



Air & Waste  
Management  
Association  
LA Session

October 29, 2015

# LAPELS BOARD

# LAPELS Board

- 11 members – 9 PE / 2 PLS
  - Each serve a 6 year term
- They are appointed by the Governor
- They are chosen from lists submitted by  
LES & LSPS
- **In most years, 2 member's terms expire**  
in March (usually)
- Members represent the following areas  
of practice:
- Construction - Education - Government  
Industry - Private Practice - Surveying

# LAPELS BOARD MEMBERS

Homer



Ruston



West  
Monroe Monroe



Baton Rouge



Lake Charles



Lafayette



Gonzales



# LAPELS Board is a working board

## All members participate in committee work

- 11 standing committees
- 3 ad hoc committees

## All members participate in enforcement work

- Complaint Review Committees

## All members review applications

- About 500 last year – PE/PLS/EI/LSI
- Plus CPD providers & +5 year expired applications

## 6 Board meetings a year

- September meeting is held at one of the state universities
- Travel to NCEES zone & national meetings
- Participate in NCEES national committees

Donna Sentell  
Executive Director



Richard Savoie, PE  
Deputy Executive Director



Scott Landry  
Board Attorney



# LAPELS STAFF

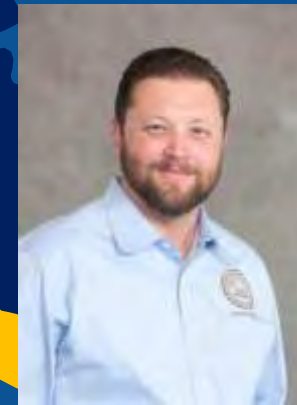
# LAPELS Enforcement Staff

Tyson Ducote  
Director of Enforcement



Joe Harman, PE  
Technical Consultant

William Hyatt  
Board Investigator





ENFORCEMENT  
COMPLIANCE

# Activities of Enforcement and Compliance

- ◉ Investigate complaints alleging violations of the Laws & Rules of the Board
- ◉ We form Complaint Review Committees (3 Board members) and work with them during the investigative stage
- ◉ Work with Board attorney to bring investigations to a close – Consent Order or Formal Hearing
- ◉ Respond to phone calls and emails from the public & licensees regarding the laws and rules
- ◉ Oversee licensure renewal to ensure compliance with requirements listed on renewal invoice – 2 cycles (5,000+ per cycle)

# Activities of Compliance and Enforcement Division

- Conduct CPD audits – with renewals (200 per cycle)
- Process applications
  - Expired license / certificates
  - firm licensure
- Make presentations to technical & professional societies relating to the laws and rules of the Board
- Interface with other state agencies regarding engineering and surveying work, (FMO, DHH, etc.)
- Review **National Council of Examiners for Engineering and Surveying** (NCEES) website for Louisiana licensees who have been disciplined in another state

# ETHICAL ISSUES

# Ethical Issues

Very few actual “ethical” issues addressed in the Laws and Rules

- [2503] - Injuring Professional Reputation of Another Licensee
  - Malicious or indiscriminate criticism
- [2507] - Conflicts of Interest
  - Participating in considerations regarding professional services provided to a government body/agency while a member of (or consultant to) that government body/agency

# Ethical Issues

- [2507] - Conflicts of Interest
  - Soliciting/accepting gratuities from clients, contractors, employers
  - Soliciting/accepting compensation from multiple parties for services provided on the same project
  - Attempting to take the place of another licensee on a project when you know he has been selected for that project

# Ethical Issues

- [2509-2511] - Improper Solicitation or Advertising
  - Misrepresenting - Exaggerating qualifications, associates, or past accomplishments

QUIZ

TIME



# QUESTION #1

What do you do if you personally know of a violation of the Laws or Rules of the Board?

