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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
November 16, 2009

At 8:00 a.m. on November 16, 2009, the Chairman called the meeting to order at 9643 Brookline Avenue, Baton Rouge, Louisiana with the following members present:

Timothy J. Allen, P.L.S.	Chairman
James D. Garber, Ph.D., P.E.	Vice Chairman
Mark A. Jusselin, P.E.	Treasurer
Rhaoul A. Guillaume, P.E.	Secretary

Roger D. Danzy, P.E.
Ali M. Mustapha, P.E.
Richard L. Savoie, P.E.
M. Ernest Gammon, Sr., P.L.S.

Also present: Donna D. Sentell, Executive Secretary
Heidi Watts, Office Manager
D. Scott Landry, Board Attorney
Justin Owens, Board Investigator
Victoria Hatton, Board Investigator
Tyson Ducote, Board Investigator
Lyles Budden, LSPS
Ronda Courville, LSPS

Not present: James E. Bowie, Ph.D., P.E.
Miles B. Williams, P.E.
Norma Jean Mattei, Ph.D., P.E.

The invocation was led by Mr. Guillaume and the pledge was led by Mr. Gammon.

Dr. Bowie and Mr. Williams entered the meeting at 8:10 a.m.

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr. Savoie, to accept the November 16, 2009 Call for the Meeting and the Agenda.

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr. Danzy, to approve the Minutes from the September 21 - 22, 2009 Board meeting.

The Board unanimously approved the motion made by Mr. Guillaume, seconded by Mr. Mustapha, that the Board's next regular meeting will be held on January 18 - 19, 2010.

Dr. Mattei entered the meeting at 8:15 a.m.

Committee Reports

Nominations and Awards Committee

The Board unanimously approved the motion made by the committee to accept the following nominations for the 2010-11 Board officers:

1 Mr. Mark A. Jusselin, P.E. – 6 months as Chairman/6 months
2 as Vice Chairman
3 Mr. Rhaoul A. Guillaume, P.E. – 6 months as Chairman/6 months
4 as Vice Chairman
5 Mr. Roger D. Danzy, P.E. – Treasurer
6 Mr. Ali M. Mustapha, P.E. – Secretary
7

8 Dr. Garber briefed the Board regarding the committee's recommendation of
9 hosting a Past Board Member Assembly in connection with the March 2010 Board
10 meeting. The committee will present a proposed agenda and questionnaire at the
11 January 2010 Board meeting. Mr. Guillaume is to work with the staff to develop a
12 questionnaire and Save-the-Date cards to send to the past Board members.
13

14 Chairman Allen charged Ms. Sentell with developing a wall plaque for the Board
15 conference room listing the names and term dates of all former Board members.
16 The plaque will be unveiled at the Past Board Member Assembly in March 2010.
17

18 The Board unanimously approved the motion made by Dr. Mattei, seconded by
19 Mr. Guillaume, to change the March 2010 Board meeting dates to March 7 – 9,
20 2010.
21

22 Mr. Williams briefed the Board regarding correspondence received from Louisiana
23 Society of Professional Surveyors (LSPS) regarding the lack of spacing between the
24 expiration of the terms of the two professional land surveyor members of the
25 Board.
26

27 Mr. Budden addressed the Board and stated that LSPS is in full support of a Board
28 resolution which will identify the problem identified by LSPS and support LSPS's
29 recommended solution.
30

31 The Board approved a motion made by Mr. Williams, seconded by Mr. Jusselin,
32 with Mr. Danzy abstaining, for a resolution stating that the Board (a) recognizes
33 there is a problem as stated in the LSPS letter of November 10, 2009 and (b)
34 supports resolving the problem by asking LSPS and the Louisiana Engineering
35 Society (LES) to "extend" the terms of Mr. Allen until 2012 and Mr. Danzy until
36 2015 by not nominating their successors until those dates.
37

38 Mr. Budden thanked Chairman Allen for his years of service on the Board and his
39 willingness to continue his service.
40

41 Mr. Budden and Ms. Courville exited the meeting at 8:50 a.m.
42

43 **Liaison and Law Review Committee**

44

45 Mr. Jusselin addressed the LES letter of November 2, 2009 responding to the
46 proposed law changes. The Board agreed to the wording suggested in item 4 of
47 the LES letter, but did not agree to the LES modifications suggested in items 5 and
48 6. Chairman Allen charged Mr. Jusselin to work with staff to draft a response to
49 LES.
50

