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MINUTES OF THE REGULAR MEETING
LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 BROOKLINE AVENUE, SUITE 121
BATON ROUGE, LOUISIANA 70809-1433
January 22, 2013

At 8:10 a.m. on January 22, 2013, Richard Savoie, P.E., called the meeting to order at the Holiday Inn in Lafayette, Louisiana, with the following members present:

Richard L. Savoie, P.E.	Chairman
Norma Jean Mattei, Ph.D., P.E.	Vice Chairman
Miles B. Williams, P.E.	Treasurer
James E. Bowie, Ph.D., P.E.	Secretary

M. Ernest Gammon, P.L.S.
Ali M. Mustapha, P.E.
Theodore H. Thompson, 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.

Also present: Donna D. Sentell, Executive Director
Joe H. Harman, P.E., Technical Support Staff

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

Public comment time was recognized by Chairman Savoie. Mr. Mustapha offered congratulations to Mr. Crosby and Chairman Savoie for the awards they will receive at the JESC luncheon on Wednesday, January 23, 2013 and commended them both on their unselfish service to the profession of engineering.

Mr. Thompson requested that the Board meeting agenda be amended to add a discussion of Board Rule 1315.

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr. Thompson, to accept the January 22, 2013, proposed Call for Meeting and Board Meeting Agenda, as amended.

The Board unanimously approved the motion made by Mr. Moore, seconded by Mr. Mustapha, to approve the Minutes from the November 19, 2012 Board meeting.

The Board's November Task List was reviewed.

Applications

Application Appeals

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr. Crosby, to affirm the reviewing committee's decision to *disapprove* the application of Mr. Donald R. Ellis for licensure as a professional engineer by comity based on the disciplinary action taken against him by the Alabama Board of Licensure for Professional Engineers and Land Surveyors and his failure to satisfy the requirement of "good character and reputation".

The Board unanimously approved the motion made by Mr. Williams, seconded by Mr. Crosby, to affirm the reviewing committee's decision to *disapprove* the application of Mr. John A. Laser for licensure as a professional engineer by comity based on his failure to satisfy the educational requirements.

1 **Committee Reports**

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3 **Education/Accreditation Committee**

4
5 Dr. Bowie reported that the Education/Accreditation Committee is reviewing the current
6 credential evaluation policy for foreign/non-ABET educated applicants and will make a
7 recommendation to the Board at a later date.

8
9 **Architect-Engineer Liaison Committee**

10
11 Mr. Moore reported on the December 6, 2012 meeting with the State Fire Marshal's Office
12 concerning fire protection and fire suppression issues. The Architect-Engineer Liaison
13 Committee will meet with representatives of the Louisiana State Board of Architectural
14 Examiners this spring.

15
16 **Finance Committee**

17
18 Mr. Williams presented the financial report to the Board.

19
20 The Board unanimously approved the motion made by the Finance Committee to re-invest
21 the certificate of deposit at United Community Bank, which is due to mature on March 7,
22 2013.

23
24 The Board unanimously approved the motion made by the Finance Committee to re-invest
25 the certificate of deposit at Investar Bank, which is due to mature on March 10, 2013.

26
27 D. Scott Landry, Board Attorney, entered the meeting at 9:55 a.m.

28
29 **Enforcement Ad Hoc Committee**

30
31 Mr. Williams reported on the pending charge to the Enforcement Ad Hoc Committee to
32 develop a policy for Board review concerning the following issues for applicants who have
33 prior felony convictions:

- 34
- 35 • How long after a person has completed his/her sentence must they wait to apply to
36 the Board for licensure/certification?
 - 37 • Are there any particular felony convictions that would preclude someone from ever
38 becoming a licensee/intern? If so, does the Board want to list these and is it legally
39 permissible to list these?

40 The Enforcement Ad Hoc Committee directed the staff to research the following questions:

- 41
- 42 • How do professional engineering/land surveying licensing boards in other
43 jurisdictions and other Louisiana licensing boards handle these matters?
 - 44 • What are the classifications of felonies and misdemeanors in Louisiana statutes?
 - 45 • Have courts overturned a licensing board's decision to deny licensure/certification
46 based on disciplinary matters not related to professional practice?

