

PE Newsletter

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Highlights and Significant Activities

Sunset - The agency is under review for the first time since 1981. See enclosed article for a description of this process and link to the TBPE Sunset Self-Evaluation Report. See page 2 for details.

Legislation - Two legislative actions directly affect the Board. Teaching of engineering is now exempt from licensure and TBPE is one of three agencies with exemplary performance selected to participate in the Self-Directed, Semi-Independent Agency Project. See page 3 for details.

Meeting with Texas Board of Architectural Examiners - A joint meeting was held on October 18, 2001 to develop a system to resolve any issues and overlap between the two Boards. A joint committee was formed to oversee issues, coordinate Board interaction, and assign task resolution to selected members from each Board.

New and Improved Website! - In July, Janet Sherrill joined the Board staff and has been updating the looks and functionality of the TBPE website. Please take a look (www.tbpe.state.tx.us) and give us your feedback.

Texas A&M Bonfire - The Board continues to investigate this Texas tragedy and expects resolution soon.

Continuing Education - The Board recommended a mandatory program in the Sunset Self-Evaluation Report. See the article on page 4 for details.

Board Policy Statements, Advisorys, and Ad Hoc Committees - Although the Board's mission does not necessarily dictate involvement in purely technical issues, the Board works closely with professional societies and interested persons to try to develop guidance concerning the practice of engineering for professional engineers and the public. Some standing issues are listed later in this publication.

New Staff - Along with Janet Sherrill (Operations Team Leader), the Board welcomes Janie Beltran (Executive Administrative Assistant), Barbara Owens (General Counsel), David Lusk, P.E. (Director of Licensing), Amy Lopez (Licensing Team Leader), Diana Bennett (Licensing Specialist), Angelena Martinez (Licensing Specialist) Charles Finch (Investigator) and Charles Pennington, P.E. (Engineering Specialist) to the agency to fill this past year's vacancies and organizational change positions.

New and Revised Fees - The Board approved several increases to fees at the June 13, 2001 Quarterly Board Meeting, which became effective September 1, 2001.

Additional fee increases, new fees and reduced fees were approved by the Board at the October 17, 2001 Quarterly Board Meeting, which become effective December 1, 2001. See page 4 for details.

New Board Chair - On September 1, 2001 the agency welcomed new Board chairman James R. Nichols, P.E. See page 2 for Outgoing Chairman, Dave Dorchester, P.E.'s, remarks and page 3 for Nichols' plans for his chairmanship.

Board Rules Updates - A chart explaining all rules which have changed and the reasoning behind the changes is included on page 6.

EIT Guidelines Set by NCEES - The National Council of Examiners for Engineering and Surveying (NCEES) developed guidelines for enhancing skills and gaining experience as an Engineer-in-Training. See page 8 for details.

Texas Board of Professional Engineers

Board Members

James R. Nichols, P.E., Chair Fort Worth
 Brenda Bradley Smith, P.E., Vice-Chair Houston
 Robert M. Sweazy, Ph.D., P.E., Secretary Lubbock
 E. D. "Dave" Dorchester, P.E. Midland
 Edmundo R. Gonzalez, Jr., P.E. Brownsville
 Govind Nadkarni, P.E. Corpus Christi
 Danny R. Perkins Houston
 Vicki T. Ravenburg, CPA San Antonio

Executive Staff

Victoria J.L. Hsu, P.E. Executive Director
 Randi Warrington Executive Assistant
 Barbara H. Owens General Counsel
 Janie S. Beltran Executive Administrative Assistant
 Paul D. Cook Director of Enforcement/Operations
 David J. Lusk, P.E. Director of Licensing

Licensing Statistics

Examination Results:	2000		2001	
	Examinees	Pass Rate	Examinees	Pass Rate
Fundamentals (FE)	2097	1408	2486	1742
Principles & Practices (PE)	1167	638	1082	668
Licensing Statistics:	2000		2001	
Total Licensed (Average)	47,833		48,156	
Newly Licensed	1453		1604	

Message from Outgoing Chairman

By E.D. "Dave" Dorchester, P.E., Outgoing TBPE Chairman



I completed my term as Chairman of the Board on August 31st and I want to look back at the past year from several fronts. It has been an exciting and challenging year for the Board in several ways.

The Texas Legislature was in session from January until May and this produced several bills that directly affected the Texas Board. It also called for a number of appearances before various committees but princi-

pally the Senate Finance and House Appropriations Committees.

I want to take this opportunity to highly commend the Board as it has reviewed a great many of its policies and procedures during the past year. The Texas Board continues to be recognized nationwide for many of its progressive and forward looking policies and steps it has taken.