51 Mr. Williams exited the meeting at 9:15 a.m.
52

53 The Board approved the motion made by the committee, with Mr. Mustapha
54 opposed, to amend Rule 1315(B) as follows:
55

56 **§1315. Re-Examinations**

57

58
59 B. After an individual has failed an examination in any and all jurisdictions for the third time,
60 he/she is not eligible to apply to retake the examination for the next two consecutive test
61 cycles. If an individual has failed an examination in any and all jurisdictions five or more times,
62 following each successive failed examination he/she is not eligible to apply to retake the

1 examination for the next two consecutive test cycles and must successfully complete a review
2 course approved by the board prior to reapplying. After an individual has failed an examination
3 in any and all jurisdictions for the tenth time, he/she is no longer eligible to retake the
4 examination.
5
6

7 ...

8 The Board unanimously approved the motion made by the committee to amend
9 Rule 2103 as follows:

10
11 **§2103. Licensure Status**
12

13 ...

14 *Retired Status*—the licensure status which exists for an individual licensee of the board who
15 has chosen not to practice or offer to practice professional engineering and/or professional
16 land surveying in Louisiana and who has indicated that fact on the board biennial licensure
17 renewal form. To qualify for the *retired status*, the licensee must be at least 70 years of age or
18 have been a licensee of the board for at least 35 years. Unless the licensee is granted a waiver
19 by the board, the renewal fee for the *retired status* shall be one-half of the current renewal fee
20 for the *active status*. A licensee qualified for the *retired status* may be granted a waiver of this
21 renewal fee if the licensee is at least 70 years of age, has been a licensee of the board for at
22 least 35 years continuously, has never been subject to disciplinary action in any jurisdiction,
23 has never committed any of the offenses described in R.S. 37:698(A) (3), (4) or (5), and is of
24 good character and reputation. A licensee in a *retired status* can represent himself/herself to
25 the public as a *P.E. Retired*, or a *P.L.S. Retired*, but cannot otherwise practice or offer to
26 practice professional engineering and/or professional land surveying in Louisiana.
27

28 The committee made the motion to amend Rule 1501(B) as follows:

29
30 **§1501. Recognition of Experience**
31

32 ...

33 B. For purposes of applications for licensure by comity, the applicant must have
34 accrued, by the time of the application in the original licensing jurisdiction, the requisite
35 qualifying experience according to Louisiana experience requirements in effect at such
36 time.
37

38 The motion failed, with Mr. Jusselin, Mr. Savoie, Mr. Danzy and Mr. Gammon for
39 and Mr. Guillaume, Mr. Williams, Dr. Garber, Mr. Mustapha, Dr. Mattei and Dr.
40 Bowie against.
41

42 **Continuing Professional Development Committee**
43

44 The Board unanimously approved the motion made by Dr. Mattei, seconded by
45 Mr. Guillaume, to approve the committee's CPD audit procedure policy revisions
46 by adding the following:
47

48 **2. Implementation of Audit:**

49 Audits will be initiated in conjunction with the printing of the initial renewal invoices at the
50 end of each biennial renewal cycle on or about February 1 and August 1 of each calendar
51 year. Individuals to be audited will be identified by a random selection process which will
52 identify and select by licensure number up to 30 percent of those professional engineers and
53 land surveyors who are scheduled to renew their license at the end of their licensure
54 renewal period. The percentage of renewals to be audited during each audit will be
55 determined by the Board Executive Secretary after coordination with Board personnel
56 responsible for conducting the CPD Audit.
57

58 **3. Notification of Audit to Licensees:**

59 A letter will be mailed to each licensee identified for audit by the random selection process.
60 The letter will request that within 60 days the licensee provide the Board with a copy of his
61 completed Professional Development Hour (PDH) Activity Log and all supporting
62 documentation for the most recent licensure renewal period for audit purposes. Licensees
63 deemed not-in-compliance with the audit will be denied 'Active' status of their license
64 renewal.
65

66 The motion was made by Mr. Jusselin, seconded by Dr. Bowie, to adopt a rule
67 change requiring that all licensees submit their CPD log with their license renewal
and to deny renewal if the CPD log is not submitted. The motion failed, with Mr.