47 The Board recessed at 10:15 a.m. and resumed at 10:35 a.m.

48
49 **Land Surveying Committee**

50
51 Mr. Gammon reported that the LAPELS ad hoc Surveying Education Committee met on
52 January 21, 2013 and will meet one more time before making a recommendation to the
53 Board.

54
55 The Board approved the motion made by the Land Surveying Committee, with Dr. Mattei,
56 Mr. Thompson, Mr. Mustapha, Mr. Moore, Mr. Irving, Mr. Patterson, Mr. Crosby, Mr.
57 Gammon and Mr. Williams for, and Dr. Bowie against, to deny the rule change request
58 from the Louisiana Engineering Society concerning the educational requirements for
59 professional land surveyor licensure/land surveyor intern certification. Specifically, the
60 Louisiana Engineering Society had requested a rule change to allow a degree in civil
61 engineering from an ABET-accredited university to satisfy 15 of the 30 semester credit
62 hours required to apply to take the fundamentals of surveying examination.

63
64 **Enforcement**

65
66 **Case #2011-33** - Ms. Sentell reported on an unlicensed firm which practiced and/or offered
67 to practice engineering and used the word "engineers" in conjunction with its name and
68 business in Louisiana without proper licensure. The firm subsequently became licensed in
69 Louisiana. The respondent has signed and returned the proposed consent order offered by

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

- 3 1. Fine of \$2,500
- 4 2. Costs of \$1,521.14
- 5 3. Publication with name on the Board's website and in the Journal
- 6 4. Report to NCEES with name

7 After discussion, the Board unanimously approved the motion made by the Complaint
8 Review Committee (consisting of Mr. Thompson, Mr. Moore and Dr. Mattei) to approve
9 the signed Consent Order. The name of the respondent is Robson Forensic, Inc.

10
11 **Case #2012-59** - Ms. Sentell reported on a licensed engineer who failed to earn the
12 required minimum of eight PDHs in code-related activity for the 2007-2009 and 2009-
13 2011 renewal periods and falsely stated that he had satisfied the Board's requirements for
14 CPD for both of those periods. The respondent has signed and returned the proposed
15 consent order offered by the Complaint Review Committee. The proposed consent order
16 contains the following sanctions:

- 17 1. Fine of \$750.00
- 18 2. Costs of \$821.34
- 19 3. Online Louisiana Laws & Rules and Professionalism & Ethics Quizzes
- 20 4. Earning the delinquent PHDs requirements for the 2009-2011 renewal period and
21 providing to the Board an updated PDA Log with supporting documentation
- 22 5. Publication with name on the Board's website and in the Journal
- 23 6. Report to NCEES with name

24 After discussion, the Board unanimously approved the motion made by the Complaint
25 Review Committee (consisting of Mr. Mustapha, Mr. Moore and Mr. Crosby) to approve
26 the signed Consent Order. The name of the respondent is Lam T. Nguyen Sr., P.E.

27
28 **Case #2012-41** - Ms. Sentell reported on an unlicensed firm which prepared and submitted
29 to a client an offer to provide services referred to by the firm as "engineering" services,
30 related to heat tracing for a project located in Louisiana. The respondent has signed and
31 returned the proposed consent order offered by the Complaint Review Committee. The
32 proposed consent order contains the following sanctions:

- 33 1. Fine of \$1,000
- 34 2. Costs of \$744.78
- 35 3. Cease and desist
- 36 4. Publication with name on the Board's website and in the Journal
- 37 5. Report to NCEES with name

38 After discussion, the Board approve unanimously approved the motion made by the
39 Complaint Review Committee (consisting of Mr. Mustapha, Mr. Moore and Mr.
40 Thompson) to approve the signed Consent Order. The name of the respondent is Thermon
41 Heat Tracing Services-II, Inc.

42
43 The Board unanimously approved the motion made by Mr. Williams, seconded by Mr.
44 Irving, to charge a reasonable fee to private companies who ask Board staff to make
45 continuing professional development presentations to their employees.

46
47 Ms. Sentell was directed to determine an approximate cost for making these presentations
48 and to make a recommendation for review and approval by the Enforcement Ad Hoc
49 Committee.

50
51 The Board recessed at 11:55 a.m. for lunch and resumed at 1:05 p.m.

