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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
March 16, 2015

At 8:00 a.m. on March 16, 2015, M. Ernest Gammon, Sr., P.L.S. called the meeting to order at the Board's office in Baton Rouge, Louisiana, with the following members present:

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

Ali M. Mustapha, P.E.
David L. Patterson, P.L.S.
Terry J. Huval, P.E.
Paul N. Hale, Jr., Ph.D., P.E.
D. Scott Phillips, P.E., P.L.S.
Alan D. Krouse, P.E.

Also present: Donna D. Sentell, Executive Director
Joe H. Harman, P.E., Technical Support Staff
Tyson Ducote, Director of Enforcement
William Hyatt, Board Investigator
Richard L. Savoie, P.E., Emeritus Board Member
D. Scott Landry, Board Attorney
Bill Tripoli, Board Staff

Not present: Christopher P. Knotts, P.E., Board Member

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

The Board unanimously approved the motion made by Mr. Moore, seconded by Dr. Hale, to accept the March 16, 2015 proposed Call for the Meeting.

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr. Patterson, to accept the March 16, 2015 proposed Board Meeting Agenda.

Public comment time was recognized by Chairman Gammon.

Chairman Gammon presented the Chairman's gavel to Mr. Thompson.

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr. Krouse, to approve the Minutes from the January 28, 2015 Board meeting.

The Board unanimously approved the motion made by Mr. Krouse, seconded by Dr. Hale, to schedule the Board's next regular meeting for June 1-2, 2015 in Baton Rouge, Louisiana.

Ms. Sentell gave the Executive Director's report and reviewed the January task list.

Chairman Thompson designated Mr. Phillips and Dr. Hale to be the Board-funded delegates to the LSPS Annual Convention in Bossier City in April.

Chairman Thompson designated himself and Mr. Knotts to be the Board-funded delegates to the LES Annual Multi-State Engineering Conference in Destin, Florida in June.

The Board recessed at 8:50 a.m. and resumed at 10:30 a.m.

Enforcement

Case # 2013-68 - Mr. Ducote reported on a professional engineer and land surveyor who performed property boundary surveys and prepared, signed, sealed and issued survey maps for property located in Louisiana which failed to meet the Board's standards of practice for boundary surveys. The respondent has signed and returned

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

- 3 1. Fine of \$1,000
- 4 2. Costs of \$1,033.10
- 5 3. Correct the standards of practice violations on revised survey maps, provide
6 the revised survey maps to the Board for review, submit the revised survey
7 maps to the parish planning and zoning commission after Board review,
8 properly file the revised survey maps into the public record after the
9 commission review, and provide certified copies of the filed revised survey
10 maps to the Board
- 11 4. Louisiana Standards of Practice for Boundary Surveys Quiz
- 12 5. Publication on the Board's website and in the Journal with name
- 13 6. Report to NCEES with name

14
15 After discussion, the Board unanimously approved the motion made by the Complaint
16 Review Committee, consisting of Mr. Crosby, Mr. Mustapha and Mr. Moore, to approve
17 the signed consent order. The name of the respondent is **Charles R. St. Romain, P.E.,**
18 **P.L.S.**

19
20 **Case # 2013-80** - Mr. Ducote reported on an unlicensed firm which practiced and
21 offered to practice land surveying and used the words "survey", "surveys" and
22 "surveying" in conjunction with its business activities in Louisiana without proper
23 licensure. The respondent has signed and returned the proposed consent order
24 offered by the Complaint Review Committee. The proposed consent order contains
25 the following sanctions

- 26 1. Fine of \$1,000
- 27 2. Costs of \$553.02
- 28 3. Cease and desist
- 29 4. Publication on the Board's website and in the Journal with name
- 30 5. Report to NCEES with name

31
32 After discussion, the Board unanimously approved the motion made by the Complaint
33 Review Committee, consisting of Mr. Phillips, Chairman Thompson and Mr. Patterson,
34 to approve the signed consent order. The name of the respondent is **L.T. Mapping**
35 **Services, Inc.**

36
37 **Case # 2014-11** - Mr. Ducote reported on an unlicensed individual who practiced and
38 offered to practice land surveying in Louisiana without proper licensure. The
39 respondent has signed and returned the proposed consent order offered by the
40 Complaint Review Committee. The proposed consent order contains the following
41 sanctions:

- 42 1. Fine of \$2,000
- 43 2. Costs of \$605.52
- 44 3. Cease and desist
- 45 4. Publication on the Board's website and in the Journal with name
- 46 5. Report to NCEES with name

47
48 After discussion, the Board unanimously approved the motion made by the Complaint
49 Review Committee, consisting of Mr. Phillips, Chairman Thompson and Mr. Patterson,
50 to approve the signed consent order. The name of the respondent is **Larry M. Tucker.**

51 Mr. Harman updated the Board on the continued work of the civil/transportation
52 engineering group.

53 Mr. Savoie reviewed the Power Point presentation for the Industrial Licensure
54 outreach efforts.

55 **Committee Reports**

56 **Liaison and Law Review Committee**

57 Mr. Moore presented the Liaison and Law Review Committee's recommendation to
58 amend Rule 717.

59 The Board unanimously approved the motion made by the Liaison and Law Review
60 Committee to amend Rule 717 to read as follows:

61 **§717. Disbursements**

- 1 A. Check Requirement. All disbursements over the amount of \$150 shall be
2 made by check or approved electronic fund transfer.
3
4 B. Line Item Restrictions. Annual disbursements shall not exceed current
5 budget line items.
6
7 C. Required Signatures on Checks. All checks must be signed by two of the
8 following individuals (with at least one of the signatures being from either the
9 treasurer or another board member as directed by the board):

- 10
11 1. treasurer;
12
13 2. executive director;
14
15 3. deputy executive director; or
16
17 4. any board member as directed by the board.
18

19 The Board recessed for lunch at 11:45 a.m. and resumed at 12:20 p.m.
20

21 **Land Surveying Committee**
22

23 Based on a recent enforcement case, the Land Surveying Committee recommends
24 sending a letter to pipeline companies in Louisiana regarding the use of unlicensed
25 firms to provide land surveying services. The Committee will draft a letter for Board
26 review at the June Board meeting.
27

28 The Board unanimously approved the motion made by the Land Surveying Committee
29 to approve the following ruling on Mitchell P. Wyble, P.E.'s Petition for Declaratory
30 Order and Ruling:
31

32 **RULING ON PETITION FOR DECLARATORY ORDER**

- 33 1.
34 On February 6, 2015, Mitchell P. Wyble, P.E. ("Petitioner") filed with the
35 Louisiana Professional Engineering and Land Surveying Board (the "Board") a
36 petition for declaratory order and ruling pursuant to LAC Title 46:LXI§727.
37 2.

38 Petitioner states that professional land surveyors performing work for the
39 Lafayette Consolidated Government believe they are required by law to set
40 monuments at the intersecting property corners of all tracts of land which
41 adjoin a strip of land acquired, or to be acquired, in fee for use as a road or
42 street right-of-way; however the Lafayette Consolidated Government believes
43 that said professional land surveyors are only required to set monuments at
44 the points which define the boundaries of the new road or street right-of-way.
45 3.

46 Petitioner seeks a declaratory order as to whether a professional land
47 surveyor is required to set monuments (a) at the intersecting property
48 corners of all tracts of land which adjoin the new right-of-way or (b) only at
49 the property corners of the new right-of-way, *i.e.*, the points which define the
50 boundaries of the right-of-way.
51 4.

52 LAC Title 46:LXI§2901(C) provides as follows:

53 A boundary survey in this state shall only be performed by a professional
54 land surveyor, licensed pursuant to the laws of this state, or persons under
55 his/her responsible charge. The professional land surveyor shall at all times
56 comply with the provisions of the licensure law and the rules of the board.
57 5.

58 LAC Title 46:LXI§2903(A) defines a "corner" as:
59 a point on a land boundary at which two or more boundary lines meet. It
60 is not the same as a monument, which refers to the physical evidence of the
61 corner's location on the ground.
62 6.

63 LAC Title 46:LXI§2903(A) defines a "monument" as:
64 a physical object or structure which marks the location of a corner or
65 other survey point. In public lands surveys, the term *corner* is employed to
66 denote a point determined by the surveying process, whereas the *monument* is
67 the physical object installed, or structure erected, to mark the corner point
68 upon the earth's surface. Monument and corner are not synonymous, though
69 the two terms are often used in the same sense.

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7. LAC Title 46:LXI\$2907(A) defines a “property boundary survey”, in part, as:
a survey which, after careful study, investigation, and evaluation of major factors influencing the location of boundaries, results in the deliberate location or relocation on the ground of, and the recovery or installation of monuments that define the location and extent of, one or more boundaries.