1 Jusselin, Dr. Mattei, Mr. Danzy and Mr. Savoie for, Mr. Guillaume, Dr. Garber, Mr.
2 Mustapha and Dr. Bowie against, Mr. Gammon abstaining, and Chairman Allen
3 against.
4

5 Chairman Allen charged the committee with conducting further review and
6 making any appropriate recommendations regarding the concept of requiring all
7 licensees to submit their CPD log with license renewals.
8

9 The Board unanimously approved the motion made by Dr. Mattei, seconded by
10 Mr. Mustapha, to revise section 2 of the Disciplinary and Enforcement Sanction
11 Guidelines for Consent Orders and Other Administrative Matters as follows:
12

13 **2. Failure to Respond to a CPD Audit or to obtain CPD hours – Rules 3117-19**
14

- 15 a. 0-60 days – receive a first class letter notifying licensee of audit
16 b. 61-180 days – receive a certified letter notifying licensee of non-compliance and \$200
17 administrative fee assessment
18 c. 181 days –
19

20
21 The Board recessed at 10:20 a.m. and reconvened at 10:26 a.m. with Mr. Williams
22 present.
23

24 **Enforcement Ad-Hoc Committee**
25

26 Ms. Hatton reported on the firm licensure process and recent discussions with the
27 Secretary of State's office. A policy will be drafted for the committee to present at
28 the January Board meeting for a motion.
29

30 Mr. Owens reported on his research regarding conducting Louisiana criminal
31 background checks on applicants and licensees. Because of anticipated law
32 changes regarding the authority for conducting background checks, the Board will
33 need to adopt a policy or rule that will require applicants to submit a Louisiana
34 background check. The committee will submit an updated report at the January
35 Board meeting as to the new Louisiana State Police procedure.
36

37 Mr. Williams reported on developing a policy for reviewing plans from
38 governmental agencies. The committee will make a recommendation at the
39 January Board meeting. Mr. Savoie and Mr. Mustapha stated their opposition to
40 the implementation of such a policy.
41

42 Chairman Allen exited the meeting at 11:05 a.m., with Dr. Garber now presiding.
43

44 **Strategic Planning Committee**
45

46 Ms. Hatton made a presentation regarding Twitter and the advantages of offering
47 this method of communication with our licensees and applicants.
48

49 The Board unanimously approved the motion made by Mr. Danzy, seconded by
50 Mr. Williams, to authorize the staff to setup a Twitter account and to publicize it
51 on letterhead, emails and all other correspondence sent from the Board office.
52

53 Mr. Allen reentered the meeting at 11:17 a.m.
54

55 Mr. Danzy reviewed the strategic planning action list from the committee's
56 September 2009 meeting and removed those items that had been completed.
57

58 Dr. Garber charged the Enforcement Ad-Hoc Committee with developing a policy
59 to be presented at the January Board meeting implementing a reserve account for
60 enforcement litigation expenses.
61

1 Mr. Danzy updated the Board on the office lease agreement and advised that two
2 appraisers had made site visits and that a complete report will be reviewed at the
3 January Board meeting.
4

5 **Land Surveying Committee**

6
7 Mr. Allen reported that the Compendium of Louisiana and Federal Laws Relating
8 to Land Surveying (which was last updated in 1993) has now been updated,
9 printed and posted on the Board's website.
10

11 Mr. Allen reported that the Board's online Louisiana Minimum Standards exam has
12 been updated to have multiple choice questions.
13

14 Mr. Allen reported that the American National Standards Institute (ANSI) has
15 approved the Model Law Surveyor standard developed by NCEES.
16

17 The Board unanimously approved the motion made by the committee to limit the
18 number of real property courses required and allowed to satisfy the 30 semester
19 credit hour requirement for PLS licensure. Only 3 semester credit hours of real
20 property courses are required and no more than 3 semester credit hours will be
21 accepted toward the 30 semester credit hour requirement. Any real property
22 course must cover subject matter germane to surveying applications as they apply
23 to real property, such as real estate principles and real estate law. Until the fall
24 2013 exam, the Board will accept courses on both the current and revised course
25 list.
26

