

**Louisiana Engineering Society Board of Direction Meeting**

**February 4, 2025 – 6:00 PM**

**Hilton Garden Inn/Cajundome – Lafayette Room**

1. **Call to Order** Melanie Caillouet
2. **Invocation** Jeff Pike
3. **Pledge of Allegiance** Gavin Gautreau
4. **LES Vision & Mission Statement** Gavin Gautreau
5. **Acceptance of Agenda** Melanie Caillouet
6. **Acceptance of November 2024 meeting minutes** Melanie Caillouet
7. **President’s Report** Melanie Caillouet
8. **Secretary-Treasurer’s Report**
  - a. Financial Reports of 1/31/25
    - 1) LES P&L statement
    - 2) LES Balance SheetRachel Kenney
9. **Executive Director’s Report** Mary Claire Ruckert
10. **Old Business**
11. **New Business**
  - a. LBOPG Appointee Melanie Caillouet
  - b. ACEC Board Position Melanie Caillouet
  - c. Report from Membership Committee Kalyn Partin
  - d. Update on JESC Luke Miller/Mary Claire Ruckert
  - e. Alexandria Chapter & Membership Report William Vollman
  - f. Baton Rouge Chapter & Membership Report Bliss Bernard
  - g. Bayou Chapter & Membership Report Jacob Waitz
  - h. Lafayette Chapter & Membership Report Joey Krefft
  - i. Lake Charles Chapter & Membership Report Kalyn Partin
  - j. Monroe Chapter & Membership Report Morgan McCallister
  - k. New Orleans Chapter & Membership Report Kevin Hurtt
  - l. Shreveport Chapter & Membership Report Jonathan Ratliff
  - m. PEC Stan Whitney
  - n. PEE Jeff Pike
  - o. PEG Ali Mustapha
  - p. PEI Jennifer Gemar
  - q. PEPP Alan Krouse
12. **Announcements**
  - a. The next LES Board of Direction meeting is scheduled for **April 11, 2025 in Baton Rouge, LA at GEC.**
  - b. Nominations for elections are due to the state office by **March 6, 2025.**
  - c. State Mathcounts competition will be held on **Friday, March 28, 2025** in Pineville, LA.

**13. Adjournment**

LOUISIANA ENGINEERING SOCIETY  
BOARD OF DIRECTION MEETING  
November 15, 2024  
Baton Rouge, LA

1. The meeting of the Louisiana Engineering Society (LES) Board of Direction was held on Friday, November 15, 2024, in Baton Rouge, LA. A quorum was established, and the meeting was called to order by President Melanie Caillouet at 11:00 AM.

Board Members Present

Melanie Caillouet, PE, President  
Gavin Gautreau, PE, Vice-President  
Clinton Patrick, PE, PLS, 2<sup>nd</sup> Vice-President  
Rachel Kenney, PE, Secretary-Treasurer  
Tyler Comeaux, PE, NSPE Representative  
James Ellingburg, PE, Past President  
Kimberly McDaniel, PE, State Director  
Gregory Trahan, State Director  
David Gereighty, PE, State Director (present virtually)  
Hagan Lawrence, State Director  
Bliss Bernard, PE, Baton Rouge Chapter President  
Jacob Waitz, Jr., PE, Bayou Chapter President  
Joey Krefft, PE, Lafayette Chapter President  
Kalyn Partin, PE, Lake Charles Chapter President  
Morgan McCallister, PE, Monroe Chapter President  
Kevin Hurtt, PE, New Orleans Chapter President  
Jonathan Ratliff, PE, Shreveport Chapter President  
Stan Whitney, PE, PEC Chair  
Jeffrey Pike, PE, PEE Chair  
Jennifer Gemar, PE, PEI Chair  
Alan Krouse, PE, PEPP Chair  
Mary Claire Ruckert, Executive Director

Board Members Absent

Oliver Neal, PE, Young Engineer Representative  
William Vollman, PE, Alexandria Chapter President  
Ali Mustapha, PE, PEG Chair

Guests Present

Miles Williams, LES Legislative Committee Chair

2. The Invocation was given by Jeffrey Pike.
3. The Pledge of Allegiance was recited.

A break was taken to eat lunch.

4. LES Vision & Mission Statement was read by Gavin Gautreau.
5. Acceptance of Agenda –  
**A motion was made by Jim Ellingburg the motion to accept the agenda. The motion was seconded by Kimberly McDaniel. The motion passed unanimously.**
6. Acceptance of the August 2024 meeting minutes –  
**A motion was made by Kalyn Partin to accept the May 2024 meeting minutes. The motion was seconded by Gavin Gautreau. The motion passed unanimously.**
7. President's Report  
Nothing to report at this time.
8. Secretary/Treasurer's Report –
  - a. Financial Reports as of 10/31/2024
    - 1) LES P&L Statement (see attached) – The LES Profit and Loss statement was reviewed and discussed. A brief discussion took place explaining the structure of the budget in QuickBooks. Some payments are made at the beginning of the fiscal year, so the item looks like it is over budget, but it will balance by the end of the fiscal year. Current income is over budget and expenses are under budget.
    - 2) LES Balance Sheet (see attached) – The LES Balance Sheet was reviewed and discussed. No questions were asked at this time.

**A motion was made by Clinton Patrick to accept the P&L and Balance sheet as of 10/31/2024. The motion was seconded by Rachel Kenney. The motion passed unanimously.**

**A motion was made by Jim Ellingburg to go into Executive Session to discuss LES Staff Christmas gifts. The motion was seconded by Jacob Waitz. The motion passed unanimously.**

- b. Executive Session – The board went into Executive Session to discuss LES Staff Christmas gifts.

**A motion was made by Gavin Gautreau to exit Executive Session. The motion was seconded by Kimberly McDaniel. The motion passed unanimously.**

**A motion was made by Kayln Partin to distribute a total of \$2,750 to the LES Staff for Christmas gifts. The motion was seconded by Jim Ellingburg. The motion passed with Alan Krouse abstaining.**

9. Executive Director's Report (see attached report)

- a. CPD Courses Fall 2024 – LES held Life Safety Code, ADA and Ethics seminars this Fall with an overall profit of \$24,724.47 after cost-sharing.
- b. JESC Updates – Registration for JESC is currently open. All speaker opportunities have been filled, 39 booths have been sold, and we currently have 8 sponsors.
- c. Processing fees – As discussed at our August board meeting, last year’s online transactions have been reviewed to determine how much we are paying in processing fees. Out of the \$409,995.16 that was brought in last year, \$313,028.44 was processed via Stripe and we paid \$9,988.92 in processing fees. The board agrees that Stripe has competitive pricing, and we will continue to use it.
- d. Honors & Awards Ceremony – The 2025 Honors & Awards Ceremony will be held at City Club of Baton Rouge on February 15, 2025.
- e. Staffing Reminder – Stephanie Krouse will be retiring at the end of the calendar year. Her last day in the office will be December 19.
- f. Membership Update – As of November 7, 2024, we have 2,289 members. Last year as of November 30, 2023, we had 2,088 members.

#### 10. Old Business

- a. NSPE Update – The engineering profession is dealing with the same licensure laws that we are across the nation.
- b. Report from Membership Committee – The membership committee has received the updated branding package after the suggested edits from the last board meeting.