8.
LAC Title 46:LXI\$2907(C) provides, in pertinent part, as follows:
A property boundary survey shall result in the recovery, establishment or reestablishment of monumented corners and points of curvature and tangency. Reference monuments shall be established or reestablished when required by these standards (see Subsection E, "Monuments").

9.
LAC Title 46:LXI\$2907(E) provides, in pertinent part, as follows:
The professional land surveyor shall set monuments at all boundary or lot corners, including points of curvature and points of tangency unless monuments already exist or cannot be set due to physical obstructions.

10.
After due consideration of the petition for declaratory order and ruling filed by Petitioner and after discussion by the Board during its meeting on March 16, 2015:

IT IS THE RULING of the Board that:

11.
The term “corner” refers to the intersection of two boundary lines belonging to the tract of land being surveyed. It does not refer to the intersection of a boundary line of an adjoining tract of land with a boundary line of the tract of land being surveyed.

12.
When performing a property boundary survey of a strip of land acquired, or to be acquired, in fee for use as a road or street right-of-way, a professional land surveyor shall set monuments at the property corners of the new right-of-way, *i.e.*, at every point where changes in the alignment of the right-of-way occur, including points of curvature and points of tangency of curves. There is no requirement in the Board’s laws or rules that monuments be set at the intersecting property corners of tracts of land which adjoin the new right-of-way.

13.
When performing a property boundary survey of a strip of land acquired, or to be acquired, in fee for use as a road or street right-of-way, the Board recommends that a professional land surveyor also set monuments at other intermediate points along curves and tangents, such as not more than one thousand (1,000) feet apart on curves and not more than one thousand five hundred (1,500) feet apart on tangents (as is the long-standing practice of the Louisiana Department of Transportation and Development).

In connection with a property boundary survey of a strip of land acquired, or to be acquired, in fee for use as a road or street right-of-way, monuments shall only be installed under the responsible charge of a professional land surveyor.

The Land Surveying Committee discussed the Petition for Declaratory Order and Ruling from Walter Ballard. The committee will draft a response to Mr. Ballard.

Finance Committee

The Board unanimously approved the motion made by the Finance Committee to re-invest the certificate of deposit at Investar Bank, valued at \$50, 831, which is set to mature on May 24, 2015.

The Board unanimously approved the motion made by the Finance Committee to re-invest the certificate of deposit at Investar Bank, valued at \$45,750, which is set to mature on May 24, 2015.

The Board unanimously approved the motion made by the Finance Committee to authorize the Executive Director to enter into a contract with **Celia Cangelosi** to serve as a prosecuting attorney for Board disciplinary and enforcement hearings. The term of the contract will be for one year beginning **July 1, 2015 and ending June 30, 2016**, in the amount not to exceed **\$36,000.00**.

1 The Board unanimously approved the motion made by the Finance Committee to
2 authorize the Executive Director to enter into a contract with **Joe H. Harman &**
3 **Associates, LLC** to serve as a technical support staff for the Board. The term of the
4 contract will be for one year beginning **July 1, 2015 and ending June 30, 2016**, in
5 the amount not to exceed **\$60,000.00**.
6
7

8 The Board unanimously approved the motion made by the Land Surveying Committee
9 to authorize the Executive Director to enter into a contract with the **Louisiana**
10 **Society of Professional Surveyors** to:

- 11 • Develop and submit a semi-annual Louisiana Laws of Land Surveying
12 Examination for the Board;
 - 13 • Score and grade the examination and submit the results to the Board;
 - 14 • Maintain and expand an examination question database from which the
15 examination will be generated; and
 - 16 • Ensure security of all examinations and the examination question database.
- 17 The term of the contract will be for one year beginning **July 1, 2015 and ending June**
18 **30, 2016**, in the amount not to exceed **\$10,000.00**.
19

20 The Board unanimously approved the motion made by the Finance Committee to
21 authorize the Executive Director to enter into a contract with **L.A. Champagne & Co.,**
22 **L.L.P.** to provide accounting services to the Board. The term of the contract will be for
23 one year beginning **July 1, 2015 and ending June 30, 2016**, in the amount not to
24 exceed **\$28,000.00**.
25

