

1 MINUTES OF THE REGULAR MEETING OF THE  
 2 LOUISIANA PROFESSIONAL ENGINEERING  
 3 AND LAND SURVEYING BOARD  
 4 9643 BROOKLINE AVENUE, SUITE 121  
 5 BATON ROUGE, LOUISIANA 70809-1433  
 6 June 18, 2018  
 7

8 At 8:00 a.m. on June 18, 2018 Christopher P. Knotts, P.E. called the meeting to order  
 9 at the Board’s office in Baton Rouge, Louisiana, with the following members present:

10  
 11 Christopher P. Knotts, P.E. Chairman  
 12 Paul N. Hale, Jr., Ph.D., P.E. Vice Chairman  
 13 Alan D. Krouse, P.E. Treasurer  
 14 Thomas R. Carroll, III, P.E., P.L.S. Secretary

15  
 16 D. Scott Phillips, P.E., P.L.S.  
 17 Charles G. Coyle, III, P.L.S.  
 18 Christopher K. Richard, P.E.  
 19 Chad C. Vosburg, P.E.  
 20 Edgar P. Benoit, P.E.  
 21 Wilfred J. Fontenot, P.L.S.  
 22

23 Also present: Donna D. Sentell, Executive Director  
 24 Richard L. Savoie, Jr., P.E., Deputy Executive Director  
 25 Joe H. Harman, P.E., Technical Support Staff  
 26 Bill Tripoli, Board Staff  
 27 William Hyatt, Board Investigator  
 28 Chris Aaron, Board Investigator  
 29 D. Scott Landry, Board Attorney  
 30 Paul Tyrell, P.E., P.L.S., NCEES Northeast Zone Vice President

31  
 32 Absent: Jeff A. Pike, P.E.  
 33

34 The invocation was led by Mr. Knotts and the pledge was led by Mr. Tyrell.

35  
 36 Public comment time was recognized by Chairman Knotts.  
 37

38 The Board unanimously approved the motion made by Mr. Krouse, seconded by Mr.  
 39 Richard, to accept the June 18, 2018 proposed Call and Agenda, as amended, for the  
 40 meeting.  
 41

42 The Board unanimously approved the motion made by Mr. Coyle, seconded by Mr.  
 43 Vosburg, to approve the minutes from the April 9, 2018 Board meeting.  
 44

45 The Board unanimously approved the motion made by Mr. Carroll, seconded by Mr.  
 46 Richard, to schedule the Board’s next regular meeting for September 10, 2018.  
 47

48 Chairman Knotts presented a proposed Board Member Conflict of Interest Policy.  
 49 After discussion, the Board unanimously approved the motion made by Mr. Carroll, ,  
 50 seconded by Mr. Richard, to adopt a Board Member Conflict of Interest Policy, to read  
 51 as follows:

52 **Board Member Conflict of Interest Policy #22**

53 **Table of Contents**

54  
 55  
 56 1. Purpose/General Rule .....2  
 57  
 58 2. Identification and Management of Conflict Situations .....2  
 59 2.1 Basic Definitions .....2  
 60 2.2 Specific Relationships that May Create Conflicts of Interest .....3  
 61 2.3 Disclosure and Management of Conflicts of Interest .....3  
 62  
 63 3. Conflict of Interest Statement .....3  
 64  
 65 4. Interpretation .....3  
 66  
 67 **Appendix:**  
 68 Board Member Conflict of Interest Statement.....4  
 69

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69

**1. Purpose/General Rule**

The purpose of this policy is to provide guidance in identifying and handling potential and actual conflicts of interest involving Board members. In most instances, conflicts of interest can be avoided simply by continuing to exercise good judgment. The Board relies on the sound judgment of its members to prevent many such conflict situations.

The Board is committed to the highest levels of integrity. Board members are expected to conduct their relationships with each other, the staff, and outside individuals and organizations with objectivity and honesty. The general rule is that: Board members are obligated to avoid (and, when unable to avoid, disclose) ethical, legal, financial or other conflicts of interest involving the Board and to remove themselves from a position of decision-making authority with respect to any conflict situation involving the Board.

This policy seeks to raise awareness, to encourage disclosure and discussion of any and all situations that may be a conflict and to inform Board members that they are state employees and, thus, must abide by the Louisiana Code of Governmental Ethics.

