

RECEIVED

JUL 28 2022

By LSBAE Compliance

LOUISIANA STATE BOARD OF ARCHITECTURAL EXAMINERS
9625 FENWAY AVENUE, SUITE B
BATON ROUGE, LOUISIANA 70809-1592
(225) 925-4802

IN THE MATTER OF:) CASE NO. 2022-09
)
SAMUEL OLMEDO)
)
RESPONDENT)
)
)
)

CONSENT ORDER

The Louisiana State Board of Architectural Examiners [hereinafter the “Board”], by and through its Executive Director, pursuant to authorization by the Board, and Mr. Samuel Olmedo [hereinafter “Respondent”], hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as an architect, number 9357.

An investigation was opened based upon the Board’s receipt of information which suggested that Respondent may have violated the Board’s requirements for continuing education [hereinafter “CE”]. The investigation disclosed that on or about December 31, 2021, Respondent submitted to the Board his Louisiana architect license renewal application for Calendar Year 2022, certifying thereon that he had completed twelve (12) continuing education hours [hereinafter “CEH”] in Health, Safety and Welfare [hereinafter “HSW”] subjects during CY2021, such CEH required for renewal of his license for the period of January 1, 2022, to December 31, 2022.

In April 2022, the Continuing Education Committee (“Committee”) of the Board notified Respondent that an audit of Respondent’s CY2021 CE records was being conducted and requested that Respondent submit those records to the Committee for review. On or about April 11, 2022, Respondent emailed CE documents to Board staff. Upon review, it was discovered that all CEs had been earned in CY2020. When asked for CE documentation from 2021, Respondent verbally admitted that he had not earned any CEs in CY2021.

La. R.S. 37:145(B), *to wit* LAC Title 46: I §1315(D)(1), (2) and (3), requires architect licensees to obtain a minimum of twelve (12) CEH in HSW subjects each calendar year. La. R.S. 37:153(A)(7) prohibits licensees from practicing any material misstatement in applying for any renewal certificate. La. R.S. 37:153 authorizes the Board to take disciplinary action against persons who violate La. R.S. 37:145(B), *to wit* LAC Title 46: I §1315(D)(1), (2) and (3), and La. R.S. 37:153(A)(7), upon finding of guilt following notice and hearing and a majority vote of its entire membership authorized to participate

in the proceeding. La. R.S. 37:145(B), La. R.S. 37:153(A)(7), and LAC Title 46: I §1315(D)(2) and (3) were in effect at all times material hereto.

It is undisputed that **(a)** on or about December 31, 2021, Respondent submitted to the Board his Louisiana architect license renewal application for CY2022, which certified that he had completed the Board's CE requirements for CY2021, such CE required for the 2022 renewal period, and **(b)** Respondent failed to earn (and falsely stated that he had earned) the required CEH for CY2021.

By letter dated June 16, 2022, the Committee gave notice to Respondent that it was considering the prefferal of charges against him on the grounds that he may have violated **(a)** La. R.S. 37:145(B), *to wit* LAC Title 46: I §1315(D)(1), (2) and (3), relative to the Board's CEH requirements, and **(b)** La. R.S. 37:153(A)(7) relative to material misstatement in applying for a renewal certificate with the Board.

Wishing to dispense with the need for further disciplinary action and to conclude the instant proceeding without further delay and expense, and for the purpose of this proceeding only, Respondent and the Board do hereby enter into this Consent Order, in which Respondent of his own free will consents to the issuance of a Consent Order by the Board, wherein Respondent agrees to **(a)** pay a fine of one thousand five hundred and no/100 (\$1,500.00) dollars, **(b)** pay administrative costs of three hundred twenty-eight and 63/100 dollars (\$328.63), **(c)** within sixty (60) days of the ratification of this Consent Order by the Board, earn 12 CEH in HSW for CY 2021 in addition to the 12 CEH in HSW required for CY2022 and forward proof of earning such to the Board; **(d)** the auditing of his CE records for five (5) consecutive renewal cycles; **(e)** publication of this Consent Order on the Board's website and a summary of this matter in the Board's official newsletter, *Louisiana Architect*, to read, "*Samuel Olmedo, an architect (license #9357), was subject to disciplinary action by the Board for (a) failing to comply with the Board's continuing education hours [hereinafter "CEH"] requirements in violation of La. R.S. 37:145(B), to wit LAC Title 46: I §1315(D)(1), (2) and (3), and (b) material misstatement in applying for a renewal certificate with the Board in violation of La. R.S. 37:153(A)(7). In December 2021, Mr. Olmedo submitted to the Board his renewal application for CY2022, certifying thereon that he had completed 12 CEH in Health, Safety, and Welfare [hereinafter "HSW"] subjects during CY2021. In April 2022, the Continuing Education Committee of the Board audited Mr. Olmedo's CE records for CY2021. In responding to this CE records audit, Mr. Olmedo admitted that he had failed to obtain any CEHs for CY2021. Mr. Olmedo has entered into a Consent Order with the Board wherein he admitted to the referenced violations of the above laws/rules and agreed to pay a fine of \$1,500; to pay administrative costs of \$328.63; to earn twelve HSW CEHs for CY2021 and forward proof of such to the Board within 60 days of the ratification of the Consent Order; to the audit his CE records for five consecutive renewal cycles; to the publication of the Consent Order on the Board's website; to the*

