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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
July 22, 2013

At 8:00 a.m. on July 22, 2013, Miles B. Williams, P.E., called the meeting to order with the following members present:

Miles B. Williams, P.E.	Chairman
James E. Bowie, Jr., Ph.D., 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.
Christopher P. Knotts, P.E.

Also present: Donna D. Sentell, Executive Director
Joe H. Harman, P.E., Technical Support Staff
Tyson Ducote, Board Investigator
Justin Owens, Board Investigator
D. Scott Landry, Board Attorney

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

Public comment time was recognized by Chairman Williams. The following members of the public addressed the Board during public comment time: Mr. Chris Chiasson, Mr. Varaprasad Ramaraju Venkata, and Mr. Tao Fang.

The Board unanimously approved the motion made by Mr. Patterson, seconded by Mr. Knotts, to accept the July 22, 2013, proposed Call for the Meeting and Board Meeting Agenda.

The Board unanimously approved the motion made by Mr. Patterson, seconded by Mr. Irving, to approve the Minutes from the May 20, 2013 Board meeting.

The Board unanimously approved the motion made by Mr. Thompson, seconded by Mr. Mustapha, to schedule the Board's next regular meeting for September 16, 2013 at McNeese State University in Lake Charles, Louisiana.

Chairman Williams presented the Chairman's comments. The Board unanimously approved the motion made by the Executive Committee to grant merit pay increases of 4% to all eligible employees effective July 1, 2013.

The Board unanimously approved the motion made by the Executive Committee to grant a merit pay increase of 4% to the Executive Director effective July 22, 2013.

Chairman Williams appointed an ad hoc committee consisting of Mr. Williams, Mr. Knotts and Mr. Patterson to review the April 2013 NCEES Copying and Collusion Report and to make a recommendation to the Board at the September 2013 meeting.

The Board's May Task List was reviewed.

Enforcement

Case #2012-40 – Mr. Ducote reported on a licensed engineer who practiced and/or offered to practice land surveying 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 \$4,000
2. Costs of \$956.95
3. Pay to client \$1,000 as reimbursement for costs to obtain corrected survey plat
4. Online Louisiana Laws/Rules Quiz
5. Online Louisiana Professionalism/Ethics Quiz
6. Cease & desist
7. Publication on the Board's website and in the Journal with name
8. Report to NCEES with name

After discussion, the Board unanimously approved the motion made by the Complaint Review Committee, consisting of Mr. Crosby, Mr. Mustapha and Mr. Gammon, to approve the signed Consent Order. The name of the respondent is Elmer Jones, P.E.

Case #2012-103 – 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 \$500
2. Costs of \$383.04
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. Patterson, Mr. Crosby and Mr. Williams, to approve the signed Consent Order. The name of the respondent is Chapman Consulting Inc.

Case #2013-59 – Mr. Ducote reported on a licensed engineer who aided/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 \$383.04
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. Patterson, Mr. Crosby and Mr. Mustapha, to approve the signed Consent Order. The name of the respondent is Leland R. Chapman, P.E.

Case #2013-40 – Mr. Owens reported a licensed engineering firm for (a) practicing and/or offering to practice engineering in Louisiana with an expired license and (b) providing or offering to provide engineering services in Louisiana with a firm name which is not the exact firm name contained on the firm's certificate of licensure issued by the Board. 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 \$5,250
2. Costs of \$519.19
3. Past unpaid renewal fees of \$640
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. Irving, Mr. Mustapha and Mr. Knotts, to approve the signed Consent Order. The name of the respondent is G. R. Stucker and Associates, Inc.

1 **Committee Reports**

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3 **Land Surveying Committee**

4
5 Mr. Gammon briefed the Board on the Petition for Declaratory Order and Ruling
6 (2013-01) received from **Mr. Mark Smith** concerning route surveys and determining
7 the location of boundary lines to be crossed by a proposed right-of-way.

8
9 The Board unanimously approved the motion by the Land Surveying Committee to
10 approve the following ruling on Mr. Smith's Petition for Declaratory Order and Ruling:

11 **RULING ON PETITION FOR DECLARATORY ORDER**

12 1.

13 On June 19, 2013, Mark Smith ("Petitioner") filed with the Louisiana
14 Professional Engineering and Land Surveying Board (the "Board") a petition
15 for declaratory order and ruling pursuant to LAC Title 46:LXI§727.

16 2.

17 Petitioner seeks a declaratory order as to whether a professional land
18 surveyor is required to "physically locate the corner points of a tract of land
19 that will be crossed by a proposed right of way" in Louisiana.

20 3.

21 LAC Title 46:LXI§2909(A) defines a "route survey" as "a survey for
22 determining the route of a proposed pipeline, power line, cable, road or other
23 linear facilities, excluding flood protection levees, in order to acquire a right-of-
24 way, servitude or easement from the property owner being crossed".

25 4.

26 LAC Title 46:LXI§2903(A) defines a "right-of-way" as:
27 [A]ny strip or area of land, including surface, overhead, or underground,
28 encumbered by a servitude. Rights are typically granted by deed for access or
29 for construction, operation and/or maintenance purposes, according to the
30 terms of the grant.