# QUESTION #1

- A. Ignore it and hope it goes away
- B. Report such knowledge to the Board in writing
- C. Speak with the individual and try and to get them in compliance
- D. Call the Board and report it anonymously

# QUESTION #1

The answer is: B Report such knowledge to the Board in writing:

Section 2501 (D)

**"A** licensee possessing personal knowledge of a violation of the licensure law or the board rules found in this Chapter shall report such knowledge to the board in writing and shall cooperate with the board in furnishing such further information or assistance as it may require."

# QUESTION #1

Section 2503(H) also states:

**“If the licensee believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the board in a manner consistent with the requirement of those rules for reporting personal knowledge of rule or statute violations.”**

# QUESTION #2

Who is responsible for **ensuring that a firm's** engineering or surveying license is renewed?

# QUESTION #2

- A. The licensee's administrative assistant
- B. The firm's contact person
- C. The firm's supervising professional
- D. An authorized officer of the firm

# QUESTION #2

The answer is: C The firm's supervising professional

Section 2305(A)(3) Supervising Professional

**Lists 3 responsibilities of a firm's supervising professional**

# QUESTION #3

Who can use the word  
**“engineer”** or any  
modification of in their  
title on business cards,  
websites, emails, letters,  
etc.?



# QUESTION #3

- A. Anyone who's duties include engineering
- B. Anyone who is licensed as a Professional Engineer
- C. Anyone who has an engineering degree
- D. Anyone who wants to

# QUESTION #3

The answer is: B Anyone who is licensed as a Professional Engineer

La. R.S. 37:681 - prohibits the practice of engineering and the offering of professional engineering services in Louisiana without first being duly licensed by the Board.

# QUESTION #3

La. R.S. 37:682(A)(12)(b) - states that a person shall be construed to practice engineering if that person represents himself in any way to be an engineer.

# QUESTION #3

La. R.S. 37:700(A)(7) - authorizes the Board to take disciplinary action against any person who uses any modification or derivative of the **word "engineer"** in its form of business or activity in Louisiana without being licensed.

# QUESTION #4

## TRUE or FALSE

A firm can offer services, provide services and present itself to the public with letterhead, business cards, websites and advertisements under a name or acronym that does not reflect the exact firm name contained on its certificate of licensure from the Board

# QUESTION #4

**FALSE**

Section 2307(A) Professional Identification

*"Letterheads, business cards, advertisements and other similar identifying items issued by firms providing or offering to provide professional services in the state of Louisiana **shall reflect the exact firm name** contained on its certificate of licensure issued by the board."*

# Question #5

TRUE or FALSE

An unlicensed individual or firm practicing or offering to practice land surveying in Louisiana can have enforcement action taken against them by the Board.

# QUESTION #5

**TRUE**

Unlicensed practice is addressed in the following statutes:

- ◉ La. R.S. 37:681
- ◉ La. R.S. 37:700(A)(1)



# If a Complaint is Filed Against You

- ⦿ Remain calm
  - No charges have yet been filed
  - No judgment has yet been rendered
- ⦿ Carefully review letter from investigator
- ⦿ Carefully review affidavit of complaint or other documentation
- ⦿ Respond in writing within 30 days
  - Address each allegation made in complaint

# INVESTIGATIVE DATA

# Common Causes for Disciplinary Action

- ⦿ Practicing w/ Expired License
  - Longer period of time = Higher fine
- ⦿ Unlicensed practice
- ⦿ Offering to practice prior to licensure
  - Submitting RFQs or proposals
- ⦿ Aiding/assisting
- ⦿ Paired with firm violations

# Common Causes for Disciplinary Action

## ⦿ Sealing violations

- Failing to seal/sign/date final documents
- Failing to place the required statement on preliminary work

## ⦿ False statement on renewal invoice

- Disciplinary action in another state
- Number of PDHs earned

# Common Causes for Disciplinary Action

- ⦿ Issues related to Quality of Work
  - Gross incompetence
  - Gross negligence
  - Gross misconduct
- Deficient work
  - Plans which are incomplete or inaccurate
  - Standards of Practice violations
- Plan-Stamping

How many cases does LAPELS review a year?