**A motion was made by Gavin Gautreau to accept the new LES branding package. The motion was seconded by Hagan Lawrence. The motion passed unanimously.**

The new branding package will be distributed to chapters containing the new logo, color palette, fonts, and templates to use. It is recommended that each board member purchases a shirt, jacket, or cardigan with the new logo on it to be worn at JESC. Mary Claire will select a few options to send to the board.

- c. Legislative Update –
  - LES Legislative Chair, Miles Williams, presented a review of the 2024 Legislative Session Activities, including a recap of the Universal Licensure Law, the Architect-Engineering Bill, the Intersociety Legislative Meeting that was held on September 30, 2024, and potential 2025 Legislative activities. See the attached report. A lengthy discussion took place about the Welcome Home Law and the impact on the engineering profession that we may see in the future.
  - A subcommittee of the Legislative Committee was previously appointed to explore Louisiana’s industrial exemption. An update was given by David Gereighty in which he presented a draft of a survey about the industrial

exemption. It was decided that the board would review the survey, submit comments, and make a decision on how to move forward.

## 11. New Business

- a. Honors & Awards Committee Report – The Honors & Awards Committee met on November 15 and voted to award the following:
  - A. B. Paterson Award for an Engineer in Management – Rachel Kenney, PE
  - Andrew M. Lockett Award for Civic Activities – Janice Poplin Williams, PE
  - Charles M. Kerr Public Relations Award – Christopher P. Knotts, PE
  - Leo M. Odom Award for Services to the Profession – Kimberly D. McDaniel, PE, PTOE, PTP
  - F. Hugh Coughlin Young Engineer Award – Clinton Patrick, PE, PLS
  - The Honors & Awards banquet will be held on February 15, 2025. LES will be looking for table and event sponsors.
- b. Vote on Lifetime Achievement nominations – There were no nominations for the Lifetime Achievement award.
- c. Nominating Committee – The nominating committee will consist of the past three LES presidents and the current chapter presidents. The chair of the nominating committee will be Tyler Comeaux.
- d. Update on JESC – In addition to the JESC update given in the executive director’s report, the idea of using the upcoming JESC profits to purchase televisions to display sponsor logos digitally in the future was discussed.
- e. Alexandria Chapter Report – No report was given. Currently has 104 members.
- f. Baton Rouge Chapter Report – Report was given. Currently has 604 members. The chapter hosted a joint meeting with ASCE in August featuring Greg Grandy from the Coastal Protection and Restoration Authority (CPRA) and Neal McMillin from the Department of Natural Resources (DNR). In September 2024, the chapter hosted Garrett Wheat, PhD, from the Louisiana Transportation Research Center (LTRC). Both luncheons were very well attended. On October 3<sup>rd</sup>, there was a joint social event with ASCE held at Tin Roof Brewery. Other events hosted by the chapter include a EBR Mayor/Parish President Mayoral Forum and the annual Clay Shoot Fundraiser both held in October. The Baton Rouge Chapter has announced the opening of the 3<sup>rd</sup> Annual STEM Grants Program which supports educational efforts across the Baton Rouge area. The next chapter luncheon will be held on December 12 and will host DOTD Chief Engineer, Chad Winchester, PE.
- g. Bayou Chapter Report – Report was given. Currently has 79 members. The Bayou Chapter held a luncheon on October 31 which hosted Jules Hebert with Hebert & Marceaux, LLC who presented on contract law. The upcoming November chapter

meeting will host Jenifer Shaye with the Louisiana Legislative Auditor who will present on Public Bid Law. Membership is staying steady within the chapter.

- h. Lafayette Chapter Report – Report was given. Currently has 397 members. The Lafayette Chapter’s November luncheon will host the Dean of Engineering at UL, Dr. Ahmed Khattab. On December 11, the chapter will host a joint Christmas social with ASCE. The chapter currently holds monthly officer meetings to plan future events.
- i. Lake Charles Chapter Report – Report was given. Currently has 118 members. In October, the Lake Charles Chapter hosted Nick Johnston, PE and Cliff Vanicor, PE from Calcasieu Parish Police Jury (CPPJ) Engineering Department where they provided an update on ongoing and upcoming projects within the parish. Though the first joint meeting with ASCE was successful, the last two joint meetings have not been as well attended. There are no chapter meetings planned for November and December due to the holiday season. The chapter will use this time to focus on preparing for Mathcounts. The chapter has been in contact with McNeese University to collaborate with them for Mathcounts, which is turning out to be a successful partnership. McNeese will help encourage participation and exposure for Mathcounts in conjunction with E-Week. The chapter currently holds monthly officer meetings to plan future events.
- j. Monroe Chapter Report – Report was given. Currently has 115 members. The Monroe chapter hosted Jeff Pike, PE who gave an ethics presentation in September, which was well attended. In October, the Monroe Chapter hosted Kyle Knous who presented on the City of Monroe Floodplain Management. Upcoming meetings include Andy Le and Chris Ferro presenting on Actuators and Valves and Dr. Colin Wick giving an update from the LaTech College of Engineering. The chapter previously increased their scholarship endowment by \$6,000. Both sponsorship and membership number have increased.
- k. New Orleans Chapter Report – Report was given. Currently has 552 members. The New Orleans Chapter’s September luncheon hosted a representative from the US Army Corps of Engineers. In November, the chapter hosted Bill Thomassie from Infinity Engineering who presented on Construction Management. The 16<sup>th</sup> Annual Golf Tournament was held on October 25 and has had the biggest turnout to date. The chapter is currently working on reinstating the student chapters in Tulane University and UNO.
- l. Shreveport Chapter Report – Report was given. Currently has 138 members. The Shreveport chapter website has been launched and is currently active. The chapter hosted Haynie & Associates who presented on current lobbying efforts to enhance and protect the engineering profession in Louisiana. Chapter meetings have seen an increase in participation. The chapter is currently planning a Christmas party to be held in December.
- m. PEC Update – No report given.

- n. PEE Update – Reggie Jeter and VJ Gopu are the PEE representatives on the LAPELS at this time. Reggie Jeter will be rolling off the board this year. Nominations for his replacement have been submitted to the Governor’s office, but there has been no update. It is suggested that chapters reach out to their local universities to see if instructors would encourage their students to join LES.
- o. PEG Update – No report given.
- p. PEI Update – No report given.
- q. PEPP Update – No report given.

12. Announcements

- a. The next LES Board of Direction meeting is scheduled for February 4, 2025, in Lafayette in conjunction with the JESC.

