

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

IN THE MATTER OF:)	
)	
LLOYD ANTHONY POSITERRY II)	
)	
RESPONDENT)	
)	
)	
)	
)	

CASE NO. 2024-27

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 Lloyd Anthony Positerry II [hereinafter “Respondent”], hereby agree to the following:

At all times material hereto, Respondent was licensed in the State of Louisiana as an architect, number 4764.

An investigation was opened based upon the Board’s receipt of information which suggested that Respondent may have failed to satisfy the Board’s requirements for continuing education [hereinafter “CE”] and may have made a material misstatement in applying for a renewal certificate.

In April 2024, the Continuing Education Committee (“Committee”) of the Board notified Respondent that an audit of his 2023 CE records was being conducted and requested that he submit those records to the Committee for review. Respondent replied by email to that request on April 4, 2024, providing a copy of his 2022 AIA transcript which demonstrated thirty-two (32) CE hours in Health, Safety and Welfare [hereinafter “HSW”] topics, and a copy of a certificate indicating seven (7) HSW CE hours obtained in 2023. Respondent stated that he assumed the excess CE hours obtained in 2022 would be applied to the CE requirements for 2023. Board staff explained to Respondent that LAC Title 46:I §1315(D) prohibits crediting excess CE hours to a different calendar year. A review of the Board’s licensure records disclosed that at all times material hereto Respondent was licensed in the State of Louisiana as an architect, number 4764.

The investigation further disclosed that on or about December 12, 2023, Respondent submitted to the Board his Louisiana architect license renewal application for 2024, certifying



thereon that he had completed twelve (12) CE hours in HSW subjects during 2023, completion of which was a condition for the renewal of his Louisiana architect license for CY2024.

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 making 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)(1), (2), and (3) were in effect at all times material hereto.

It is undisputed that **(a)** on or about December 12, 2023, Respondent submitted to the Board his Louisiana architect license renewal application for CY2024, which certified that he had completed the Board's CE requirements for CY2023, completion of which was a condition for the renewal of Respondent's Louisiana architect license for CY2024; and **(b)** Respondent failed to earn (and misstated that he had earned) the required CE hours for CY2023.

By letter dated September 18, 2024, the Committee gave notice to Respondent that it was considering the preferral 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 CE requirements, and **(b)** La. R.S. 37:153(A)(7), relative to his making a 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 seven-hundred fifty and no/100 (\$750.00) dollars, **(b)** pay administrative costs of two-hundred ninety-two and 06/100 dollars (\$292.06), **(c)** within sixty (60) days of the ratification of this Consent Order by the Board, earn all delinquent HSW CE hours for CY 2023 and forward proof of earning such to the Board; **(d)** the auditing of his CE records for the next three (3) consecutive renewal cycles; **(e)** the automatic and immediate



suspension of his Louisiana architect license in the event he fails to comply with any sanction contained within this Consent Order, which suspension will continue until all such sanctions are satisfied; **(f)** 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, “*Lloyd Anthony Positerry II, an architect (license #4764), was subject to disciplinary action by the Board for (a) failing to comply with the Board’s continuing education [hereinafter “CE”] requirements in violation of La. R.S. 37:145(B), to wit LAC Title 46: I §1315(D)(1), (2) and (3), and (b) making a material misstatement in applying for a renewal certificate with the Board in violation of La. R.S. 37:153(A)(7). In December of 2023, Mr. Positerry submitted to the Board his renewal application for CY2024, certifying thereon that he had completed 12 CE hours in Health, Safety, and Welfare [hereinafter “HSW”] subjects during CY2023. In April 2024, the Continuing Education Committee of the Board audited Mr. Positerry’s CE records for CY2023. In responding to this CE records audit, Mr. Positerry provided documentation which demonstrated that he had only obtained seven HSW CE hours in CY2023. Mr. Positerry 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 \$750; to pay administrative costs of \$292.06; to earn all delinquent HSW CE hours for CY2023 and forward proof of such to the Board within 60 days of the ratification by the Board of the Consent Order; to the audit of his CE records for the next three consecutive renewal cycles; to the immediate and automatic suspension of his Louisiana architect license in the event he fails to comply with any sanction contained within the Consent Order, which suspension will continue until all sanctions are satisfied; 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. Positerry 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 **(g)** 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 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 seven-hundred and no/100 (\$750.00) 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 two-hundred ninety-two and 06/100 dollars (\$292.06), 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 all delinquent HSW CE hours for CY2023, and forward proof of earning such to the Board; and

4. Respondent's CE records shall be audited for the next three (3) consecutive renewal cycles; and

5. In the event Respondent fails to comply with any sanction contained within this Consent Order, his Louisiana architect license shall be immediately and automatically suspended until all such sanctions are satisfied; and

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

7. 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: 11-22-2024

BY: 
TYSON J. DUCOTE, Executive Director

DATE: 9/30/24

BY: 
Lloyd Anthony Positerry II, Respondent

**Witnesses to the signature of
Lloyd Anthony Positerry II**


Print Name: GWEN NAQUIN


Print Name: LACEY RENFROE