2010 – 2014

Averaged 115 cases opened

Averaged 31 Consent Orders

Approximately 27%

# 10-year violation data

# of Law & Rule violations - total

706

# of Consent Orders - total

299

# Most Common Violations

## SURVEY SAYS!

Unlicensed Practice	56
Aiding & Assisting	40
Expired Practice	35
Sealing violations	11



# current case load

# of open cases

82

In various stages

# SUPERVISING PROFESSIONALS

# Chapter 23 - Section 2305

What are the  
responsibilities of the  
**firm's designated**  
Supervising  
Professional

# Chapter 23 - Section 2305

**A. renew the firm's license and notify the board of any change in the firm's supervising professionals**

# Chapter 23 - Section 2305

B. institute and adhere to firm policies that are in accordance with the laws and rules of the board

# Chapter 23 - Section 2305

C. ensure that all professional services provided by the firm are performed by or under the responsible charge of a licensed professional

Does

**-Supervising Professional-**

**-Responsible Charge-**

**-Professional of Record-**

Mean the same thing?

The answer is **NO**

# Chapter 23 - Section 2305

Responsible Charge — defined in La. Law as “the direct control and personal supervision of engineering...service or work....”

Professional of Record — Licensee responsible for overall project

Supervising Professional — responsible for the 3 items we just reviewed



# Chapter 23 - Section 2305

A licensee can serve as the Supervising Professional for **more than one firm...under** certain circumstances:

- Employment w/ **primary firm** is on full-time basis  
(cannot be contractual or part-time)
- Must be an owner of the **secondary firm**  
(no longer required to be "sole owner")

# Chapter 23 - Section 2305

How many Supervising  
Professionals  
does my firm need?

At least one

# Chapter 23 - Section 2305

- Owner(s) or officer(s) of the firm (who are licensed)
  - Decision maker (?)
  - One for each location (?)
- Is the individual aware of his/her **responsibilities in relation to the firm's actions and license?**
  - Cases are usually also opened against the SP when the firm runs into trouble

LA A&WMA  
QUESTIONS

# LA A&WMA Questions

What constitutes docs or calculations being prepared under a PE's control?

# LA A&WMA Questions

2701(A)(3)(a) – The application of the **licensee's seal, signature and date** shall constitute certification that the work thereon was done by the licensee or under his /her responsible charge

# LA A&WMA Questions

Responsible Charge—**defined in**  
R.S. 37:682

It shall mean the direct control  
and personal supervision of  
engineering service or work, as  
the case may be

# LA A&WMA Questions

What type of documents can a PE seal & sign?

- Reports - Plans - Sketches
- Working Drawings - Specifications
- Design Calculations - Applications
- Other Engineering Documents



# LA A&WMA Questions

What type of documents can a PE seal & sign?

- Developed under their Responsible Charge - §2701(A)(3)(b)
- Engineering documents that are Completed Work - §2701(A)(4)(a)

# LA A&WMA Questions

Who's responsibility is it to ensure a firm's employees are operating within the laws & rules of the Board?

# LA A&WMA Questions

The firm's designated

SUPERVISING  
PROFESSIONAL(S)

# Things like:

- Use of employee titles

37:700(A)(7)

- Status of employee

licenses 37:698(A)(9) & (16)

- Using an incorrect firm

name (§2307)

# recent case example

2 cases against firm

**2 cases against the firm's**

Supervising Professional

The 2<sup>nd</sup> set of cases came out of the initial investigation

# recent case example

Consent Order issued to a licensed engineering firm for providing and offering to provide engineering services in Louisiana using a firm name which was different than the firm name contained on its certificate of licensure issued by the Board. - (70 projects)

Consent Order issued to the same firm for allowing an employee to practice and/or offer to practice engineering in Louisiana with an expired license.