13. Adjournment – **A motion was made by Jim Ellingburg to adjourn the meeting. The motion was seconded unanimously. The motion passed unanimously. The meeting was adjourned at 1:25 PM.**

## President's Report

- ACEC wanted to pass legislation that would give them nominating authority for the LAPELS positions for PEI and PEPP. LES would remain nominating authority for PEG, PEE, and PEC. It was someone from the Governor's office that approached ACEC and told them to look into becoming a nominating authority for the LAPELS board.
  - The ExCom met with Barker at ACEC and discussed the possibility of including ACEC in the nomination process but not completely hand the nomination to them. We offered to make a bylaw change that detailed the nomination process for all of the LAPELS positions and include wording that ACEC would be contacted for nominations for PEI and PEPP. They would serve on the selection committee that would review the nomination forms to determine which would be presented to the Governor's office.
  - The bylaw change was drafted and presented to Barker for him to bring to the ACEC board for action.
  - The ExCom met with Barker and Chance with ACEC on January 30. ACEC still would like their involvement to be dictated by legislation and not by a bylaw that LES or ACEC has ultimate control over.
  - We offered two options for them to bring to the ACEC board.
    - Preferred Option: ACEC and LES send 2 nominees each to the Governor's office for the Governor's office to choose from.
    - 2<sup>nd</sup> Option: ACEC nominates for one PEPP and one PEI seat and LES nominates for the remaining seat whenever they become vacant.
    - I told them that we **will not** give both PEPP and PEI seats to ACEC. If Option 1 is chosen, and the Governor chooses both seats to be held by ACEC nominees, so be it.
  - Barker is drafting both options for both boards to review and offer comments on.
  - We have to have a legislative sponsor by the middle of February for this legislative session.
  
- Industrial Exemption
  - A subcommittee of the Legislative Committee was created in July/August. Their mission was to look at that Industrial Exemption legislation.
  - At the November board meeting, a lengthy discussion was had that culminated in David Gereighty discussing a survey and video. The Board decided to table the discussion so the board could review and send comments on both the survey and video. This included sending them to LAPELS for their comments.
  - The comments to the survey and video were not favorable. I then put out an informal email poll asking the Board if they felt like we should move forward with trying to remove or modify the Industrial Exemption.
    - 16 voted to leave it as is
    - 2 voted that we should move forward with legislation to remove it
    - 1 voted that the legislation should be revised

- LAPELS did send their comments back on the survey and video. It was also not favorable to move forward with changing the law.
  - Since the Board voted not to move forward with legislation prior to receiving LAPELS comments, they were not distributed to the full board.
  - If you would like to see those comments, please send an email to Mary Claire after the meeting and she will forward them to you.

# **Executive Director's Report**

February 4, 2025

## **JESC Updates:**

- All speaker opportunities have been filled
- 51 exhibitor booths have been sold; 2 remain
  - Tier One booths: 17 of 17 (sold out)
  - Tier Two booths: 25 of 26
  - Tier Three booths: 8 of 9
- We have 1 bar sponsor, 1 lanyard sponsor, 1 Wi-Fi sponsor, 1 sign sponsor, 5 event sponsors, 3 silver sponsors and 2 platinum sponsors.
- Conference registration totals as of January 28: 388 individuals
  - Registrants – Full Conference: 241
  - Registrants – Wednesday Only: 4
  - Registrants – Thursday Only: 1
    - Alexandria – 21
    - Baton Rouge – 51
    - Bayou – 8
    - Lafayette – 96
    - Lake Charles – 21
    - Monroe – 14
    - New Orleans – 12
    - Non-Resident – 7
    - Shreveport – 11
  - Exhibitor Representatives: 109
  - Speakers: 42
  - Admin: 2
  - (Duplicates: -7)

## **Honors & Awards Presentation:**

We are hosting our Honors & Awards Presentation on Saturday, February 15 at the City Club of Baton Rouge. A few tickets are still available if anyone would like to join us. Tickets and event details are available on our website.

## **Updated Job Descriptions:**

In May, the Board approved a salary increase for the Office Manager position, currently held by Alexa Broussard given the expansion of that role over the years. Now that the LEF Secretary has retired, we have drafted an updated job description (attached) and adjusted the position's title to Assistant Director, as well as an updated job description for the Executive Director to reflect the changes in our office after the LEF Secretary and our in-house bookkeeper have left.

## **Upcoming Board Elections:**

Nominations for the state ballot are due to the LES Office by March 6, 2025.

# Executive Director Job Description

## **Position Overview**

Under the direction of the Executive Committee and Board of Direction, and within the constraints of the Constitution and Bylaws of LES, the Executive Director serves as the chief administrator responsible for implementing organizational initiatives, overseeing staff and operations, and ensuring effective communication between leadership, members, external agencies, and the public.

## **Key Responsibilities**

### **Leadership & Governance**

- Act as the primary liaison between the Board of Direction, Officers, and Membership, ensuring seamless execution of organizational goals.
- Assist the President, Officers, and Board in carrying out directives for LES & LEF.
- Prepare and distribute call-to-meeting notices and agendas for LES Board meetings.
- Oversee the hiring, supervision, and development of all LES & LEF staff.
- Maintain and oversee the Engineering Center's upkeep and maintenance.
- Ensure compliance with LES & LEF governing documents, financial policies, and industry regulations.

### **Financial & Budgetary Oversight**

- Oversee the LES & LEF yearly budgets, ensuring financial sustainability and operational efficiency.
- Manage the receipt and distribution of funds, working closely with the bookkeeper and finance team.
- Identify opportunities for cost savings, revenue generation, and financial growth.
- Lead fundraising efforts for State & National MATHCOUNTS competitions.

### **Operations & Compliance**

- Manage office workflows, optimizing administrative processes for efficiency and effectiveness.
- Supervise and provide leadership to staff, ensuring accountability and professional development.
- Oversee database management, ensuring accuracy, integrity, and security of member records.

## **Membership & Stakeholder Relations**

- Develop and implement strategies to grow membership, enhance engagement, and improve retention.
- Work closely with the Membership Committee to foster growth and maintain an active membership base.
- Visit or contact LES chapters and practice divisions regularly to assess and address their needs.
- Serve as a liaison between LES and other professional and technical societies.
- Work closely with the Louisiana Engineering and Land Surveying Board to support regulatory and industry-related matters.
- Assist members with technical and administrative inquiries, ensuring responsive communication.

## **Legislative & Advocacy Efforts**

- Track legislative issues, analyze impact, and disseminate relevant information to leadership and committees.
- Work closely with the Legislative Committee and lobbyists to advocate for policies benefiting the engineering profession.
- Attend legislative hearings and meetings to represent LES interests.

## **Editorial & Communications Oversight**

- Serve as Editor of the Louisiana Engineer & Surveyor Journal, overseeing content development, production, and distribution.
- Solicit advertisements to meet budgetary requirements for publication.
- Ensure high editorial standards and alignment with organizational messaging.
- Develop and implement communication strategies for engaging members, industry partners, and the public.

## **Program & Event Management**

- Plan and coordinate all LES & LEF state meetings, workshops, and professional development events.
- Serve as State Coordinator for MATHCOUNTS, managing logistics, outreach, and volunteer coordination.
- Plan, coordinate, and implement the State MATHCOUNTS Competition and attend State competitions & National competitions as directed by the Board of Direction.

## **Assistant Director Job Description**

### **Executive Support and Board Collaboration**

- Serve as a key assistant to the Executive Director, managing priorities, coordinating schedules, and ensuring effective execution of organizational goals.
- Support the Board of Directors by preparing materials, assisting with the coordination of meetings, and facilitating communication.
- Act as a trusted advisor to leadership, providing insights and recommendations to enhance decision-making.