This policy should be an agenda item and be discussed at a regularly-scheduled Board meeting at least once a year.

All Board members should annually sign an acknowledgement of this policy.

**2. Identification and Management of Conflict Situations**

**2.1 Basic Definitions**

Generally, a conflict of interest may occur if an endeavor or activity influences or appears to influence the ability of a Board member to exercise complete and impartial objectivity or impairs the individual's ability to perform his or her Board responsibilities in the best interests of the Board and the public that we serve.

Examples of when a Board member is considered to have a potential conflict of interest include, but are not limited to, the following:

- He/she or any family member receives a financial or other significant benefit as a result of his/her position on the Board;
- He/she has the opportunity to influence the Board's decisions in a manner that leads to personal gain or advantage; or
- He/she has an existing or potential relationship (personal or otherwise), or financial or other significant interest, which impairs or might appear to impair his/her judgment in carrying out his/her responsibilities to the Board.

**2.2 Specific Relationships that May Create Conflicts of Interest**

A variety of situations, affiliations and relationships may create potential conflicts of interest. For example, a Board member's former employment with an individual or company who has a matter before the Board could create an apparent or actual conflict of interest. Therefore, the Board member must disclose the relationship and recuse himself/herself from any action taken in this matter. For purposes of this Policy, examples of relationships that may create a conflict are relationships with a family member or a business associate.

Additionally, certain types of relationships between Board members may create impermissible conflicts of interest. For these reasons, personal/romantic or financial/business relationships between Board members that could create the appearance of impropriety or interfere with a Board member's ability to perform his/her responsibilities on behalf of and in the best interests of the Board should be promptly disclosed.

**2.3 Disclosure and Management of Conflicts of Interest**

If an appearance of impropriety or actual conflict of interest exist, appropriate action must be taken, which will vary depending upon the particular facts. The Board member involved in the conflict situation must work cooperatively with Board staff and the Board attorney to achieve a resolution of the conflict situation in the best interests of the Board. Depending upon the nature of the conflict, this may include the Board member being removed from a position of decision-making authority with respect to the conflict situation or other more serious actions.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67

**3. Conflict of Interest Statement**

Upon appointment to the Board and annually thereafter, all Board members must complete a Board Member Conflict of Interest Statement.

**4. Interpretation**

This policy cannot describe all conflict of interest situations that may arise involving the Board. Therefore, Board members must use good judgment to avoid any appearance of impropriety. Appropriate circumstances may also justify exceptions to the application of the policy. If you have any questions about this policy or its application, please err on the side of caution and transparency and seek advice from the Board attorney prior to entering into such transaction or activity.

**Board Member Conflict of Interest Statement**

\_\_\_\_\_  
Name (printed)

I hereby affirm that I (a) have received a copy of the LAPELS Board Member Conflict of Interest Policy, (b) have read and understood the policy and (c) have agreed to comply with the policy.

During my term of service with LAPELS, I agree to disclose to the Board any personal interest that I may have in any matter pending before the Board or in any action taken or to be taken by or on behalf of LAPELS.

Following is a list of organizations in which I have an interest which will or may be expected to engage in a transaction with LAPELS and a list of organizations of which I am a trustee, director, officer, employee, agent or representative. *(If none, write "None.")*

<u>Organization</u>	<u>Role</u>
_____	_____
_____	_____
_____	_____

I understand that this statement will be reviewed by the Executive officers of LAPELS. I agree that I will update this statement whenever necessary during my term of service with the Board.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Chairman Knotts presented a proposed Board Emeritus Member Policy. After discussion, the Board unanimously approved the motion made by Mr. Krouse, seconded by Mr. Carroll, to adopt a Board Emeritus Member Policy, to read as follows:

**LAPELS Emeritus Member Policy #23**

When LAPELS is notified of a new board appointment, the Executive Director will include an agenda item for the next Board meeting, to consider designating the outgoing board member for NCEES/LAPELS Emeritus status;

A motion is required for outgoing board members, in good standing with the board, to be nominated as NCEES/LAPELS Emeritus board members;

With Board approval, NCEES will be notified of this motion. NCEES Board of Directors will consider the request at a future meeting.

