

**BEFORE THE LOUISIANA STATE BOARD OF
ARCHITECTURAL EXAMINERS**

IN THE MATTER OF:
ERNESTO CERCAS
CASE NO. 2022-27

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing of the captioned matter was held before the Louisiana State Board of Architectural Examiners ("LSBAE") on July 28, 2023, at the board office, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809. The prosecuting attorney was John C. Miller, Butler Snow, City Plaza, 445 North Blvd #300, Baton Rouge, LA 70802, and the LSBAE was represented by W. Carlos Spaht, Alexander Sides Brinson Spaht & Mullins, LLC, 10412 Jefferson Hwy, Baton Rouge, LA 70809. Ernesto Cercas did not appear. On the basis of testimony and other evidence presented, the LSBAE makes the following findings of fact, conclusions of law, and order.¹

FINDINGS OF FACT

1. Ernesto Cercas ("Cercas") is and at all times material to the facts and matters involved herein was registered as an architect in the State of Louisiana, as evidenced by architectural license no. 7600. His license has been in an expired status since January 1, 2023.
2. On or about February 8, 2022, Cercas applied for renewal of his Louisiana architectural license, certifying thereon that he had completed the CEH (continuing education hours) required by LSBAE Rule §1315(D) for CY 2021. Rule §1315(D) requires completion of a minimum of twelve CEH in health, safety and welfare ("HSW") each calendar year (January 1 – December 31). Relying upon this and other certifications in the renewal application, the Board renewed Cercas' architectural license for CY 2022.
3. Cercas was subsequently randomly selected for an audit of his continuing education records for CY 2021. Notification of the audit and a request for Cercas' CE records

¹ Board members Ronald B. Blich, John E. Cardone, Jr., Christian R. Elberson, and Kevin J. Singh were present during the hearing and concur in these findings of fact, conclusions of law, and order. Board members David K. Brossett, Kristine Kobila, and Michael F. Holly were not present during the hearing; because of their prior involvement with the Complaint Review Committee, Mr. Brossett, Ms. Kobila, and Mr. Holly recused themselves and did not participate in any way in these findings, conclusions, or order.



for CY 2021 was sent to Cercas via emails on April 5, 2022, and April 25, 2022. No response to these requests was received.

4. When no response to these requests was received, Board staff made contact with Cercas by telephone on June 10, 2022, during which conversation Cercas advised that he had not received the Board's notifications or requests because he had failed to provide the Board with a current email address. Cercas then verbally provided Board staff with a different email address, which Board staff used to communicate with him regarding the requested CE records. During the conversation, Justin Owens, the LSBAE Deputy Director, asked Cercas to email the documents to him at his earliest convenience.

5. Later that day, Board staff received an automated response stating that the email was undeliverable because the email address did not exist. Board staff attempted again to make contact with Cercas by telephone which resulted in a voicemail being left.

6. When no response to the voicemail was received, still another notification and request for Cercas' CE records for CY 2021 was sent to Cercas' home via U.S. certified mail on July 26, 2022, such notice and request delivered on August 8, 2022.

7. When no response to this request was received, at least one voicemail requesting a return call was subsequently left at the telephone number for Cercas contained in the Board's records. Again, no response was received. Cercas did not renew his license for CY 2023, and his license has been in an expired status since January 1, 2023.

8. The matter was assigned Case No. 2022-27, and notification and a request for Cercas' CE records for CY 2021 was sent to Cercas via certified mail on September 13, 2022. The certified mail delivery card was returned to the Board's offices on or about September 29, 2022; Cercas' first name, "Ernesto," was handwritten below the signature on the card. When no response to this request was received, still another attempt to obtain Cercas' CE records for CY 2021 was made by telephone on November 4, 2022. No response to this request was received. Having received no response, the CRC voted unanimously to make a formal administrative complaint and prefer formal charges against Cercas.



9. La. R.S. 37:145(B) provides that architects may, by rule of the Board, be required to earn annually up to twelve hours of Board-approved continuing education pertaining to building design in connection with public health, safety, and welfare.

10. Board Rule §1301(A) provides that “[a] license for an individual architect shall expire and become invalid on December 31 of each year. An individual architect who desires to continue his or her license in force shall be required annually to renew same.”

11. Board Rule §1315(D) requires all architects, unless exempt, to obtain a minimum of twelve CEH in HSW each calendar year.

12. Board Rule §1315(G)(1) provides, in part:

The Board requires that each architect shall complete the language on the renewal application pertaining to that architect’s continuing education activities during the calendar year immediately preceding the license renewal period. Any untrue or false statement or the use thereof with respect to course attendance or any other aspect of continuing educational activity is fraud or misrepresentation and will subject the architect and/or program sponsor to license revocation or other disciplinary activity.