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53 The Board approved the motion made by Dr. Bowie, seconded by Mr. Williams, with Dr.
54 Bowie, Mr. Williams, Dr. Mattei, Mr. Thompson, Mr. Moore, Mr. Irving, Mr. Patterson,
55 Mr. Gammon, Mr. Crosby for and Mr. Mustapha against, to authorize Ms. Sentell to hire an
56 outside consultant, at a cost not to exceed \$15,000, to provide a peer review of the Board's
57 current enforcement practices and to provide a written report of the review with
58 recommendations to the Board.

59 60 **Committee Reports (continued)**

61 **Liaison and Law Review Committee**

62
63 Mr. Thompson presented the report and recommendations from the Liaison and Law
64 Review Committee.

65
66 The Board unanimously approved the motion made by the Liaison and Law Review
67 Committee to amend Rule 2701 as follows:
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1 **§2701. Seal and Signature**
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3 A. – A.3.b.iii.(c). ...
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5 4. Seal Use
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7 a. Completed Work
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9 i. – iv.(a). ...
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11 v. Compiled As-Built Record Drawings
12

13 (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, when such preparation does not require the application of professional judgment. Furthermore, a professional engineer should not seal compiled engineering as-built record drawings unless he/she has been in responsible charge of the underlying engineering work. If the professional engineer was not in responsible charge of the 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:
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23 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. The information shown on these compiled engineering as-built record drawings that was provided by the contractor or others not associated with me cannot be verified for accuracy or completeness. My compilation of this information does not relieve the contractor of responsibility for errors resultant to incorrect, incomplete or omitted data on the contractor's as-built record drawings - nor does it relieve the contractor 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).
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36 (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.
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43 4.b. – 5.b. ...
44

45 The Board unanimously approved the motion made by the Liaison and Law Review
46 Committee to amend Rule 1301 as follows:
47

48 **§1301. General**
49

50 A.1. Only individuals who have received permission from the National Council of Examiners for Engineering and Surveying (NCEES) will be allowed to take the fundamentals of engineering and fundamentals of land surveying examinations, and all applications for these examinations must be timely filed with NCEES.
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55 2. Only individuals of good character and reputation who have received permission from the board will be allowed to take the principles and practice of engineering, principles and practice of land surveying and Louisiana laws of land surveying examinations, and any examination offered by the board. For all examinations, applications for these examinations must be timely filed with the board.
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62 B. ...
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64 C.1. Timely filing of an application with the board or NCEES does not assure that an applicant will be permitted to take an examination, or be scheduled for examination on a particular date.
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68 2. To be considered for a specific examination date, the application for the following examinations should be received by NCEES no later than the date specified by NCEES: fundamentals of engineering; and fundamentals of land surveying.
69
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2
3 ~~3. Effective until July 1, 2011 and ending with the October 2011 exam~~
4 ~~administration, to be considered for a specific examination date, the application for~~
5 ~~the following examinations should be received at the board office no later than~~
6 ~~January 1 for the April examination administration and July 1 for the October~~
7 ~~examination administration: fundamentals of engineering; fundamentals of land~~
8 ~~surveying; principles and practice of engineering; principles and practice of land~~
9 ~~surveying; and Louisiana laws of land surveying. Effective July 1, 2011 and~~
10 ~~beginning with the April 2012 exam administration, to be considered for a~~
11 ~~specific examination date, the application for the following examinations should be~~
12 ~~received at the board office no later than December 1 for the April examination~~
13 ~~administration and June 1 for the October examination administration:~~
14 ~~fundamentals of engineering; fundamentals of land surveying; principles and~~
15 ~~practice of engineering; principles and practice of land surveying; and Louisiana~~
16 ~~laws of land surveying.~~

17
18 D. Examinations in the fundamentals of engineering, fundamentals of land
19 surveying, the principles and practice of engineering, the principles and practice of
20 land surveying and the Louisiana laws of land surveying will be offered ~~at least~~
21 ~~once a year~~ at times and places designated by the board ~~or NCEES~~. Descriptions of
22 typical content of the examinations will be made available to applicants through ~~the~~
23 ~~office of the National Council of Examiners for Engineering and Surveying~~
24 ~~(NCEES).~~

25 E. - F.2. ...

26
27 The Board unanimously approved the motion made by the Liaison and Law Review
28 Committee to amend Rule 1303 as follows:

29
30 **§1303. Waiver of Approval to Take the Fundamentals of Engineering**
31 **Examination**

