MINUTES OF THE REGULAR MEETING OF THE LOUISIANA PROFESSIONAL ENGINEERING AND LAND SURVEYING BOARD 9643 BROOKLINE AVENUE, SUITE 121 BATON ROUGE, LOUISIANA 70809-1433 January 22, 2014

At 8:30 a.m. on January 22, 2014, James E. Bowie, Jr., Ph.D., P.E., called the meeting to order at the Hilton Inn in Lafayette, Louisiana, with the following members present:

James E. Bowie, Jr., Ph.D., P.E.	Chairman
Miles B. Williams, P.E.	Vice Chairman
M. Ernest Gammon, Sr., P.L.S.	Treasurer
Theodore H. Thompson, P.E.	Secretary

Ali M. Mustapha, P.E. Kevin E. Crosby, P.E., P.L.S. John W. "Billy" Moore, P.E. John T. Irving, P.E. David L. Patterson, P.L.S. Paul N. Hale, Jr., Ph.D., P.E.

Also present: Donna D. Sentell, Executive Director

Joe H. Harman, P.E., Technical Support Staff

Tyson Ducote, Board Investigator

Richard L. Savoie, P.E., Emeritus Board Member

Norma Jean Mattei, Ph.D., P.E., Emeritus Board Member Allison "Sonny" Launey, P.E., Emeritus Board Member

The invocation was led by Mr. Crosby and the pledge by Mr. Mustapha.

Public comment time was recognized by Chairman Bowie.

The Board unanimously approved the motion made by Mr. Crosby, seconded by Mr. Williams, to accept the January 22, 2014, proposed Call for the Meeting and the Board Meeting Agenda.

The Board unanimously approved the motion made by Mr. Crosby, seconded by Mr. Williams, to approve the Minutes from the November 25, 2013 Board meeting.

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr. Thompson, to schedule the Board's next regular meeting for Monday and Tuesday, March 17 - 18, 2014 in Baton Rouge, Louisiana.

The Board's November task list was reviewed.

Committee Reports

Finance Committee

Mr. Gammon presented the report for the Finance Committee.

The Board unanimously approved the motion made by the Finance Committee to reinvest the certificate of deposit at United Community Bank, which is set to mature on March 7, 2014.

The Board unanimously approved the motion made by the Finance Committee to reinvest the certificate of deposit at Home Bank, which is set to mature on March 9, 2014.

The Board unanimously approved the motion made by the Finance Committee to reinvest the certificate of deposit at Investar Bank, which is set to mature on March 12, 2014.

Mr. D. Scott Landry, Board Attorney, entered the meeting at 9:00 a.m.

Applications

Dr. Mattei presented her Petition for Declaratory Order and Ruling concerning the use of the Structural Engineer designation.

Chairman Bowie appointed and charged an ad hoc committee comprised of Mr. Irving, Mr. Mustapha and Mr. Williams with reviewing and recommending a ruling on Dr. Mattei's petition.

Application Appeals

The application review committee comprised of Mr. Thompson and Mr. Knotts made the motion to affirm the reviewing committee's decision to *disapprove* the application of Ms. Bridget **Robicheaux** for licensure as a professional engineer by examination based on insufficient experience.

The Board approved the motion made by Mr. Thompson, seconded by Mr. Crosby, with Mr. Williams, Mr. Thompson, Mr. Irving, Dr. Hale, Mr. Patterson and Mr. Crosby for, Mr. Gammon and Mr. Mustapha against and Mr. Moore abstaining, to table the previous motion until Mr. Knotts was present for the discussion.

Committee Reports (continued)

Liaison and Law Review Committee

Mr. Moore presented the report for the Liaison and Law Review Committee.