27 Mr. Allen presented the letter from LSPS dated October 6, 2009, suggesting
28 proposed changes to the educational requirements for PLS licensure. The
29 committee will review the request at their committee meeting on November 17,
30 2009.
31

32 Mr. Landry advised the Board that the LSPS letter could be construed as a
33 "request" to amend a Board rule, thus requiring the Board to act within 90 days
34 of receiving the letter. Based on this time constraint, the motion was made by Mr.
35 Allen, seconded by Mr. Gammon, to deny the request for a rule change as
36 proposed, but to indicate to LSPS that the committee will further study the
37 request.
38

39 Mr. Allen reported on the request he sent to LSPS on September 24, 2009
40 regarding the Louisiana Laws Examination for PLS licensure and the need for an
41 item writing committee to address the ratio of items in the question item bank
42 compared to items on the exam.
43

44 Dr. Mattei reported on the BORSF Enhancement Grant request she is working on
45 for UNO to update its surveying lab.
46

47 The Board recessed for lunch at 12:17 p.m. and reconvened at 1:05 p.m. with
48 Chairman Allen presiding.
49

50 **Applications**

51
52 Ms. Sentell reported on the correspondence received from NCEES regarding the
53 NCEES exam changes to become effective with the October 2010 exam
54 administration. These changes will be posted on the Board's website.
55

1 **Policy and Procedure Ad-Hoc Committee**

2
3 Ms. Sentell reported on the efforts that have been taken to develop a Records
4 Retention Policy for the Board. A policy will be presented at the January Board
5 meeting.

6
7 Mr. Landry exited the meeting at 3:00 p.m.

8
9 **Finance Committee**

10
11 The Board unanimously approved the motion made by the committee directing
12 Ms. Sentell to deposit \$100,000.00 from the Board's checking account into a
13 certificate of deposit at an appropriate financial institution (other than ones which
14 the Board is currently using) in accordance with the Investment Policy.

15
16 The Board unanimously approved the motion made by the committee to approve
17 the proposed budget for fiscal year 2010 – 2011 to be submitted to the Office of
18 the Legislative Auditor, Legislative Fiscal Office, and the Joint Legislative
19 Committee on the Budget.

20
21 The Board unanimously approved the motion made by the committee that in
22 order to be reimbursed all Board member travel must receive prior approval from
23 the Board and that all positions taken by Board members during approved travel
24 must be a position of the Board.

25
26 Mr. Landry reentered the meeting at 3:15 p.m.

27
28 Chairman Allen charged the Policy and Procedure Ad Hoc Committee with
29 developing guidelines for Board member expense reimbursement and to present a
30 recommendation to the Board.

31
32 The Board unanimously approved the motion made by the committee to adopt
33 the following as interim guidelines for Board member expense reimbursement:

34
35 Application review: 30 minutes maximum (if more, submit a justification)
36 Committee task: 15 minutes maximum (if more, submit a justification)
37 Board meeting prep: 2 hour maximum (if more, submit a justification)
38 Expense report prep: 30 minute maximum (if more, submit a justification)
39 Travel: by state guidelines (reviewed by committee)
40 Mileage: by state guidelines (reviewed by committee)

41
42 The Board approved a motion made by Dr. Bowie, seconded by Dr. Garber, with
43 Mr. Danzy, Mr. Savoie, Mr. Williams, Dr. Garber, Mr. Mustapha, Dr. Mattei, Dr.
44 Bowie and Mr. Gammon for, and Mr. Jusselin and Mr. Guillaume against, to add to
45 the previous motion:

46
47 Committee meeting: Actual time spent

48
49 Mr. Danzy exited the meeting at 4:03 p.m.

50
51 **Enforcement**

52
53 **File #2007-64:** Mr. Owens reported on a licensed land surveyor who prepared,
54 signed, sealed and issued survey plats which failed to meet the Board's minimum
55 standards for property boundary surveys. The respondent has signed and
56 returned the proposed Consent Order offered by the Complaint Review
57 Committee. After discussion, the Board unanimously approved the motion made
58 by Mr. Mustapha, seconded by Dr. Mattei, to approve the signed Consent Order.