32
33 ~~A. Graduating seniors of a four-year accredited engineering curriculum may be~~
34 ~~permitted to take the examination in the fundamentals of engineering during their~~
35 ~~last two semesters or last three quarters prior to graduation, or thereafter.~~

36
37 ~~B. Graduates of a four-year engineering curriculum, accredited or non-~~
38 ~~accredited, may be permitted to take the examination in the fundamentals of~~
39 ~~engineering.~~

40
41 ~~C. Graduates of a related science or technology curriculum, approved by the~~
42 ~~board, who have obtained a graduate degree in an engineering curriculum from a~~
43 ~~college or university having an undergraduate accredited engineering curriculum in~~
44 ~~the same discipline or sub-discipline, may be permitted to take the examination in~~
45 ~~the fundamentals of engineering.~~

46
47 ~~D. A student enrolled in a graduate accredited engineering curriculum leading to~~
48 ~~a graduate degree in engineering, who has completed the core courses in~~
49 ~~engineering fundamentals, may be permitted to take the fundamentals of~~
50 ~~engineering examination.~~

51
52 ~~A.E.~~ The board may waive the fundamentals of engineering examination for any
53 applicant who has an earned doctoral degree in engineering from a college or
54 university having an undergraduate accredited engineering curriculum.

55
56 The Board unanimously approved the motion made by the Liaison and Law Review
57 Committee to repeal Rule 1307.

58
59 The Board unanimously approved the motion made by the Liaison and Law Review
60 Committee to amend Rule 1313 as follows:

61
62 **§1313. Examination Results**

63
64 A. The board ~~or the National Council of Examiners for Engineering and~~
65 ~~Surveying (NCEES)~~ will specify the minimum passing score for all examinations
66 for certification or licensure of applicants.

67
68 B. Applicants will be informed ~~by mail~~ only as to whether they passed or failed
69 an examination. Numerical grades are not available to the board.

1 The Board unanimously approved the motion made by the Liaison and Law Review
2 Committee to amend Rule 1701 as follows:

3
4 **§1701. Applications**

5
6 A – D. ...

7
8 ~~E. Requests for licensure in more than one discipline must be submitted on~~
9 ~~separate application forms.~~

10
11 EF. An application for licensure may be considered incomplete by the board.
12 The applicant may be denied admission to an examination until the information
13 submitted in the application has been investigated and replies have been received
14 from references. The board may require additional information and documents it
15 considers necessary for the proper evaluation of an application.

16
17 FG. An application requiring an examination for certification or licensure must
18 be timely filed with the board or NCEES, as discussed in~~off~~ (§1301).

19
20 GH. Applicant files may be destroyed at the discretion of the executive director
21 no earlier than five years after original submission of the application.

22
23 HI. Applications for licensure of an engineering firm and/or land surveying firm
24 must be typed on the form provided by the board, must be completed in their
25 entirety, and must contain the name, license number, and signature of all Louisiana
26 professional engineers and/or professional land surveyors designated as supervising
27 professionals in accordance with Chapter 23 (Firms). The name and signature of an
28 officer of the firm duly authorized to make certifications on behalf of the firm must
29 appear in the specified location of the form. If the applicant is a corporation, a copy
30 of the corporation's Louisiana Certificate of Incorporation (domestic) or Certificate
31 of Authority (foreign) must accompany the application. If the applicant is a limited
32 liability company, a copy of the company's Louisiana Certificate of Organization
33 (domestic) or Certificate of Authority (foreign) must accompany the application.
34 The board will license firms that are corporations using only the name as reflected
35 on the corporation's Certificate of Authority or the Certificate of Incorporation. The
36 board will license firms that are limited liability companies using only the name as
37 reflected on the company's Certificate of Authority or the Certificate of
38 Organization. Designated supervising professionals for the firm must also
39 successfully complete a Louisiana Laws and Rules Examination prior to licensure
40 of the firm.

41
42 The Board unanimously approved the motion made by the Liaison and Law Review
43 Committee to amend Rule 1315 as follows:

44
45 **§1315. Re-Examinations**

46
47 A. ...