The Board unanimously approved the motion made by the Liaison and Law Review Committee to amend Rule 707(D) to read as follows:

§707. Board Organization

A. – D.4.

- E. Committees. The board may establish standing committees, including but not limited to the following: executive committee, engineering committees, land surveying committee, engineer intern committee, liaison and law review committee, education/accreditation committee, finance committee, nominations and awards committee, complaint review committees, continuing professional development committee, firm licensure committee, and enforcement committee. The board may also establish ad hoc committees from time to time as necessary.
- 1. Power to Appoint. Unless otherwise provided below, the chairman of the board shall have the power to make all committee appointments. All committee appointments shall be effective from date of appointment until March 31 of the following year.
- 2. Executive Committee. The chairman, vice chairman, secretary, and treasurer shall constitute the executive committee. The chairman of the board shall serve as chairman of the executive committee. The executive committee shall oversee the operations of the office of the board and shall advise the executive director as to the conduct of the business of the board between meetings. The executive committee shall also make recommendations to the board with respect to personnel, policies and procedures.
- 3. Engineering Committees. The chairman of the board shall appoint one or more engineering committees, with not less than two board members on each committee. At least two of the board members on each engineering committee shall be professional engineers. Each of these committees shall:
- a. review applications for licensure in each respective discipline of engineering; and
 - b. recommend approval or disapproval of applications.
- 4. Land Surveying Committee. The chairman of the board shall appoint a land surveying committee composed of not less than two board

members. At least two of the board members on the land surveying committee shall be professional land surveyors. The land surveying committee shall:

- a. review applications for licensure as a professional land surveyor;
 - b. review applications for certification as a land surveyor intern;
 - c. recommend approval or disapproval of applications;
- d. conduct oral examinations or interviews of applicants, as necessary;
- e. supervise the selection of examinations on the Louisiana laws of land surveying; and
- f. recommend passing scores for the examinations on the Louisiana laws of land surveying.
- 5. Engineer Intern Committee. The chairman of the board shall appoint an engineer intern committee composed of not less than two board members. At least two of the board members on the engineer intern committee shall be professional engineers. The engineer intern committee shall review, as necessary, applications for certification as an engineer intern and shall recommend approval or disapproval of applications.
- 6. Liaison and Law Review Committee. The chairman of the board shall appoint a liaison and law review committee composed of not less than two board members. The liaison and law review committee shall work with similar committees of professional and technical organizations on matters of mutual concern. The liaison and law review committee shall also make recommendations to the board in matters concerned with the licensure law and the rules of the board.
- 7. Education/Accreditation Committee. The chairman of the board shall appoint an education/accreditation committee composed of not less than two board members. The education/accreditation committee shall evaluate and make recommendations to the board concerning the quality of the engineering and land surveying curricula, along with evaluation of the faculties and facilities of schools within Louisiana. The education/accreditation committee shall also have the power to make inspections in the course of its evaluations.
- 8. Finance Committee. The chairman of the board shall appoint a finance committee composed of not less than two board members. The treasurer will serve as the chairman of the finance committee. The finance committee shall make studies, reports and recommendations to the board on fiscal matters. The finance committee shall also prepare a budget for presentation to the board no later than the November meeting.
- 9. Nominations and Awards Committee. The chairman of the board shall appoint a nominations and awards committee composed of not less than two board members. The nominations and awards committee shall present to the board a list of nominations for election of board officers and for any applicable awards.
- 10. Complaint Review Committees. Complaint review committees shall be composed of not less than three board members appointed by the enforcement staff on a case-by-case basis. Complaint review committees shall review the results of investigations against licensees, certificate holders and unlicensed persons; decide whether or not to prefer charges; and/or recommend appropriate action to the board. Any decision, including the preferral of charges, shall be made by a minimum two-thirds vote of the board members serving on a committee.
- 11. Continuing Professional Development Committee. The chairman of the board shall appoint a continuing professional development committee composed of not less than two board members. The continuing professional development committee shall review and make recommendations to the board

regarding continuing professional development rules, policies and providers/sponsors.

- 12. Firm Licensure Committee. The chairman of the board shall appoint a firm licensure committee composed of not less than two board members. The firm licensure committee shall review and make recommendations to the board regarding applications for firm licensure and other issues relating to firm licensure.
- 13. Enforcement Committee. The chairman of the board shall appoint an enforcement committee composed of not less than two board members. At least one of the board members on the enforcement committee shall be a professional engineer and at least one of the board members shall be a professional land surveyor. The enforcement committee shall make recommendations to the board regarding the board's investigative, disciplinary and enforcement policies, procedures and practices.