### **Membership Management, Engagement, and Database Management**

- Oversee the membership lifecycle, including onboarding, renewals, and engagement initiatives.
- Develop and implement strategies to enhance member retention, satisfaction, and growth.
- Leverage data and insights to refine membership programs and improve member experiences.
- Oversee and maintain organizational databases, ensuring accuracy, integrity, and security of data.
- Develop and implement the best practices for database usage, reporting, and member data management.
- Provide assistance and guidance to members, fostering a culture of collaboration and continuous improvement.

### **Event and Conference Logistics**

- Plan and manage all aspects of the organization's annual conference, including registration, scheduling, vendor communications, acquiring speakers, creating and implementing the conference agenda, managing the conference app.
- Coordinate with stakeholders to ensure seamless execution of conference activities and member participation.
- Oversee logistical details to deliver a high-quality event experience.
- Assist with planning and implementing MATHCOUNTS and events and programs, including logistics, scheduling, and on-site support.
- Travel as needed to provide hands-on coordination and ensure successful event execution.

### **Operations Oversight**

- Manage office workflows and ensure optimal use of tools and platforms such as MembershipWorks, Mailchimp, and Stripe.

- Supervise recurring processes like monthly reporting, membership updates, and event planning, ensuring consistency and accuracy.
- Ensure compliance with organizational standards and deadlines.

### **Financial and Resource Management**

- Process and record financial activities, including reporting, coordinating with Chapters and managing all incoming payments.
- Collaborate with the bookkeeper to ensure timely and accurate financial documentation and submissions.
- Identify opportunities for cost savings and operational efficiencies.

### **Communication and Stakeholder Relations**

- Represent the organization in interactions with members, sponsors, and the broader professional community.
- Provide clear and timely communication with members and licensees regarding the events and occurrences of the organization.

### **Project and Program Management**

- Lead cross-functional projects and initiatives, including event coordination, membership campaigns, and technology updates.
- Define project goals, timelines, and deliverables while managing resources effectively.
- Monitor project milestones to ensure timely completion and high-quality results.

### **Mailing and Publication Support**

- Manage billing for advertisers for ASCE, ensuring timely invoicing and payment collection.
- Assist with preparing and managing advertising and mailing labels for ASCE and LES.
- Ensure accuracy and timeliness in the distribution of physical mailings and digital publications.

### **Scholarship Administration**

- Manage and process scholarship donations, ensuring timely acknowledgment and accurate allocation of funds to designated accounts.
- Coordinate scholarship recipient notifications and oversee the disbursement of funds to support academic success.
- Facilitate donor engagement by providing personalized updates on scholarship recipients, fostering long-term relationships and continued support.

**Other Responsibilities as Assigned**

- Adapt to evolving organizational needs by taking on additional duties as required.
- Continuously seek opportunities to contribute to the overall success and growth of the organization.

## Initial Board Vote on Industrial Exemption Survey

Board Member	Vote
Melanie Caillouet, PE President	No
Gavin Gautreau, PE Vice-President	No
Clinton Patrick, PE, PLS 2 <sup>nd</sup> Vice-President	No
Rachel Kenney, PE Secretary-Treasurer	No
Tyler Comeaux, PE NSPE Representative	Non-Voting Member
Oliver Neal, PE Young Engineer Representative	No
James Ellingburg, PE Past President	No Vote
Kimberly McDaniel, PE State Director	No
Gregory Trahan, PE State Director	No
David Gereighty, PE State Director	Yes
Hagan Lawrence, PE State Director	No Vote
William Vollman, PE Alexandria Chapter President	No Vote
Bliss Bernard, PE Baton Rouge Chapter President	No
Jacob Waitz, Jr. Bayou Chapter President	No Vote
Joey Krefft, PE Lafayette Chapter President	No
Kalyn Partin, PE Lake Charles Chapter President	No Vote
Morgan McCallister, PE Monroe Chapter President	No
Kevin Hurtt, PE New Orleans Chapter President	Yes
Jonathan Ratliff, PE Shreveport Chapter President	With Revisions
Stan Whitney, PE PEC Chair	No
Jeffrey A. Pike, PE PEE Chair	No

## Initial Board Vote on Industrial Exemption Survey

Ali Mustapha, PE PEG Chair	No
Jennifer Gemar, PE PEI Chair	No
Alan Krouse, PE PEPP Chair	No

## Alexa Broussard

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**From:** Mary Claire Ruckert  
**Sent:** Wednesday, February 19, 2025 3:46 PM  
**To:** Alexa Broussard  
**Subject:** FW: Industrial Exemption Questions  
**Attachments:** LES Industrial Exemption DDG 2024-10-04 Rev2.pdf

### Mary Claire Ruckert

Executive Director, Louisiana Engineering Society  
9643 Brookline Ave., Ste. 116, Baton Rouge, LA 70809  
225-924-2021 (O) | 337-250-0265 (C)  
maryclaire@les-state.org

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**From:** Donna Sentell <donna@lapels.com>  
**Sent:** Friday, January 10, 2025 4:53 PM  
**To:** Mary Claire Ruckert <maryclaire@les-state.org>  
**Subject:** FW: Industrial Exemption Questions

Mary Claire, know you're getting ready for your conference and preparing for your upcoming board meeting and I wanted to share the feedback you requested on the Industrial Exemption document/survey.

Hope this helps and let me know if you have questions. Looking forward to seeing you soon. ds

- While it may very well be a good thing to eliminate (or revise) the "industrial exemption" in [La. R.S. 37:701\(C\)](#), it seems likely that any effort to do so would encounter vigorous opposition from some pro-industry politicians and lobbyists. Furthermore, there is the risk that those same parties may attempt to use the occasion to actually strengthen the "industrial exemption" or make other undesirable changes to the licensure law.
- On page 2 of the 10/4/24 document, is the LES suggesting that engineer interns should be allowed to "practice engineering" under certain circumstances? If so, that would be a monumental change in the law and might necessitate other revisions to the licensure law/rules.
- On page 3 of the 10/4/24 document, there are references to the definition of "responsible charge" in Rule 105. That rule actually has two definitions related to "responsible charge". The first one is of the term "responsible charge" and simply refers back to (and repeats) the statutory definition of "responsible charge" in [La. R.S. 37:682\(15\)](#). The second one is of the term "under the responsible charge of a professional engineer", which ONLY applies to the "industrial exemption" in [La. R.S. 37:701\(C\)](#). This second definition, which is very different from the statutory definition of "responsible charge" in [La. R.S. 37:682\(15\)](#), was developed (I believe) in the 1990s as a compromise with industry to allow some level of PE oversight over certain types of engineering work performed in industry. This second definition, which was a key part of [La. Attorney General Opinion No. 13-0111 \(10/30/13\)](#), does NOT apply to anything outside of the "industrial exemption" in [La. R.S. 37:701\(C\)](#).
- On page 3 of the 10/4/24 document, there is a statement that "any of these (proposed "industrial exemption" law change) options would require LAPELS to audits (*sic*)". It is unclear what type or level of LAPELS "audits" are being referenced here. This should be explored.
- On pages 3 and 4 of the 10/4/24 document, there are three options presented for proposed "industrial exemption" law changes. However, each of these three options does essentially the same thing as it relates to the "industrial exemption" -- they delete the first sentence of [La. R.S. 37:701\(C\)](#), which is the key, operative language of the

exemption. Without the first sentence of [La. R.S. 37:701\(C\)](#), the remainder of that subsection has no purpose and should be deleted as well (rather than be revised). In other words, the second and third sentences of [La. R.S. 37:701\(C\)](#) only serve to address activities discussed in the first sentence; if the first sentence is deleted, then there is no need for the second and third sentences.