48
49 B. After an individual has failed a principles and practice of engineering
50 examination, principles and practice of land surveying examination or Louisiana
51 laws of land surveying examination~~an examination~~ in any and all jurisdictions for
52 the third time, he/she is not eligible to apply to retake the examination for the next
53 two consecutive test cycles. If an individual has failed a principles and practice of
54 engineering examination, principles and practice of land surveying examination or
55 Louisiana laws of land surveying examination~~an examination~~ in any and all
56 jurisdictions five or more times, following each successive failed examination
57 he/she is not eligible to apply to retake the examination for the next two
58 consecutive test cycles and must successfully complete a review course approved
59 by the board prior to reapplying. After an individual has failed a principles and
60 practice of engineering examination, principles and practice of land surveying
61 examination or Louisiana laws of land surveying examination~~an examination~~ in
62 any and all jurisdictions for the tenth time, he/she is no longer eligible to retake the
63 examination.

64
65 C. Before an applicant is given approval to retake a principles and practice of
66 engineering examination, principles and practice of land surveying examination or
67 Louisiana laws of land surveying examination~~an examination~~, he/she may be
68 required to appear before the board, or a committee of the board, for an oral
69 interview/oral examination.
70

1 The Board unanimously approved the motion made by the Liaison and Law Review
2 Committee to amend Rule 3111 as follows:

3
4 **§3111. Determination of Credit**

5 A. – A.5. ...

6
7
8 6. obtaining patents; ~~and~~

9
10 7. formal, documented problem preparation for NCEES or state professional
11 exams; ~~and~~

12
13 8. serving as thesis directors for students pursuing a masters or doctoral degree
14 in engineering.

15
16 B. – D. ...

17
18 The Board unanimously approved the motion made by the Liaison and Review Law
19 Committee to amend Rule 3113 as follows:

20
21 **§3113. Units**

22 A. – B.5. ...

23
24
25 6. each patent = 10 PDHs;

26
27 7. serving as thesis directors for students pursuing a masters or doctoral
28 degree in engineering = 1 PDH per hour of thesis credit. A maximum of 10 PDHs
29 will be allowed per biennial licensure renewal period for each such thesis director.

30
31 **Nominations and Awards Committee**

32
33 The Board unanimously approved the motion made by the Nominations and Awards
34 Committee to elect the following Board officers for 2013-14:

35
36 Miles B. Williams, P.E. - 6 months as Chairman/6 months as Vice Chairman
37 James E. Bowie, Ph.D., P.E. - 6 months as Vice Chairman/6 months as Chairman
38 M. Ernest Gammon, P.L.S. - Treasurer
39 Theodore H. Thompson, P.E. - Secretary
40

41 **Old/New Business**

42
43 The Board approved the motion made by Mr. Moore, seconded by Dr. Bowie, with Mr.
44 Moore, Dr. Bowie, Dr. Mattei, Mr. Thompson, Mr. Irving, Mr. Patterson, Mr. Crosby and
45 Mr. Gammon for and Mr. Mustapha against, to send the examination irregularity report
46 recently received from NCEES to a Complaint Review Committee for review and
47 recommendation at the March 2013 Board meeting.

48
49 The Board unanimously approved the motion made by Dr. Mattei, seconded by Mr.
50 Williams, to authorize NCEES to release the October 2012 examination scores for Celso
51 Antunez.

52
53 At 3:45 p.m., the Board unanimously approved the motion made by Mr. Williams,
54 seconded by Mr. Mustapha, to enter into executive session to discuss pending litigation.

55
56 At 4:00 p.m., the Board unanimously approved the motion made by Mr. Moore, seconded
57 by Mr. Irving, to end the executive session.

58
59 The Board unanimously approved the motion made by Mr. Mustapha, seconded by Dr.
60 Mattei, to approve staff and Board members to attend the NCEES Southern Zone meeting
61 in Biloxi, Mississippi on April 4-6, 2013.

62
63 The Board unanimously approved the motion made by Mr. Crosby, seconded by Mr.
64 Williams, to schedule the Board's next regular meeting for Monday/Tuesday, March 11 -
65 12, 2013 in Baton Rouge, Louisiana.

66
67 **Closing Business**

68
69 The Board unanimously approved the motion made by Dr. Mattei, seconded by Mr.
70 Williams, to approve all committee recommendations and actions.

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

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

The Board unanimously approved the motion made by Mr. Moore, seconded by Mr. Thompson, to adjourn.

The meeting adjourned at 4:35 p.m. on Tuesday, January 22, 2013.



Richard L. Savoie, P.E.
Chairman



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