# recent case example

In both instances – cases were opened  
against the firm's supervising professional

## THINK ABOUT IT

- Your firm could easily offer engineering or issue reports on 70 jobs a year - what name is on those proposals, applications and reports? *Is it your exact firm name?*
- What are your employees calling themselves on LinkedIn?
- **Are your staff PE's licenses active?**

# recent case example

## Supervising Professionals

- I urge you to take a look at your firm and the way things are being handled
- Become familiar with your responsibilities
- Make changes where necessary - either way



LAPELS  
WEBSITE

[WWW.LAPELS.COM](http://WWW.LAPELS.COM)



# Louisiana Professional Engineering and Land Surveying Board



Applications & Quizzes



Licensee Look-up



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## Renewals

### Greetings from LAPELS - the Louisiana Professional Engineering and Land Surveying Board!

We are always looking for ways in which we can be more responsive to our registrants, applicants and the public. Our new website is just one step we have taken to accomplish that goal, and to open more lines of communication.

Our new website contains information for applicants, both comity and exam; filing complaints; history of the board; frequently asked questions; and contact links. We encourage you to become familiar with the wealth of information contained here and send us your comments and suggestions. To send us an email, [click here](#).

Established in 1908, we're the second oldest licensing board of its kind in the country. One of our very own, Marcel Garsaud, a civil engineer from New Orleans, served as the first president of NCEES (National Council of Examiners for Engineers and Surveyors). We are governed by Title 37 of the Louisiana Revised Statutes, and for over 100 years the LAPELS Board has worked to "safeguard life, health, and property and to promote the public welfare" - and we continue to do so today.



#### Tweets

-  **LAPELS** @LAPELS 22 Apr  
We are currently accepting applications for the October 2015 PE/PS exam administration. The deadline to receive applications is June 1.
-  **LAPELS** @LAPELS 16 Apr  
Good luck to those of you taking the PE and/or PS

Tweet to @LAPELS



# Louisiana Professional Engineering and Land Surveying Board



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Laws & Rules



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  - Recent Changes to the Laws and Rules
  - Declaratory Orders and Rulings
  - Land Surveyors Compendium
  - Engineer/Architect Laws and Rules Information Handbook
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Enforcement  
Items



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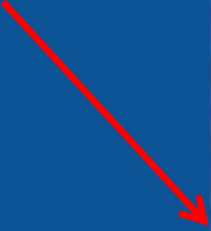
 LAPELS @LAPELS 19 Nov  
NCEES Scoring Process  
[fb.me/2gQXBkeEr](#)  
[Show Media](#)

 LAPELS @LAPELS 15 Nov  
On November 19, NCEES will launch CBTuesdays, a seven-week video series that will introduce examinees to aspects...  
[fb.me/6k8YiWJIN](#)

Tweet to @LAPELS



CPD  
resources



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QUESTIONS



RETIREMENT



# RETIREMENT

What are the LAPELS requirements when I retire?

- It depends...
  - No longer practicing engineering?
  - Will you continue to practice (consulting)?

# RETIREMENT

No longer wish to practice  
(fishing all day)

- Next renewal - let us know
- Expire your license
- Retired or Retired Waiver

# RETIREMENT

Starting your next career?

- Keep your license active
- CPD requirements
- Is a firm license needed?
- Sole proprietor?



# Signing & Sealing

## Engineering & Surveying work

### -----Complete Work-----

- The licensee shall affix his seal, sign his name, and place the date of execution on all surveying documents that have been issued by the licensee to a client or any public or governmental agency as completed work.

Signing & Sealing  
Engineering & Surveying work  
-----Preliminary Work-----

- MUST be noted in LARGE BOLD letters – and shall contain a statement – **“Not to be used for construction, bidding, recordation, conveyance, sales or as the basis for the issuance of a permit”**
- Seal, signature & date are not required