- With regard to the proposed two-page questionnaire/survey on pages 11 and 12 of the 10/4/24 document:
  - What is the purpose of question 9? Are they seeking to determine support for revisiting the new licensure by endorsement legislation?
  - What is the purpose of question 10? Are they seeking to determine support for eliminating [La. R.S. 37:693\(B\)\(2\)\(c\)](#) and Rule 903(A)(3) (which waive the FE exam under certain circumstances)?
  - What is the purpose of questions 14 and 15? Why would they even ask about not requiring a PE to be in responsible charge of engineering work?
  - What is the purpose of questions 16 and 17? Are they seeking to determine support for changing the definition of “responsible charge” in [La. R.S. 37:682\(15\)](#)?
  - What is the purpose of question 20? Why would they even ask about not requiring a PE license in order for someone to provide engineering services?
  - What is the purpose of question 21? This question seems to be poorly worded. Are they referring to an unlicensed person? If so, isn’t this just another question about “responsible charge”, although the standard of supervision by the PE (as stated in this question) seems to be less than “responsible charge”.

**Donna D. Sentell, LAPELS - Executive Director**  
**Louisiana Professional Engineering and Land Surveying Board**  
8550 United Plaza Boulevard, Suite 903 Baton Rouge, LA 70809 (225) 925-6291

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**From:** Mary Claire Ruckert <[maryclaire@les-state.org](mailto:maryclaire@les-state.org)>  
**Sent:** Saturday, November 16, 2024 9:43 PM  
**To:** Donna Sentell <[donna@lapels.com](mailto:donna@lapels.com)>  
**Subject:** Industrial Exemption Questions

Hi, Donna!

Hope you’re doing well! At our board meeting Friday, the topic of the industrial exemption came up. The attached document was shared with our board, and we were wondering if you and Scott would be willing to review the survey on pages 11-12 and provide feedback, if you have any, on it.

Thanks!  
Mary Claire

**Mary Claire Ruckert**  
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**Question 1. What part(s) of current law are causing issues?**

Current rules require all civil engineering projects conducted to be "under the responsible charge of a professional engineer". Current rules also allow and many organizations conduct projects to have no professional engineering in responsible charge. The "industrial exemption" has been stretched to the point where "PEs are fairly rare in industry as they're not well respected due to lack of training and experience."<sup>1</sup>

I agree with the statement that PEs are rare at industrial locations. Based on my experience in multiple states with multiple organizations, even organizations that PE stamped drawings had a low ratio of registered engineers to non-registered engineers. Generally, unless the work was being done for a state or local governmental organization, PE stamped drawings or having a PE in responsible charge were not a concern or criteria.

This leads to the following conclusions and questions:

1. Generally, the requirement for a professional engineer to have responsible charge is being ignored.
2. Civil engineering projects while always requiring a professional engineer to have responsible charge, the requirement of a responsible charge of a professional engineer is ignored.<sup>6</sup>
3. Is the risk to the public any less for projects that do not include or are not considered civil engineering?

Public risk exists both inside and outside of a facility's fence line, "the most significant effect a professional license can have is to serve as an outside influence—a reminder to the professional that his or her duties extend far beyond his or her employer's interests to include the public's interest."<sup>5</sup>

Engineers have a responsibility and this responsibility is reinforced by professional licensure. "The distinctive mark of a professional is the practitioner's exercise of independent judgment and exertion of control over the subject matter within the professional's expertise. Independent judgment and control require discretion, and a professional can expect management to resist such discretion. Management tends to loath discretion by a firm's employees. For a business, employee discretion breeds inefficiency, which is an enemy of profit."<sup>5</sup>

Additionally, "Unlicensed engineers working in industry under the exemption do not bear such responsibility. Clearly, the public should expect work for which an employee must assume personal responsibility to be done with greater care than work done by one who knows that his or her employer will be assuming responsibility for their work."<sup>5</sup>

Please note that it is stated that Montana, Oklahoma and Arkansas are the only states that have no or limited industrial exemption laws. Laws change often so a further review of the state laws and current practices for each of states is recommended.

Finally, the following is stated which is on point regarding previous discussions:

"So long as the public fails to perceive the danger posed by the industrial exemption—its facilitation of badly engineered industrial and manufactured products— legislative complacency will surely continue. The public must be made aware that engineering licensing laws rarely apply to the engineering work being done in their states and that the overwhelming majority of engineering is being done by unlicensed engineers. Legislators will be far more responsive to the outcries of a public demanding explanation for why, if the legislatures deemed licensing laws to be necessary for the public's protection, they have seen fit to excuse all but a few engineers from licensure."<sup>5</sup>

**Question 2. Are proposed law and regulation changes stricter than current regulations?**

Engineering is defined in the regulations LA Statute 37:682(13) as the following:

(a) "Practice of engineering" shall mean responsible professional service which may include consultation, investigation, evaluation, planning, designing, or inspection of construction in connection with any public or private utilities, structures, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health, and property is concerned or involved, when such professional service requires the application of engineering principles and the interpretation of engineering data.

(b) A person shall be construed to practice or offer to practice engineering: who practices in any discipline of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer; or who represents himself as able to perform; or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering. The practice of engineering shall not include the work ordinarily performed by a person who himself operates or maintains machinery or equipment.

The proposed changes tightens the issues expressed by the following: "Under the exemption, management is free to assign engineering work to any of its employees (even those not trained in engineering), and it is free to accord the title engineer to any employee without consideration of the employee's credentials."<sup>5</sup>

Anyone practicing engineering as defined above by LA Statute 37:682(13) should be able to at least obtain the level of Engineering Intern as defined by LA Statute 37:682(6) as follows:

"Engineer intern" shall mean an individual who has complied with the requirements for education, experience, and character and has passed an examination in the fundamental engineering subjects, as provided in this Chapter, and has been issued a certificate by the board.

This does not preclude the practice of non-engineering work by individuals. The decision regarding what is non-engineering work should fall within the authority of the professional engineer in responsible charge.

I strongly recommend review of the following references:

1. <https://www.eng-tips.com/viewthread.cfm?qid=520552>
2. <https://www.machinedesign.com/community/guest-commentary/article/21216453/engineering-licensing-exemptions-put-the-public-at-unnecessary-risk>
3. <https://www.machinedesign.com/community/guest-commentary/article/21235491/getting-rid-of-engineering-licensing-exemption-law>
4. <https://www.nae.edu/290909/Engineering-LicensureExemption-Laws-Suggested-Reforms-to-Enhance-Public-Safety>
5. [https://digitalcommons.liberty.edu/cgi/viewcontent.cgi?article=1071&context=lusol\\_fac\\_pubs](https://digitalcommons.liberty.edu/cgi/viewcontent.cgi?article=1071&context=lusol_fac_pubs)
6. [https://www.reddit.com/r/civilengineering/comments/zt7rk8/why\\_arent\\_civil\\_engineers\\_covered\\_by\\_the/](https://www.reddit.com/r/civilengineering/comments/zt7rk8/why_arent_civil_engineers_covered_by_the/)

Task: Investigate having a bill introduced in the Louisiana Legislature effecting Title 37.701

<https://codes.findlaw.com/la/revised-statutes/la-rev-stat-tit-37-sect-701/>

Current law and the LA attorney general's opinion is people can practice engineering but only if such an employee would be under the responsible charge of a professional engineer. The definition used for "responsible charge" is in 37:682 and is the actual law. The second definition (46:LX1§105(A)) is the rule or additional definition of the law and carries the weight of law.