LAPELS and the outgoing board members are notified of their status after the NCEES Board of Directors' decision.

1 The NCEES/LAPELS emeritus status will be for an initial period of 5 years.

2  
3 After 5 years, LAPELS will assess the engagement of our NCEES/LAPELS  
4 emeritus members with respect to NCEES related standing committee/task  
5 forces. Emeritus member that continue to be engaged in NCEES related  
6 activities shall remain as NCEES/LAPELS Emeritus board members. This  
7 assessment will occur every 5 years.

8  
9 NCEES/LAPELS Emeritus members who have NOT stayed engaged in NCEES  
10 related standing committee/task forces shall have their Emeritus Status  
11 changed to LAPELS Emeritus Member. NCEES will be notified of their status  
12 change.

13  
14 Those in good standing with the LAPELS board shall remain a LAPELS  
15 Emeritus member for life.

16  
17 Chairman Knotts directed Ms. Sentell to notify NCEES and all Board emeritus  
18 members of the newly-adopted policy.

19  
20 The Board recessed at 9:00 a.m. and resumed at 9:15 a.m.

## 21 **Compliance and Enforcement**

22  
23  
24 At 9:15 a.m., the Board unanimously approved the motion by Mr. Carroll, seconded by  
25 Mr. Krouse, to enter into executive session, as allowed by Rule 725(A)(2) and La. R.S.  
26 42:17(A)(2) to discuss consideration of a recommendation of the Complaint Review  
27 Committee for possible settlement of pending litigation in the matters of French  
28 Engineering, Inc. vs. Louisiana Professional Engineering and Land Surveying Board  
29 (Docket No. 658,724, 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, State of  
30 Louisiana), consolidated with Enoch J. French, Jr. vs. Louisiana Professional  
31 Engineering and Land Surveying Board (Docket No. 658,725, 19<sup>th</sup> Judicial District  
32 Court, Parish of East Baton Rouge, State of Louisiana), for a strategy session with  
33 respect to litigation when an open meeting would have a detrimental effect on the  
34 bargaining or litigating position of the Board.

35  
36 The Board unanimously approved the motion by Mr. Carroll, seconded by Mr. Krouse,  
37 to exit the executive session at 10:25 a.m.

38  
39 The Board approved the motion made by Mr. Krouse, seconded by Mr. Richard, with  
40 Dr. Hale, Mr. Krouse, Mr. Richard, Mr. Vosburg, Mr. Benoit and Mr. Fontenot for and  
41 Mr. Knotts, Mr. Carroll, Mr. Coyle and Mr. Phillips recused, to accept the  
42 recommendations of the Complaint Review Committee and approve, accept and enter  
43 into the Informal Disposition Order and Settlement Agreement in the above  
44 mentioned pending litigation.

45  
46 **Case #2014-46** - Mr. Hyatt reported on an unlicensed individual who practiced  
47 and/or offered to practice engineering without proper licensure. The respondent has  
48 signed and returned the proposed consent order offered by the Complaint Review  
49 Committee. The proposed consent order contained the following sanctions:

- 50 1. Fine of \$1,000
- 51 2. Costs of \$500
- 52 3. Cease and desist
- 53 4. Publication on the Board's website and in the Journal with name
- 54 5. Report to NCEES with name

55 After discussion, the Board approved the motion made by the Complaint Review  
56 Committee, consisting of Mr. Knotts, Mr. Krouse, and Mr. Carroll, to approve the  
57 signed consent order. The name of the respondent is **Michael G. Schmidt**.

58  
59 **Case #2014-47** - Mr. Hyatt reported on an unlicensed firm which practiced and/or  
60 offered to practice engineering without proper licensure. The respondent has signed  
61 and returned the proposed consent order offered by the Complaint Review  
62 Committee. The proposed consent order contained the following sanctions:

- 63 1. Fine of \$1,500
- 64 2. Costs of \$500
- 65 3. Cease and desist
- 66 4. Publication on the Board's website and in the Journal with name
- 67 5. Report to NCEES with name

1 After discussion, the Board approved the motion made by the Complaint Review  
2 Committee, consisting of Mr. Knotts, Mr. Krouse, and Mr. Carroll, to approve the  
3 signed consent order. The name of the respondent is **SRF Group Consulting, LLC.**