printing of a summary of this matter in the official newsletter of the Board, Louisiana Architect, identifying Mr. Olmedo by name, and to the reporting of this matter to the National Council of Architectural Registration Boards (NCARB) Disciplinary Database, identifying Respondent by name.”; and **(f)** to the reporting of this matter to the National Council of Architectural Registration Boards (NCARB) Disciplinary Database, identifying Respondent by name.

Respondent admits that his conduct as set forth above constitutes violations of the above-referenced laws and/or rules as stated herein. Respondent acknowledges that this Consent Order constitutes a disciplinary action by the Board against himself and his Louisiana architect license. Respondent also acknowledges awareness of said laws and/or rules and states that he will comply with all applicable laws and rules henceforth. Respondent has been advised of his right to be represented by counsel before the Board and/or to appear at any hearing personally or by counsel and present witnesses and evidence on his own behalf, he hereby waives this right and his right to appeal, and he states affirmatively that he has been afforded all administrative remedies due him under the law. Respondent further acknowledges awareness of the fact that the signed original of this Consent Order will remain in the custody of the Board as a public record and will be made available for public inspection and copying upon request.

Therefore, in consideration of the foregoing and by signing this Consent Order, Respondent does hereby waive his right to a hearing before the Board, to the presenting of evidence and witnesses on his behalf, to Findings of Fact and Conclusions of Law in this case, and to judicial review of this Consent Order.

Respondent hereby represents that **(a)** he fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, **(b)** he has voluntarily entered into this Consent Order, and that no other promise or agreement of any kind has been made to or with him by any person whatsoever to cause the execution of this instrument, and **(c)** the sanctions set forth in this Consent Order do not prevent the Board from taking further disciplinary or enforcement action against Respondent on matters not specifically addressed in this Consent Order.

WHEREFORE, the Louisiana State Board of Architectural Examiners and Respondent agree that:

1. Respondent shall pay a fine of one thousand five hundred and no/100 (\$1,500.00) dollars, which shall be tendered to the Board by certified check payable to the Treasurer, State of Louisiana, due upon the signing of this Consent Order; and
2. Respondent shall pay administrative costs of three hundred twenty-eight and 63/100 dollars (\$328.63), which shall be tendered to the Board by certified check payable to the Louisiana State Board of Architectural Examiners, due upon the signing of this Consent Order; and

3. Respondent shall, within sixty (60) days of the ratification of this Consent Order by the Board, earn twelve (12) HSW CEHs for CY2021 in addition to the 12 CEH in HSW required for CY2022, and forward proof of earning such to the Board; and

4. Respondent agrees to the audit of his CE records for five (5) consecutive renewal cycles; and

5. This Consent Order shall be published on the Board's website, and a summary of this matter shall be printed in the official newsletter of the Board, *Louisiana Architect*, and reported to the National Council of Architectural Registration Boards (NCARB) Disciplinary Database, all identifying Respondent by name; and

6. This Consent Order shall not become effective unless and until it is accepted and signed by and on behalf of the Board. Should the Board not accept and sign this Consent Order, it is agreed that presentation of this matter to the Board shall not prejudice the Board or any of its members, staff, attorneys, or representatives from further participation, consideration, or resolution of any further proceedings herein.

LOUISIANA STATE BOARD OF
ARCHITECTURAL EXAMINERS


DATE: 8/26/2022

BY: 
TYSON J. DUCOTE, Executive Director

DATE: 7.25.22

BY: 
SAMUEL OLMEDO, Respondent

Witnesses to the signature of
Samuel Olmedo


Print Name: Shannon R. Phillips

~~ALBERT COELLO~~
Print Name: 