La.Rev.Stat. 37:682 states "Responsible charge" is defined as **"shall mean the direct control and personal supervision of engineering or land surveying service or work, as the case may be."**

LAC Title 46:LX1§105(A) however, provides that the phrase "under the responsible charge of a professional engineer" is defined as (a) the work performed by a professional engineer, duly licensed under the provisions of the Chapter; or (b) **the work reviewed and approved by a professional engineer, duly licensed under the provisions of the Chapter, who is authorized to direct changes to the engineering work**, or (c) the work performed in accordance with a system of engineering practices approved by a professional engineer, duly licensed under the provisions of this Chapter.

The LA attorney general breaks this down into three scenarios as follows:

**(1) An employee of a firm engaged in industrial operations (an "Industrial Firm") provides engineering services (other than civil engineering) only to the Industrial Firm and only on the premises of the Industrial Firm.**

**(2) An employee of an Industrial Firm provides engineering services (other than civil engineering) only on the premises of the Industrial Firm, but either (a) engineering services are provided to customers of the Industrial Firm or to other persons or (b) the product of engineering services is sent off the premises of the Industrial Firm.**

**(3) An individual not employed by an Industrial Firm provides engineering services to one or more Industrial Firms.**

Three options are presented regarding this law for consideration as negotiating positions with option 1 being the preferred option and options 2 and 3 being of lesser preference in numerical order. Current Legislation and Proposed Legislation (adds Bold Red text, removes struck through text). It is anticipated that any of these options would require LAPELS to audits.

### 1. Preferred Option.

Revise RS 37:701C. Revise Title 46:LX1§105(A). Requires a professional engineer or engineer intern to perform all engineering work along with the direct control and supervision of a professional engineer.

La.Rev.Stat 37:701 C. ~~This Chapter shall not apply to, affect, interfere with, or in any way regulate employees of firms engaged in industrial operations, including but not limited to producing, processing, manufacturing, transmitting, distributing, or transporting, when performing services within the state of Louisiana in the course and scope of the business of said firms or affiliates thereof.~~ In the event any of the activities set forth in this Subsection shall fall within the definition of practice of engineering as defined in R.S. 37:682, such activities shall be under the responsible charge of a professional engineer **and performed by a professional engineer or an engineer intern**. However, this Subsection shall not apply to persons practicing civil engineering or land surveying, who must at all times comply with the provisions of this Chapter.

LAC Title 46:LX1§105(A) however, provides that the phrase "under the responsible charge of a professional engineer" is defined as (a) the work performed by a professional engineer, duly licensed under the provisions of the Chapter; or (b) the work reviewed and approved by a professional engineer, duly licensed under the provisions of the Chapter, who is authorized to direct changes to the engineering work **and has direct control and personal supervision of engineering work.**<sup>7</sup> ~~or (c) the work performed in accordance with a system of engineering practices approved by a professional engineer, duly licensed under the provisions of this Chapter.~~

## 2. Middle Option.

Revise RS 37:701C. Revise Title 46:LX1§105(A). Requires a professional engineer or engineer intern or ABET accredited school engineering graduate to perform all engineering work along with the direct control and supervision of a professional engineer.

~~La.Rev.Stat 37:701 C. This Chapter shall not apply to, affect, interfere with, or in any way regulate employees of firms engaged in industrial operations, including but not limited to producing, processing, manufacturing, transmitting, distributing, or transporting, when performing services within the state of Louisiana in the course and scope of the business of said firms or affiliates thereof. In the event any of the activities set forth in this Subsection shall fall within the definition of practice of engineering as defined in R.S. 37:682, such activities shall be under the responsible charge of a professional engineer~~ **and performed by a professional engineer or an engineer intern or an ABET accredited school engineering graduate.** However, this Subsection shall not apply to persons practicing civil engineering or land surveying, who must at all times comply with the provisions of this Chapter.

LAC Title 46:LX1§105(A) however, provides that the phrase "under the responsible charge of a professional engineer" is defined as (a) the work performed by a professional engineer, duly licensed under the provisions of the Chapter; or (b) the work reviewed and approved by a professional engineer, duly licensed under the provisions of the Chapter, who is authorized to direct changes to the engineering work **and has direct control and personal supervision of engineering work.**<sup>7</sup> ~~or (c) the work performed in accordance with a system of engineering practices approved by a professional engineer, duly licensed under the provisions of this Chapter.~~

## 2. Low Option.

Revise RS 37:701C. Revise Title 46:LX1§105(A). Requires a professional engineer or engineer intern or ABET accredited school engineering graduate to perform all engineering work but does not require direct control and supervision by a professional engineer.

~~La.Rev.Stat 37:701 C. This Chapter shall not apply to, affect, interfere with, or in any way regulate employees of firms engaged in industrial operations, including but not limited to producing, processing, manufacturing, transmitting, distributing, or transporting, when performing services within the state of Louisiana in the course and scope of the business of said firms or affiliates thereof. In the event any of the activities set forth in this Subsection shall fall within the definition of practice of engineering as defined in R.S. 37:682, such activities shall be under the responsible charge of a professional engineer~~ **and performed by a professional engineer or an engineer intern or an ABET accredited school engineering graduate.** However, this Subsection shall not apply to persons practicing civil engineering or land surveying, who must at all times comply with the provisions of this Chapter.

LAC Title 46:LX1§105(A) however, provides that the phrase "under the responsible charge of a professional engineer" is defined as (a) the work performed by a professional engineer, duly licensed under the provisions of the Chapter; or (b) the work reviewed and approved by a professional engineer, duly licensed under the provisions of the Chapter, who is authorized to direct changes to

the engineering work, or (c) the work performed in accordance with a system of engineering practices approved by a professional engineer, duly licensed under the provisions of this Chapter.

### Current Legislation (for reference)

#### **La.Rev.Stat. 37:701.** Public and private work; application of provisions

A. Persons performing subprofessional work as defined in the rules or regulations of the board, or acting as construction or process superintendents or foremen, need not be licensed under this Chapter, but their work shall be supervised by a professional engineer when their work involves the practice of engineering, and by a professional land surveyor when the work involves the practice of land surveying.

B. No planning, specifications, drawings, or construction by an individual for his own use of private homes or dwellings, domestic structures or works, or any agricultural works done on farmlands shall come under the jurisdiction of this Chapter.