31 5.

32 LAC Title 46:LXI§2903(A) defines a "servitude" as:
33 [A]n interest held by one person in land of another whereby the first person is
34 accorded partial use of such land for a specific purpose. A servitude restricts
35 but does not abridge the rights of the fee owner to the use and enjoyment of
36 his/her land. The term *easement* is often used interchangeably with *servitude*
37 and generally means the same thing.

38 6.

39 When performing a route survey, a professional land surveyor is required
40 to locate sufficient evidence, on the ground, to determine the location of all
41 boundary lines that will be crossed by the proposed right-of-way, servitude or
42 easement. LAC Title 46:LXI§2903(B)(2).

43 **ORDER**

44 After due consideration of the petition for declaratory order and ruling filed
45 by Petitioner and after discussion by the Board during its meeting on July 22,
46 2013:

47 **IT IS THE RULING** of the Board that:

48 7.

49 When performing a route survey in Louisiana, a professional land
50 surveyor is not necessarily required to physically locate the corner points of a
51 tract of land that will be crossed by a proposed right-of-way. However, the
52 professional land surveyor is required to locate sufficient evidence, on the
53 ground, to determine the location of all boundary lines that will be crossed by
54 the proposed right-of-way.

55 **THUS DONE** at Baton Rouge, Louisiana, on the __ day of ____, 2013.

56
57 **LOUISIANA PROFESSIONAL ENGINEERING
58 AND LAND SURVEYING BOARD**

59 By: MILES B. WILLIAMS, P.E., Chairman

60
61 The Board recessed at 9:45 a.m. and resumed at 10:00 a.m.. Mr. Gammon was not
62 present.

63 **Enforcement Ad Hoc Committee**

64 Mr. Crosby presented the report for the Enforcement Ad Hoc Committee. Some
65 topics currently being reviewed by the Enforcement Ad Hoc Committee include:

- the use of an abbreviated CRC form for cases involving expired and/or unlicensed practice
- an update on our enforcement peer review by Bruce Pitts
- filling the Director of Enforcement position
- categorizing levels of potential violations (*i.e.*, easy/hard/complicated, 1/2/3, etc.)
- determining whether this committee should be a standing committee (which will require a rule change)
- updating the Standard Investigative Procedures
- clarification of the CRC review policy

Mr. Gammon entered the meeting at 10:20 a.m.

Liaison and Law Review Committee

Mr. Moore presented the report for the Liaison and Law Review Committee, which included an update on the May 23, 2013 meeting with representatives from SEI concerning the structural engineer designation.

Mr. Landry briefed the Board on the 2013 legislative wrap-up.

Applications

Application Appeals

The Board unanimously approved the motion made by Dr. Bowie, seconded by Mr. Thompson, to affirm the reviewing committee's decision to *disapprove* the application of Mr. Varaprasad Ramaraju **Venkata** for licensure as a professional engineer by comity based on insufficient experience.

The Board recessed at 11:55 a.m. for lunch, and resumed at 12:55 p.m.

New Applications

The Board approved the motion made by Mr. Mustapha, seconded by Mr. Patterson, with Dr. Hale, Mr. Irving, Mr. Mustapha, Mr. Moore, Mr. Thompson, Dr. Bowie, Mr. Crosby, Mr. Knotts and Mr. Patterson for and Mr. Gammon against, to *approve* the application of Mr. Lawrence **Zimmerman** for licensure as a professional engineer by comity.

Application Appeals (continued)

The Board unanimously approved the motion made by Mr. Williams, seconded by Mr. Mustapha, to affirm the reviewing committee's decision to *disapprove* the application of Mr. Tao **Fang** for licensure as a professional engineer by comity based on insufficient experience.

Committee Reports (continued)

Finance Committee

Mr. Gammon presented the report from the Finance Committee.

The Board unanimously approved the motion made by the Finance Committee to instruct the Executive Director to purchase a CD in the amount of \$175,000.

Old/New Business

The Board unanimously approved the motion made by Mr. Mustapha, seconded by Mr. Thompson, to schedule the 2014 Board meeting dates as follows:

- January 22/23 - Lafayette
- March 17/18
- May 19/20
- July 21/22
- September 8 - UL-Lafayette

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Closing Business

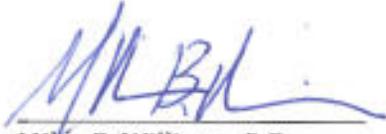
The Board unanimously approved the motion made by Mr. Thompson, seconded by Mr. Mustapha, to approve all committee recommendations and actions.

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

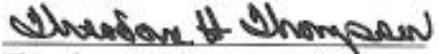
The Board unanimously approved the motion made by Mr. Gammon, seconded by Mr. Patterson, to approve all Board expenses.

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

The meeting adjourned at 3:05 p.m. on Monday, July 22, 2013.



Miles B. Williams, P.E.
Chairman



Theodore H. Thompson, P.E.
Secretary