4  
5 **Case #2016-26** - Mr. Hyatt reported on an unlicensed individual who practiced  
6 and/or offered to practice engineering without proper licensure. The respondent has  
7 signed and returned the proposed consent order offered by the Complaint Review  
8 Committee. The proposed consent order contained the following sanctions:

- 9 1. Fine of \$1,000
- 10 2. Costs of \$896.55
- 11 3. Cease and desist
- 12 4. Publication on the Board's website and in the Journal with name
- 13 5. Report to NCEES with name

14 After discussion, the Board approved the motion made by the Complaint Review  
15 Committee, consisting of Mr. Knotts, Mr. Krouse, and Mr. Pike, to approve the signed  
16 consent order. The name of the respondent is **Kevin M. Bell.**

17  
18 **Case #2016-27** - Mr. Hyatt reported on an unlicensed firm which practiced and/or  
19 offered to practice engineering without proper licensure. The respondent has signed  
20 and returned the proposed consent order offered by the Complaint Review  
21 Committee. The proposed consent order contained the following sanctions:

- 22 1. Fine of \$1,500
- 23 2. Costs of \$896.55
- 24 3. Cease and desist
- 25 4. Publication on the Board's website and in the Journal with name
- 26 5. Report to NCEES with name

27 After discussion, the Board approved the motion made by the Complaint Review  
28 Committee, consisting of Mr. Knotts, Mr. Krouse, and Mr. Pike, to approve the signed  
29 consent order. The name of the respondent is **National Foundations Repair, Inc.**

30  
31 **Case #2016-31** - Mr. Hyatt reported on professional engineering firm which (a)  
32 committed fraud, deceit, material misrepresentation or gross misconduct in the  
33 practice of engineering, (b) failed to designate supervising professionals who were  
34 employed with the firm, and had supervising professionals who failed to notify the  
35 Board of any change in the firm's supervising professionals and to ensure that all  
36 professional services provided by the firm were performed by or under the  
37 responsible charge of a licensee, (c) had a representative who practiced and/or  
38 offered to practice engineering and used the words "engineer", "engineering" or any  
39 modification or derivative thereof in a person's name or form of business or activity  
40 without proper licensure, (d) had a representative who presented or attempted to use  
41 as one's own the license, certificate, seal, or stamp of another person, (e) had a  
42 representative who falsely impersonated a licensee of a like or different name, (f) had  
43 a representative who used or attempted to use a seal or stamp which was deceptively  
44 similar to the seals or stamps authorized by the Board for use by its licensees and (g)  
45 had a representative who falsely claimed that a person was licensed by the Board.  
46 The respondent has signed and returned the proposed consent order offered by the  
47 Complaint Review Committee. The proposed consent order contained the following  
48 sanctions:

- 49 1. Fine of \$11,250
- 50 2. Costs of \$1,597.64
- 51 3. Written notification to clients
- 52 4. Cease and desist
- 53 5. Publication on the Board's website and in the Journal with name
- 54 6. Report to NCEES with name

55 After discussion, the Board approved the motion made by the Complaint Review  
56 Committee, consisting of Mr. Pike, Mr. Knotts, and Mr. Krouse, to approve the signed  
57 consent order. The name of the respondent is **Sage Environmental Consulting, L.P.**

58  
59 **Case #2016-32** - Mr. Hyatt reported on a professional engineer who (a) as a  
60 supervising professional of a firm failed to be employed with the firm, to notify the  
61 Board of any change in the firm's supervising professionals and to ensure that all  
62 professional services provided by the firm were performed by or under the  
63 responsible charge of a licensee and (b) aided or assisted another person in violating  
64 the laws and/or rules of the Board. The respondent has signed and returned the  
65 proposed consent order offered by the Complaint Review Committee. The proposed  
66 consent order contained the following sanctions:

- 67 1. Fine of \$1,500
- 68 2. Costs of \$1,000
- 69 3. Louisiana Laws & Rules Quiz

4. Louisiana Professionalism & Ethics Quiz
5. Publication on the Board's website and in the Journal with name
6. Report to NCEES with name

After discussion, the Board approved the motion made by the Complaint Review Committee, consisting of Mr. Pike, Mr. Knotts, and Mr. Krouse, to approve the signed consent order. The name of the respondent is **Ashokkumar T. Patel, P.E.**