The Board disapproved the motion made by the Liaison and Law Review Committee, with Mr. Mustapha, Mr. Moore, Mr. Williams and Mr. Patterson for and Mr. Irving, Mr. Thompson, Dr. Hale, Mr. Gammon and Mr. Crosby against, to amend Rules 3111(A) and 3113(B) to read as follows:

§3111. Determination of Credit

A. PDHs may be earned as indicated in §3113 for the following acceptable activities:

A.1 – A.6. ...

- 7. formal, documented problem preparation for NCEES or state professional exams;
- 8. serving as thesis directors for students pursuing a masters or doctoral degree in engineering; and
 - 9. attending regular meetings of the board.

B. - D. ...

§3113. Units

A. ..

B. PDH credit will be awarded as follows:

B.1 - B.6. ...

- 7. serving as thesis directors for students pursuing a masters or doctoral degree in engineering = 1 PDH per hour of thesis credit. A maximum of 10 PDHs will be allowed per biennial licensure renewal period for each such thesis director;
- 8. attending regular meetings of the board = 1 PDH per hour of attendance. A maximum of 2 PDHs will be allowed per meeting. These PDHs may be applied towards satisfying the professional ethics requirements of §3105.

Chairman Bowie charged the Liaison and Law Review Committee with continuing to study these proposed amendments to Rules 3111(A) and 3113(B).

The Board recessed at 11:00 a.m. and reconvened at 11:10 a.m. Mr. Christopher P. Knotts, P.E., Board member, was present.

Enforcement

Mr. Ducote presented the enforcement report.

<u>Case #2012-111</u> - Mr. Ducote reported on a licensed engineer who (a) prepared and submitted to his client revisions to a foundation plan for a residence in Louisiana taken from a document previously prepared by another professional engineer for the same client, (b) failed to provide the previous professional engineer with proper written notice immediately upon acceptance of the engagement, (c) failed to include on the foundation plan revisions a notation describing the work done by the respondent, (d) failed to properly seal, sign and date the foundation plan revisions, (e) failed to properly seal a foundation design recommendation letter for the same project and (f) failed to properly seal a final inspection letter relating to foundation drawings and details for a residence in Louisiana. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:

- 1. Fine of \$500
- 2. Costs of \$1,182.85
- 3. Online Louisiana Laws/Rules Quiz
- 4. Online 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 unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Mustapha, Mr. Irving and Mr. Crosby, to approve the signed consent order. The name of the respondent is **Emmanuel E. Ansa, P.E.**

<u>Case #2012-133</u> – Mr. Ducote reported on an unlicensed firm which unintentionally practiced and/or offered to practice engineering and used the word "engineering" in its name and in conjunction with its business in Louisiana without proper licensure. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:

- 1. Fine of \$5,000
- 2. Costs of \$300.63
- 3. Publication on the Board's website and in the Journal with name
- 4. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Irving, Mr. Mustapha and Mr. Thompson, to approve the signed consent order. The name of the respondent is **The Equity Engineering Group, Inc.**

<u>Case #2013-21</u> - Mr. Ducote reported on a licensed engineer who unintentionally aided or assisted his unlicensed firm in unintentionally practicing and/or offering to practice engineering and using the word "engineering" in its name and in conjunction with its business in Louisiana without proper licensure. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:

- 1. Fine of \$1,000
- 2. Costs of \$300.63
- 3. Online Louisiana Laws/Rules Quiz
- 4. Online 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 unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Irving, Mr. Mustapha and Mr. Thompson, to approve the signed consent order. The name of the respondent is **Kraig S. Shipley**, **P.E.**

<u>Case #2013-22</u> – Mr. Ducote reported on a licensed engineer who unintentionally aided or assisted his unlicensed firm in unintentionally practicing and/or offering to practice engineering and using the word "engineering" in its name and in conjunction with its business in Louisiana without proper licensure. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:

- 1. Fine of \$1,000
- 2. Costs of \$300.63
- 3. Online Louisiana Laws/Rules Quiz
- 4. Online 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 unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Irving, Mr. Mustapha and Mr. Thompson, to approve the signed consent order. The name of the respondent is **David Reid Thornton**, **P.E.**

<u>Case #2013-11</u> - Mr. Ducote reported on an unlicensed firm which practiced and offered to practice engineering in Louisiana without proper licensure. The firm subsequently became licensed in Louisiana. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:

- 1. Fine of \$2,500
- 2. Costs of \$428.42
- 3. Either (a) formally dissolve a separate partnership registered with the Louisiana Secretary of State with a similar name, (b) remove the word "engineers" (or any modification or derivative thereof) from the partnership's name or (c) have the partnership duly licensed by the Board
- 4. Publication on the Board's website and in the Journal with name
- 5. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Thompson, Mr. Irving and Mr. Gammon, to approve the signed consent order. The name of the respondent is **Norton and Schmidt Consulting Engineers, L.L.C.**

<u>Case #2013-23</u> – Mr. Ducote reported on a licensed engineer who aided or assisted his unlicensed firm in practicing and offering to practice engineering in Louisiana without proper licensure. The firm subsequently became licensed in Louisiana. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:

- 1. Fine of \$500
- 2. Costs of \$428.42
- 3. Either (a) formally dissolve a separate partnership registered with the Louisiana Secretary of State with a similar name, (b) remove the word "engineers" (or any modification or derivative thereof) from the partnership's name or (c) have the partnership duly licensed by the Board
- 4. Online Louisiana Laws/Rules Quiz
- 5. Online Louisiana Professionalism/Ethics Quiz
- 6. Publication on the Board's website and in the Journal with name
- 7. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Thompson, Mr. Irving and Mr. Gammon, to approve the signed consent order. The name of the respondent is **Edward P. Hutson Jr., P.E.**

<u>Case #2012-135</u> – Mr. Ducote reported on an unlicensed firm which practiced and/or offered to practice engineering in Louisiana without proper licensure. The firm subsequently became licensed in Louisiana. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:

- 1. Fine of \$2,500
- 2. Costs of \$636
- 3. Publication on the Board's website and in the Journal with name
- 4. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Thompson, Mr. Moore and Mr. Gammon, to approve the signed consent Order. The name of the respondent is **Alvine and Associates, Inc.**

<u>Case #2013-92</u> – Mr. Ducote reported on a licensed engineer who aided or assisted his unlicensed firm in practicing and/or offering to practice engineering in Louisiana without proper licensure. The firm subsequently became licensed in Louisiana. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:

- 1. Fine of \$500
- 2. Costs of \$258.11
- 3. Online Louisiana Laws/Rules Quiz
- 4. Online 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 unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Thompson, Mr. Irving and Mr. Gammon, to approve the signed consent order. The name of the respondent is **Douglas R. Alvine**, **P.E.**

<u>Case #2013-93</u> – Mr. Ducote reported on a licensed engineer who aided or assisted his unlicensed firm in practicing and/or offering to practice engineering in Louisiana without proper licensure. The firm subsequently became licensed in Louisiana. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:

- 1. Fine of \$500
- 2. Costs of \$258.11
- 3. Online Louisiana Laws/Rules Quiz
- 4. Online 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 unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Thompson, Mr. Irving and Mr. Gammon, to approve the signed consent order. The name of the respondent is **Steven T. Alvine**, **P.E.**

<u>Case #2012-137</u> - Mr. Ducote reported on a licensed engineering/land surveying firm which practiced and/or offered to practice engineering and land surveying in Louisiana with expired licenses. The respondent has signed and returned the proposed consent order offered by the Complaint Review Committee. The proposed consent order contains the following sanctions:

- 1. Fine of \$1,500
- 2. Costs of \$659.46
- 3. Past unpaid renewal fees of \$270
- 4. Online Louisiana Laws/Rules Quiz by each supervising professional
- 5. Online Louisiana Professionalism/Ethics Quiz by each supervising professional
- 6. Publication on the Board's website and in the Journal with name
- 7. Report to NCEES with name

After discussion, the Board approved the motion made by the Complaint Review Committee, consisting of Mr. Irving, Mr. Mustapha and Dr. Hale, with Mr. Irving, Dr. Hale, Mr. Mustapha, Mr. Patterson, Mr. Moore, Mr. Williams, Mr. Thompson, Mr. Crosby and Mr. Knotts for and Mr. Gammon against, to approve the signed consent order. The name of the respondent is **Englobal U. S., Inc.**

The Board recessed at 12:05 p.m. and resumed at 1:45 p.m. Dr. Mattei and Mr. Launey were not present.