(Emphasis added).

13. Board Rule §1315(G)(2) provides that, to verify attendance at continuing education activities, attendees shall obtain attendance certificates from program sponsors. Other evidence of attendance may be acceptable.

14. Board Rule §1315(G)(3) provides that the Board may audit architects for verification of compliance, and that, upon request by the Board, evidence of compliance shall be submitted to substantiate compliance with the requirements of the Board rules.

15. R.S. 37:153(A) provides that the Board may participate in a proceeding to revoke, rescind, or suspend the certificate of, place on probation, reprimand,, admonish, or fine in an amount not to exceed five thousand dollars per violation, any registrant or certificate holder found by the Board to have committed any of the following: (3) using his seal or stamp or engaging in any other act constituting the practice of architecture at a time “when his current renewal has not been obtained in accordance with law”; (6) violating the provisions of the Architect Licensing Law (R.S. 37:141 et seq.) or any lawful rule or regulation adopted by the Board pursuant to law, or (7) practicing any “fraud, deceit, material



misstatement, or perjury ... in applying for any renewal certificate provided for in this Chapter.”

CONCLUSIONS OF LAW

16. Board Rule §1315(G)(3) provides that the Board may audit licensees for verification of compliance with the continuing education rules, and that, upon request by the Board, evidence of compliance *shall* be submitted to substantiate compliance with the requirements of the Board rules. By his refusal to provide any evidence of his compliance with the Board continuing education rules, despite repeated requests for same, the LSBAE concludes that Cercas violated Board Rule §1315(G)(3).

17. R.S. 37:145(B) provides that architects may, by rule of the Board, be required to earn annually up to twelve hours of Board-approved continuing education pertaining to building design in connection with public health, safety, and welfare, and Board Rule §1315(D) requires all architectural licensees, unless exempt, to obtain a minimum of twelve CEH in HSW each calendar year. Cercas has failed to provide the Board with any evidence of his continuing education activities during CY 2021, despite repeated requests for same and his obligation to do so. The LSBAE concludes that Cercas failed to obtain twelve CEH in HSW for CY 2021, and he violated R.S. 37:145(B) and Board Rule §1315(D) for such year.

18. Board Rule §1315(G)(1) provides that any untrue or false statement or the use thereof with respect to course attendance or any other aspect of continuing educational activity is fraud or misrepresentation and will subject the architect and/or program sponsor to license revocation or other disciplinary activity. On or about February 8, 2022, Cercas applied for renewal of his Louisiana architectural license for CY 2022, certifying on his renewal application that he had completed the CEH (continuing education hours) required by LSBAE Rule §1315(D) for CY 2021. Cercas has failed to provide the Board with any evidence of his continuing education activities during CY 2021, despite repeated requests for same and his obligation to do so. The LSBAE concludes that Cercas misrepresented his continuing education activities for CY 2021 and, in doing so, violated R.S. 37:145(B) and



Board Rule §1315(G)(1) and committed fraud and misrepresentation in his renewal application.

ORDER

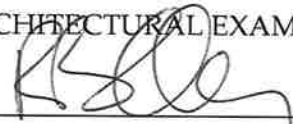
1. Cercas is FINED the total sum of \$2,500.00, and IT IS ORDERED that Ernesto Cercas pay this fine; the attorney's fees incurred by the LSBAE for John C. Miller (\$1,158.75), W. Carlos Spaht (\$495.00), and Paul H. Spaht (\$2,580.00); the costs charged by the court reporter, CRLA Veritext Company, for transcribing this hearing (\$232.80), and the costs and expenses incurred by the LSBAE (\$164.72) related to this case; or the TOTAL SUM of \$7,131.27.

2. IT IS FURTHER ORDERED that the registration in Louisiana and the Louisiana license #7600 of Ernesto Cercas are REVOKED.

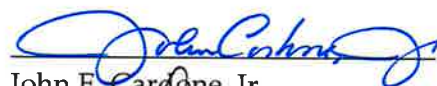
3. IT IS FURTHER ORDERED that these findings of fact, conclusions of law, and order shall be posted on the board website; that a summary of this matter and these findings of fact, conclusions of law, and order shall be published in the official newsletter of the LSBAE, *Louisiana Architect*, and that these findings of fact, conclusions of law, and order shall be reported to the National Council of Architectural Registration Boards ("NCARB") Disciplinary Database, all identifying Ernesto Cercas by name.

Baton Rouge, Louisiana, this 13th day of December, 2023.

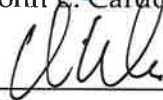
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