26 The Board unanimously approved the motion made by the Finance Committee to
27 authorize the Executive Director to begin the request for proposal process for IT
28 support for FY 2015-16.
29

30 Old Business/New Business

31 The Board unanimously approved the motion made by Mr. Patterson, seconded Mr.
32 Mustapha, to re-schedule the November meeting for November 16, 2015.
33
34

35 The Board unanimously approved the motion made by the ad hoc committee,
36 comprised of Mr. Knotts, Mr. Moore and Mr. Crosby, to adopt the following Board
37 hiring policy (Policy #18) for the positions of Executive Director, Deputy Executive
38 Director and Director of Enforcement:
39

40 The Executive Committee of the Board shall initiate the hiring process,
41 conduct the interviews and make recommendations to the Board relative to
42 the hiring of individuals for the positions of Executive Director, Deputy
43 Executive Director and Director of Enforcement. The decision of whether to
44 offer employment to particular candidates for any of those positions must be
45 approved by the Board prior to the offer being sent to the candidate.

46 The hiring process for these positions shall be in conformance with all other
47 applicable policies and procedures of the Board.
48

49 Mr. Krouse reported on the office security.
50

51 The Board approved the motion made by Mr. Moore, seconded by Mr. Crosby, with Mr.
52 Phillips, Dr. Hale, Mr. Mustapha, Mr. Huval, Mr. Moore, Mr. Crosby, Mr. Krouse, Mr.
53 Gammon for and Mr. Patterson against, to proceed with the construction of an interior
54 security wall in the front lobby of the office, with final specifications to be approved by
55 the Executive Committee.
56

57 Mr. Landry reported on the status of the Board's pending litigation with Mubashir
58 Maqbool.
59

60 Mr. Landry and Mr. Krouse reported on the pending legislation for the 2015 Louisiana
61 legislative session.
62

63 The Board unanimously approved the motion made by Mr. Moore, seconded by Mr.
64 Crosby, to charge the ad hoc committee, comprised of Mr. Moore, Mr. Knotts and Mr.
65 Krouse, along with representatives of the Louisiana Engineering Society (LES), the
66 American Council of Engineering Companies/Louisiana (ACEC/L) and the American
67 Society of Civil Engineers Louisiana Section (ASCE/Louisiana), with drafting language
68

1 for a proposed statutory revision relating to allowing professional engineer licensure
2 without the requirement of passing the fundamentals of engineering examination and
3 then meeting with Senator Martiny on the proposed legislation. This language should
4 be sent to the entire Board for review by March 31.

5
6 The Board recessed at 2:20 p.m. and resumed at 2:30 p.m.
7

8 The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr.
9 Patterson to approve the travel for Board members, staff and emeritus members to
10 attend the NCEES Southern Zone Meeting in Scottsdale, AZ in May.

11
12 The Board unanimously approved the motion made by Mr. Mustapha, seconded by Dr.
13 Hale, to approve the travel for Board members, staff and emeritus members to attend
14 the NCEES Annual Meeting in Williamsburg, VA in August.
15

16 Chairman Thompson charged the Land Surveying Committee with reviewing the
17 question of, "what is, and what is not a construction stakeout", and reporting to the
18 Board at the June meeting.
19

20 The Board approved the motion made by Mr. Moore, seconded by Mr. Crosby, with Mr.
21 Phillips, Dr. Hale, Mr. Huval, Mr. Moore, Mr. Crosby, Mr. Patterson and Mr. Krouse for
22 and Mr. Mustapha and Mr. Gammon abstaining, to request Emeritus Status for Mr.
23 Mustapha and Mr. Gammon.
24

25 **Closing Business**

26
27 The Board unanimously approved the motion made by Mr. Crosby, seconded by Mr.
28 Mustapha, to approve all committee recommendations and actions.
29

30 The Board unanimously approved the motion made by Dr. Hale, seconded by Mr.
31 Mustapha, to acknowledge and confirm all licenses and certificates issued by the
32 Board.
33

34 The Board unanimously approved the motion made by Mr. Moore, seconded by Mr.
35 Huval, to approve all Board expenses.
36

37 The Board unanimously approved the motion made by Mr. Patterson, seconded by Mr.
38 Moore, to adjourn.
39

40 The meeting adjourned at 3:40 p.m. on March 16, 2015.
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Theodore H. Thompson, P.E.
Chairman



John W. Billy Moore, P.E.
Secretary