Mr. Thompson exited the meet at 2:00 p.m.

Applications (continued)

The ad hoc committee consisting of Mr. Williams, Mr. Knotts and Mr. Gammon, which was tasked with considering whether the Board should allow applicants for professional engineer licensure to take the principles and practice of engineering examination immediately after they graduate from college and pass the fundamentals of engineering examination, presented the following proposed policy:

An Engineer Intern may take the Principles and Practice exam any time subsequent to becoming certified as an Engineer Intern. If the Principles and Practice exam is passed, the Engineer Intern may be allowed to apply for professional licensure at the time that they can demonstrate in detail that they have acquired a minimum of 4 years of progressive engineering experience in

accordance with the current Law and Rules and they provide all other application requirements of the Law and Rules.

If the Engineer Intern fails the Principles and Practice exam three times during the three years immediately following becoming certified as an Engineer Intern, they will be required to wait until they have 4 years of experience prior to taking the Principles and Practice exam again. All current rules regarding multiple failures shall continue to apply.

The Board unanimously approved the motion made by the ad hoc committee to adopt the policy, after accepting friendly amendments to (a) delete the second paragraph and (b) limit the policy to Engineer Interns who have been certified by the Board.

Chairman Bowie charged the Liaison and Law Review Committee with drafting the appropriate language to convert this policy into a rule change and presenting it to the Board at the January meeting.

Application Appeals (continued)

The Board approved the motion made by Mr. Gammon, seconded by Dr. Hale, with Mr. Gammon, Dr. Hale, Mr. Irving, Mr. Mustapha, Mr. Moore, Mr. Crosby, Mr. Patterson and Mr. Knotts for and Mr. Williams against, to un-table and approve the motion to affirm the reviewing committee's decision to *disapprove* the application of Ms. Bridget **Robicheaux** for licensure as a professional engineer by examination based on insufficient experience.

Old Business/New Business

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr. Patterson, to approve Board and staff members to attend the NCEES Southern Zone meeting in Charleston, South Carolina on April 24-26, 2014.

The Board unanimously approved the motion made by Mr. Crosby, seconded by Mr. Moore, to approve Emeritus Board Member Richard Savoie to attend the NCEES Southern Zone meeting in Charleston, South Carolina on April 24-26, 2014.

Committee Reports (continued)

Nominations and Awards Committee

The Board unanimously approved the motion made by the Nominations and Awards Committee to elect the following Board officers for 2014-15:

M. Ernest Gammon, Sr., P.L.S. – Chairman Theodore H. Thompson, P.E. – Vice Chairman John W. "Billy" Moore, P.E. – Treasurer Kevin E. Crosby, P.E., P.L.S. – Secretary

<u>Liaison and Law Review Committee (continued)</u>

The Board approved the motion made by Mr. Patterson, seconded by Mr. Mustapha, with Mr. Irving, Mr. Mustapha, Mr. Williams, Dr. Hale, Mr. Gammon, Mr. Crosby, Mr. Patterson, Mr. Knotts for and Mr. Moore against, to modify the Board's prior request to the Louisiana Engineering Society, the Louisiana Society of Professional Surveyors and the American Council of Engineering Companies of Louisiana for support and assistance with pursuing a revision to La. R.S. 37:3651 during the 2014 legislative session, by adding the following third alternative statutory revision:

La. R.S. 37:3651(A)(1):

Has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty, at a level that is substantially equivalent to or exceeds the educational, examination, experience and other requirements for licensure, certification, or registration of the professional or occupational licensing board for which the applicant is seeking licensure, certification, or registration in this state.

Closing Business

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

The Board unanimously approved the motion made by Mr. Gammon, seconded by Mr. Moore, to acknowledge and confirm all licenses and certificates issued by the Board.

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

The Board unanimously approved the motion made by Mr. Crosby, seconded by Mr. Williams, to adjourn.

The meeting adjourned at 3:40 p.m. on Wednesday, January 22, 2014.

James E. Bowie, Jr., Ph.D., P.E.

Theodore H. Thompson, P.E.

Secretary