59
60 **File #2008-91:** Mr. Owens reported that an informal conference was held, but the
61 matter has not been resolved. Mr. Owens recommended that the Board prefer

1 formal charges against the respondent for the alleged violation of La. R.S.
2 37:698(A)(9) and (16) (*i.e.*, practicing and/or offering to practice engineering in
3 Louisiana with an expired license). After discussion, the Board unanimously
4 approved the motion made by Mr. Williams, seconded by Dr. Mattei, with Dr.
5 Bowie and Mr. Mustapha abstaining, to prefer formal charges against the
6 respondent as recommended and to schedule the matter for a joint hearing (with
7 File #2009-12) on January 18, 2010 at 1:30 p.m.

8
9 **File #2009-12:** Mr. Owens reported that an informal conference was held, but the
10 matter has not been resolved. Mr. Owens recommended that the Board prefer
11 formal charges against the respondent for the alleged violation of La. R.S.
12 37:698(A)(12) (*i.e.*, aiding or assisting another person in violating the laws and/or
13 rules of the Board). After discussion, the Board unanimously approved the motion
14 made by Mr. Williams, seconded by Dr. Mattei, with Dr. Bowie and Mr. Mustapha
15 abstaining, to prefer formal charges against the respondent as recommended and
16 to schedule the matter for a joint hearing (with File #2008-91) on January 18, 2010
17 at 1:30 p.m.

18
19 **File #2008-12 and #2008-89:** Mr. Owens reported that the respondents have
20 signed the agreement to (a) waive the requirement to hold the hearing within 12-
21 months of the preferral of formal charges and (b) extend the deadline for holding
22 the hearing to January 31, 2011. Mr. Owens also reported that the prosecuting
23 counsel and the respondents' attorney have submitted a Joint Motion to Continue
24 the hearing scheduled for November 16, 2009. After discussion, the Board
25 approved the motion made by Mr. Mustapha, seconded by Dr. Mattei, with Mr.
26 Jusselin, Mr. Savoie and Mr. Guillaume abstaining, to (a) authorize Chairman Allen
27 to sign the agreement and (b) continue the hearing and reschedule it at a later
28 date.

29
30 The Board unanimously approved the motion made by Mr. Mustapha, seconded
31 by Mr. Williams, to enter into executive session to discuss pending litigation at
32 4:30 p.m.

33
34 The Board unanimously approved the motion made by Mr. Mustapha, seconded
35 by Dr. Garber, to exit the executive session at 4:40 p.m.

36 37 38 39 40 **New Business**

41
42 Ms. Watts presented the Board with an application to renew an expired engineer
43 intern certificate. She also presented a list of potential responses to the question,
44 "Why be an EI?"

45
46 The Board approved the motion made by Dr. Bowie, seconded by Mr. Savoie, with
47 Mr. Mustapha opposed, for the Engineer Intern Committee to review the
48 proposed Engineer Intern Certificate Renewal Application for engineer interns who
49 have expired. Chairman Allen also charged the committee with reviewing the time
50 limitation of being an Engineer Intern.

51
52 The Board unanimously approved the motion made by Dr. Bowie, seconded by Dr.
53 Mattei, to propose the deletion of paragraph B(1) from Rule 1501 and to send this
54 proposal to the Liaison and Law Review Committee for review and
55 recommendation.

56
57 Mr. Mustapha was recognized as the National ASCE fellow member.

58
59 Mr. Guillaume addressed the Board regarding Mr. Sharafkhani's recent surgery
60 and the Board agreed to have Ms. Sentell send a card on behalf of the Board.

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Closing Business

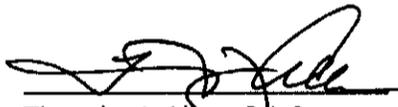
The Board unanimously approved the motion made by Mr. Mustapha, seconded by Dr. Mattei, to approve all committee recommendations and actions.

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

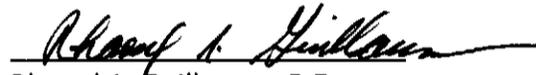
The Board unanimously approved the motion made by Mr. Williams, seconded by Mr. Savoie, to approve all Board expenses.

The Board unanimously approved the motion made by Mr. Savoie, seconded by Dr. Mattei, to adjourn.

The meeting adjourned at 5:10 p.m. November 16, 2009.



Timothy J. Allen, P.L.S.
Chairman



Rhaoul A. Guillaume, P.E.
Secretary