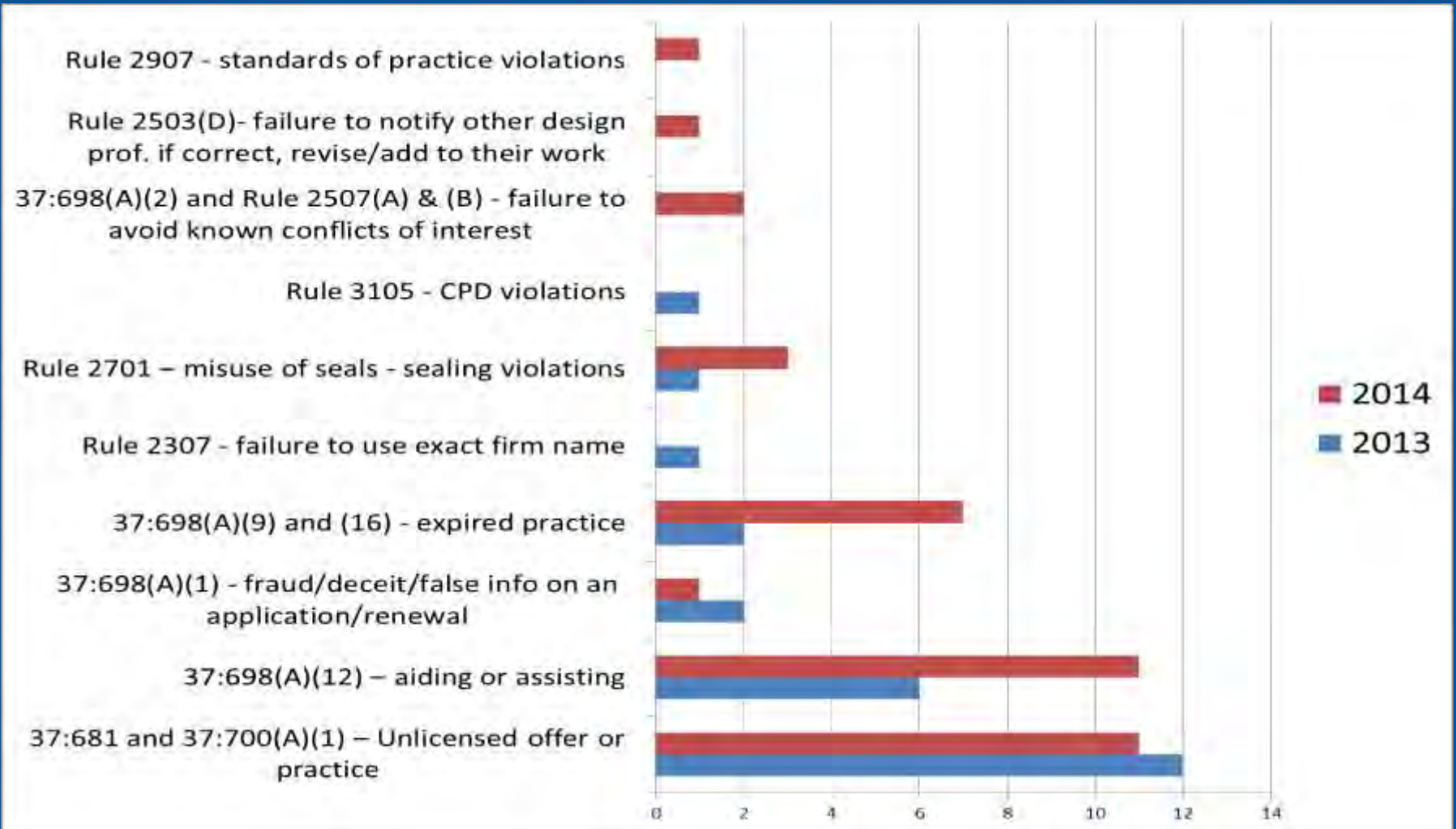
# Signing & Sealing

## Engineering & Surveying work

### -----Electronic signing & sealing-----

- work which requires a seal may be transmitted electronically
- provided the seal, signature & date are transmitted in a secure mode
- KEEP COPIES OF YOUR ORIGINAL SUBMISSIONS!

# 2013-2014 breakdown of violations



**In 2014 there were 37 ratified / adjudicated cases.  
In 2013 there were 25 ratified Consent Orders**