**Case #2017-62** - Mr. Hyatt reported on a professional engineer with an expired license who (a) practiced and/or offered to practice engineering with an expired license and (b) aided or assisted another person in violating the laws and/or rules of the Board. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of \$5,000
2. Costs of \$593.35
3. Past unpaid renewal fees of \$240
4. Louisiana Laws & Rules Quiz
5. Louisiana Professionalism & Ethics Quiz
6. Cease and desist
7. Publication on the Board's website and in the Journal with name
8. Report to NCEES with name

After discussion, the Board approved the motion made by the Complaint Review Committee, consisting of Mr. Pike, Mr. Carroll, and Mr. Richard, to approve the signed consent order. The name of the respondent is **Gerald T. Wynne.**

**Case #2017-63** - Mr. Hyatt reported on an unlicensed firm which practiced and/or offered to practice engineering and used the words "engineer", "engineering" or any modification or derivative thereof in a person's name or form of business or activity without proper licensure. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contained the following sanctions:

1. Fine of \$3,500
2. Costs of \$593.35
3. Cease and desist
4. Publication on the Board's website and in the Journal with name
5. Report to NCEES with name

After discussion, the Board approved the motion made by the Complaint Review Committee, consisting of Mr. Pike, Mr. Carroll, and Mr. Richard, to approve the signed consent order. The name of the respondent is **MSP Engineering Group, PLLC.**

At 10:55 a.m., Kathy Hillegas (Executive Director) and Tyson Ducote (Deputy Executive Director) of the Louisiana State Board of Architectural Examiners entered the room.

## **Committee Reports**

### **Architect-Engineer Liaison Ad Hoc Committee**

Mr. Krouse and Mr. Savoie presented the report for the Architect-Engineer Liaison Ad Hoc Committee concerning the proposed definitions of incidental practice of engineering and architecture.

### **Laws and Rules Committee**

Chairman Knotts reviewed recent legislation and presented the report for the Laws and Rules Committee. The Laws and Rules Committee will present several rule changes at the September meeting for consideration by the Board.

The Board recessed at noon and resumed at 1:05 p.m.

### **Land Surveying Committee**

The Board unanimously approved the motion made by the Land Surveying Committee to authorize the Executive Director to enter into a contract with the **Louisiana Society of Professional Surveyors** for subject matter expert services relating to the Louisiana Laws of Land Surveying Examination. The term of the contract will be for one year **beginning July 1, 2018 and ending June 30, 2019** in the annual amount not to exceed **\$5,600.00.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

The Board unanimously approved the motion made by the Land Surveying Committee to authorize the Executive Director to enter into a contract with **TEST, Inc.** for psychometric services relating to the Louisiana Laws of Land Surveying Examination. The term of the contract will be for one year **beginning July 1, 2018 and ending June 30, 2019** in the annual amount not to exceed **\$8,100.00**.

The Board unanimously approved the motion made by the Land Surveying Committee to authorize the Executive Director to enter into a contract with **TEST, Inc.** for a test development workshop relating to the Louisiana Laws of Land Surveying Examination. The term of the contract will be for one year **beginning July 1, 2018 and ending June 30, 2019** in the annual amount not to exceed **\$4,500.00**.

**Applications**

The Board discussed Rule 1511 regarding faculty engineering research and design projects. Chairman Knotts charged the Education/Accreditation Committee with reviewing Rule 1511 and making a recommendation to the Board regarding possible revisions.

**Committee Reports (continued)**

**Education/Accreditation Committee**

Dr. Hale presented the draft policy on Related Science or Technology Degrees and Engineering Graduate Degrees.

**Finance Committee**

Mr. Krouse presented the report for the Finance Committee.

The Board unanimously approved the motion by the Finance Committee to accept the finance report for FY 17-18 as amended.

**Closing Business**

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

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

The Board unanimously approved the motion made by Mr. Coyle, seconded by Mr. Vosburg, to approve all Board expenses.

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

The meeting adjourned at 2:55 p.m. on June 18, 2018.



Christopher P. Knotts, P.E.  
Chairman



Thomas R. Carroll, III, P.E., P.L.S.  
Secretary