule the next Board meeting for April 4, 2022.
12

13 The Board unanimously approved the motion made by Mr. Richard, seconded by Mr.
14 Vosburg, to reschedule the Board's Alumni/Emeritus meeting for October 9-10, 2022.
15

16 The Board unanimously approved the motion made by Mr. Richard, seconded by Ms.
17 Betts, to approve Board and staff members to attend the 2022 NCEES
18 Southern/Central Zone meeting in Oklahoma City on April 21-23, 2022.
19

20 At 1:42 p.m., the Board unanimously approved the motion made by Mr. Richard,
21 seconded by Mr. Fontenot, to enter into Executive Session to discuss personnel
22 matters.
23

24 At 1:53 p.m., the Board unanimously approved the motion made by Mr. Richard,
25 seconded by Mr. Fontenot, to exit the Executive Session.
26

27 The Board unanimously approved the motion made by Mr. Chustz, seconded by Ms.
28 Bergeron, to authorize a 5% salary increase for the Executive Director, effective
29 February 1, 2022.
30

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

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

40 The Board unanimously approved the motion made by Mr. Jeter, seconded by Mr.
41 Chustz, to approve all Board expenses.
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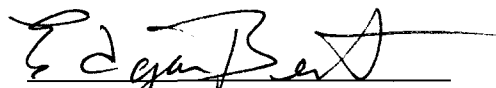
43 Mr. Pike recognized Mr. Richard as the new Chairman of the Board and presented him
44 with the Chairman's gavel.
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46 The Board unanimously approved the motion made by Mr. Pike, seconded by Mr.
47 Benoit, to adjourn.
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49 The meeting adjourned at 2:04 p.m. on February 1, 2022.
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55 Jeffrey A. Pike, P.E.
56 Chairman
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Edgar P. Benoit, P.E.
Secretary