C. This Chapter shall not apply to, affect, interfere with, or in any way regulate employees of firms engaged in industrial operations, including but not limited to producing, processing, manufacturing, transmitting, distributing, or transporting, when performing services within the state of Louisiana in the course and scope of the business of said firms or affiliates thereof. In the event any of the activities set forth in this Subsection shall fall within the definition of practice of engineering as defined in R.S. 37:682, such activities shall be under the responsible charge of a professional engineer. However, this Subsection shall not apply to persons practicing civil engineering or land surveying, who must at all times comply with the provisions of this Chapter.

D. All land surveying shall be performed by a professional land surveyor, who, for purposes of this Subsection, shall be any person who practices land surveying within the meaning and intent of this Chapter, and who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a land surveyor.

E. A person shall not be construed as practicing land surveying who establishes lines and elevations for canals or levees for irrigation or erosion control on lands owned, rented, or leased by him if such person performing the work received no remuneration of any kind for his services.

F. Services performed by employees in determining lines within established boundaries and between established corners of property owned by, leased to, or under the control of their employers in the course and scope of such employer's business, and in locating drilling sites, lines of pipe, or improvements on such property, shall not be construed as falling under the definition of "practice of land surveying" within the meaning of this Chapter, and are not covered by this Chapter.

G. Nothing in this Chapter shall be construed as permitting any person, other than a professional engineer, to affix his signature as such to engineering plans, specifications, or estimates.

H.

(1) Any licensed architect, professional engineer, or professional land surveyor, engaged by the owner of a particular piece or parcel of ground to perform architectural, engineering, or land surveying services, as such services are defined in R.S. 37:141 and 682, shall have a lien and privilege against the particular piece or parcel of ground with respect to which the services were rendered, when work on said piece or parcel of ground, as defined in R.S. 9:4808, has not begun.

(2) A written statement of the claim must be filed for registry with the recorder of mortgages of the parish in which the immovable property is located within ninety days of the date of rendition of the services and shall not be effective as to third persons until such time as the

statement of the claim is so filed, but thereafter shall be a first lien and privilege superior to any lien, privilege, or mortgage subsequently recorded. This lien or privilege shall be ranked as provided by R.S. 9:4821.

I. An architect as defined in R.S. 37:141(B) has a right to engage in certain activities that fall within the definition of the practice of engineering as defined in R.S. 37:682, but only to the extent such activities are necessarily incidental to the architect's practice of architecture as defined in R.S. 37:141(B). Such incidental engineering work is limited to minor mechanical, electrical, or civil-structural engineering work necessarily incidental to the architect's practice of architecture. The incidental engineering work shall be of a secondary nature and shall be substantially less in scope and magnitude when compared to the architectural portion of the work. Incidental engineering work includes additions, renovations, or alterations that do not require significant adjustments to the engineering calculations for the changes to the engineering systems or components. The incidental engineering work shall be safely and competently performed by the architect without jeopardizing the life, health, property, or welfare of the public. The incidental engineering work shall also satisfy all of the following conditions for new construction or additions:

(1) For new construction, the total proposed occupant load for the new construction shall not exceed two hundred ninety-nine individuals for assembly occupancy and forty-nine individuals for all other occupancies. The occupant load shall be defined and determined by the method set forth in the currently enforced building code.

(2) For additions, the total proposed occupant load for the addition shall not exceed two hundred ninety-nine individuals for assembly occupancy and forty-nine individuals for all other occupancies. The occupant load shall be defined and determined by the method set forth in the currently enforced building code.

Acts 1980, No. 568, §1; Acts 1984, No. 513, §1; Acts 1987, No. 694, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5; Acts 2022, No. 145, §1. {{NOTE: SEE ACTS 1987, NO. 694, §§2 AND 3.}}

**La.Rev.Stat 37:682.** Definitions The following words and phrases when used in this Chapter shall have the following meaning, unless the context clearly requires otherwise:

(1) "Applicant" shall mean any person seeking to practice engineering or land surveying in the state of Louisiana, that has applied to the board for authority to practice the respective profession and render such engineering or land surveying services in the state of Louisiana, or an individual who has applied to the board for certification as an engineer intern or land surveyor intern.

(2) "Board" shall mean the Louisiana Professional Engineering and Land Surveying Board, provided for by this Chapter.

(3) "Certification", "certified", or "certificate holder" shall mean the recognition granted by the board and its issuance of a certificate to any individual seeking such recognition as an engineer intern or land surveyor intern, who has been successfully examined and is otherwise in good standing with the board.

(4) "Dual licensee" shall mean any person practicing or seeking to practice both engineering and land surveying in the state of Louisiana who has received both licenses from the board and is otherwise in good standing with the board. This term is often used synonymously with the term "dual registrant".

(5) "Engineer" or "professional engineer" shall mean an individual who, by reason of his special knowledge and ability to apply the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by an engineering education

and engineering experience, is qualified to practice engineering, as evidenced by his licensure as such by the board.

(6) "Engineer intern" shall mean an individual who has complied with the requirements for education, experience, and character and has passed an examination in the fundamental engineering subjects, as provided in this Chapter, and has been issued a certificate by the board.

(7) "Firm" shall mean any domestic or foreign firm, partnership, association, cooperative, venture, corporation, limited liability company, limited liability partnership, or any other entity.

(8) "Land surveyor" or "professional land surveyor" shall mean an individual who is qualified to practice land surveying, as evidenced by his licensure as such by the board.

(9) "Land surveyor intern" shall mean an individual who has complied with the requirements for education, experience, and character and has passed an examination in the fundamental surveying subjects, as provided in this Chapter, and has been issued a certificate by the board.

(10) "Licensed" or "licensure" shall mean the recognition granted by the board and its issuance of a license to any person to practice engineering or land surveying in the state of Louisiana. These terms are often used synonymously with the terms "registered" or "registration".

(11) "Licensee" shall mean any person practicing or seeking to practice engineering or land surveying in the state of Louisiana that has received a license from the board and is otherwise in good standing with the board. The term is often used synonymously with the term "registrant".

(12) "Person" shall mean any individual or firm.

(13)(a) "Practice of engineering" shall mean responsible professional service which may include consultation, investigation, evaluation, planning, designing, or inspection of construction in connection with any public or private utilities, structures, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health, and property is concerned or involved, when such professional service requires the application of engineering principles and the interpretation of engineering data.

(b) A person shall be construed to practice or offer to practice engineering: who practices in any discipline of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer; or who represents himself as able to perform; or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering. The practice of engineering shall not include the work ordinarily performed by a person who himself operates or maintains machinery or equipment.

(14)(a) "Practice of land surveying" shall include the measuring of areas, land surfaces, streams, bodies of water, and swamps for correct determination and description, for the establishment, reestablishment, ascertainment, or description of land boundaries, corners, divisions, distances, and directions, the plotting and monumenting of lands and subdivisions thereof, and mapping and topographical work.

(b) A person shall be construed to practice or offer to practice land surveying when that person engages in land surveying and by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a land surveyor, or represents himself as able to perform or does perform any land surveying service or work, or any other service designated by the practitioner which is recognized as land surveying.

(15) "Responsible charge" shall mean the direct control and personal supervision of engineering or land surveying service or work, as the case may be.

(16) "Responsible professional services" shall mean the technical responsibility, control, and direction of the investigation, design, or construction of engineering service or work requiring initiative, engineering ability, and its use of independent judgment.

Acts 1980, No. 568, §1; Acts 1997, No. 361, §1; Acts 1999, No. 396, §1; Acts 2003, No. 279, §5; Acts 2020, 2<sup>nd</sup> Ex. Sess., No. 2, §1, eff. Jan. 1, 2021.

## LA Attorney General's Opinion

Dear Ms. Sentell:

BATON ROUGE  
70804-9005  
OCT 3 0 2013  
Opinion 13-0111

45 ENGINEERING

La.Rev.Stat. 37:701

Pursuant to La. Rev. Stat. 37:701 (C), a person who is an employee of a firm engaged in industrial operations and is performing services within the state of Louisiana in the course and scope of the business of said firm is exempt from the licensing requirements of Chapter 8 of Title 37 of the Louisiana Revised Statutes, subject to being under the responsible charge of a professional engineer as provided by La.Rev.Stat. 37:682.

Your request for an Attorney General's Opinion has been assigned to me for research and reply. On behalf of the Louisiana Professional Engineering and Land Surveying Board ("Board"), you have asked for our office's opinion on a matter related to La.Rev.Stat. 37:701 (C). Specifically, your opinion request presents three (3) different scenarios and asks for our office's opinion as to how La.Rev.Stat. 37:701 (C) applies to those scenarios. In essence, you ask for our opinion as to whether the Board has jurisdiction or authority over the individual described in each of the three (3) scenarios.

The three (3) scenarios are as follows:

- (1) An employee of a firm engaged in industrial operations (an "Industrial Firm") provides engineering services (other than civil engineering) only to the Industrial Firm and only on the premises of the Industrial Firm.**
- (2) An employee of an Industrial Firm provides engineering services (other than civil engineering) only on the premises of the Industrial Firm, but either (a) engineering services are provided to customers of the Industrial Firm or to other persons or (b) the product of engineering services is sent off the premises of the Industrial Firm.**
- (3) An individual not employed by an Industrial Firm provides engineering services to one or more Industrial Firms.**

The Chapter referenced by La.Rev.Stat. 37:701 (C) is Chapter 8 of Title 37 of the Louisiana Revised Statutes. Chapter 8 is entitled "Professional Engineering and Professional Surveying" and generally provides for the licensure and regulation of professional engineers and land surveyors in the State of Louisiana. **Our reading of La.Rev.Stat. 37:701 (C) reveals that for certain employees of firms engaged in industrial operations, those employees are exempt from the licensure and regulatory provisions of Chapter 8.**

As such, with respect to the first scenario wherein an employee of an Industrial Firm provides engineering services (other than civil engineering) only to the Industrial Firm and only on the premises of the Industrial Firm, **it is the opinion of this office that such an employee would not be subject to the licensure and regulatory provisions of Chapter 8, provided such an employee would be under the responsible charge of a professional engineer.**<sup>1</sup> In our view, such a person would be considered an employee of a firm "engaged in industrial operations ... performing services within the state of Louisiana in the course and scope of the business of said firms or affiliates thereof." Accordingly, pursuant to the plain language of La.Rev.Stat. 37:701 (C), such an employee would not be required to obtain a license, nor would their actions be subject to the authority or jurisdiction of the Board.

With respect to the second scenario, wherein an Industrial Firm employee provides engineering services (other than civil engineering) only on the premises of the Industrial Firm, but either the engineering services are provided to customers of the Industrial Firm or to other persons, or the product of engineering services is sent off the premises of the Industrial Firm, **it is also the opinion of this office that such an employee would not be subject to the licensure and regulatory provisions of Chapter 8, provided such an employee would be under the responsible charge of a professional engineer.** As before, in our view, such a person would be considered an employee of a firm "engaged in industrial operations .... performing services within the state of Louisiana in the course and scope of the business of said firms or affiliates thereof." Accordingly, pursuant to the plain language of La.Rev.Stat. 37:701 (C), such an employee would not be required to obtain a license, nor would their actions be subject to the authority or jurisdiction of the Board.

With respect to the third scenario, wherein an individual not employed by an Industrial Firm provides engineering services to one or more Industrial Firms, it is the opinion of this office that such a person would be subject to the licensure and regulatory provisions of Chapter 8 and would be required to obtain a license. In our view, such a person would not be able to take advantage of the exemption provided by La.Rev.Stat. 37:701 (C).

We trust this adequately responds to your request. However, if our office can be of further assistance, please do not hesitate to contact us.

*1 LAC Title 46:LX1§105(A) provides that the phrase "**under the responsible charge of a professional engineer**" is defined as (a) the work performed by a professional engineer, duly licensed under the provisions of the Chapter; or (b) the work reviewed and approved by a professional engineer, duly licensed under the provisions of the Chapter, who is authorized to direct changes to the engineering work, or (c) the work performed in accordance with a system of engineering practices approved by a professional engineer, duly licensed under the provisions of this Chapter.*

## QUESTIONNAIRE / SURVEY

Demographic questions are items 1 - 8, Topic questions are items 9 - 17 (all YES/NO), Optional questions items 18 - 21

- 1 What is your age?
- 2 What is your gender?
- 3 What best describes your role?
- 4 What is the total number of employees in your company (including all locations where your employer operates)?
- 5 Employment Status? (Full Time, Part Time, Contract, Retired, Student)
- 6 Practice Area? (Private Practice, Industry, Construction, Government, Education, Other)
- 7 What state do you live in?
- 8 How many states do you have a Professional Engineering License with?
- 9 Should a person be allowed to obtain a Professional Engineering License in Louisiana without meeting the requirements for a Professional Engineering License set forth by LAPELS (<https://www.lapels.com/AppPE.html>)? (YES/NO)
- 10 Should a person be required to pass both the FE and the PE exams to qualify for a Professional Engineering License? (YES/NO)
- 11 Should all design documentation have PE Stamps? (YES/NO)
- 12 Should it be required that only PEs and EITs are allowed to do engineering work regardless of occupation or organization with non-EITs limited to design / drafting work? All engineering work would be under the responsible charge of a PE. (YES/NO)
- 13 Should it be required that only PEs, EITs and non-EITs (ABET accredited engineering graduates) are allowed to do engineering work regardless of occupation or organization? All engineering work would be under the responsible charge of a PE. (YES/NO)
- 14 Should it be that PEs, EITs and non-EITs (ABET accredited engineering graduates) are allowed to do engineering work regardless of occupation or organization? Engineering work is not required to be done under the responsible charge of a PE. (YES/NO)
- 15 Should it be that any person be allowed to do engineering work regardless of occupation or organization? Engineering work is not required to be done under the responsible charge of a PE. (YES/NO)
- 16 Should responsible charge of a PE mean “direct supervision within the same location and company”? (YES/NO)
- 17 Should responsible charge of a PE mean “direct supervision within the same location and company” or “the work reviewed and approved by a PE, who is authorized to direct changes to the engineering work”? (YES/NO)

Optional Survey Questions requiring more than a YES/NO answer:

- 18 In your opinion why was a Professional Engineering License created?
- 19 In your opinion why are Professional Engineering Licenses necessary?
- 20 In your opinion should individuals be allowed to provide engineering services without a Professional Engineering License?
- 21 Should a person providing engineering services be required to work under and have their work reviewed by an engineer with a Professional Engineering License? (YES/NO)