The Boards' recognition of software engineering and subsequent licensing of software engineers has attracted nationwide and international attention. A number of universities have instituted software engineering degree programs and the Accreditation Board of Engineering and Technology, Inc., has recognized these programs and is now ready to review courses for accreditation.

Along with outreach to the engineering educators of the state, the Board has also visited with prominent graduate engineers in the state to encourage their licensure. For example, the Board expects to review the application of astronaut Bonnie Dunbar in the near future. Licensing such prominent, capable persons can greatly aid our visibility to the general public.

The Board was recently invited to attend the annual meeting of the Association of Professional Engineers, Geologists and Geophysicists of Alberta (the licensing body of Alberta, Canada) to present to them some of the progressive things the Texas Board has done in the past few years, including our efforts in the licensing reciprocity agreed upon by the NAFTA MOU. We feel this is a real compliment to the Board.

I take this opportunity to thank the Board for its support and more than anything to welcome the new Chairman of the Board. Mr. Jim Nichols, CEO of Freese and Nichols in Fort Worth brings a lifetime of experience in the engineering field to the Board. I can think of no one more dedicated to the engineering profession and with more experience than Jim Nichols. WELCOME Mr. Chairman!!

Did you know that by law you are required to report any employer or address changes to the Board?
The form is available at www.tbpe.state.tx.us

Agency Undergoes Sunset Review

By Randi Warrington, Executive Assistant

The Sunset Review process is an assessment of the need for a state agency to continue its existence. It is a unique opportunity for the Legislature to scrutinize all state agencies subject to the Texas Sunset Act and make fundamental changes to an agency's mission or operations if required.

The Sunset process sets a date on which an agency will be abolished unless legislation is passed to continue its existence. The Legislature delayed the date of sunset review of the Texas Board of Professional Engineers from 1993 to 2003 due to the agency's excellent reputation. The Board is one of 29 state agencies scheduled for Sunset Review in 2003.

The Board completed the initial phase of the review process in August when the Self-Evaluation Report was submitted to the Sunset Advisory Commission. You may review this report by accessing:

www.tbpe.state.tx.us/Sunset2003SER.doc.

Over the course of the next year, staff members from the Commission will work extensively with the Board to evaluate the continued need for the agency, propose any necessary statutory or management changes, and develop legislation necessary to implement any proposed changes.

The Sunset staff will also solicit input from interest groups and professional organizations, and the public is encouraged to provide input and discussion about the agency's functions as well.

The Commission will then prepare its report containing statutory and management recommendations. Once this phase has been completed, the Commission will conduct a public hearing on each agency under review.

During the public hearing, the Sunset staff

will discuss its recommendations. The agency will formally respond to the recommendations, and the public is allowed to comment on the report and the agency's operations and policies. The Commission then meets to decide whether to abolish or continue the agency's existence. Legislation to continue the agency must be submitted to the Legislature for enactment during the 78th Legislative Session, which convenes in January 2003.

To find out more about the Sunset Review process or to request being placed on the Commission's mailing list to receive meeting schedules, agendas, staff reports and decision materials, contact the Commission staff at (512) 463-1300 or email: sunadmin@sunset.state.tx.us.

Additional information can be obtained from their website at: www.sunset.state.tx.us.

Editor's Note: See the website at: www.tbpe.state.tx.us/execdir.htm for Victoria Hsu's view on the Sunset Review process and semi-independence.

Message from Incoming Chairman

By James R. Nichols, P.E., Incoming TBPE Chairman



The Texas Board of Professional Engineers will be embarking on several new activities which will have a significant impact on the way the Board conducts its business and deals with our customers, the public, and the professional engineers in Texas.

During the past year, the Board employed the Management Advisory Services of the State Auditor's office to conduct a review of our mission and strategies. As a result, extensive interviews were conducted with the staff and Board Members.

Focus groups were formed and valuable recommendations were made and implemented.

We recently finished rulemaking to improve the procedures for licensing which will make our agency much more user-friendly than in previous years. The Board is committed to working with our customers and streamlining our processes as much as possible.

Our agency entered a new era in its history on September 1, 2001 when it became one of three agencies to participate in the Self-Directed, Semi-Independent Agency Project Act. This will be a pilot program allowing the agency to exercise greater autonomy over operations for a two-year period. The goal of this project will be to increase efficiency, effectiveness and provide improved public service.

During the next two years, the Board will receive all of its funding from fees for licensure, registration, and services provided. We will determine our own budget rather than go through the legislative budget process. We will have greater flexibility in determining more effective services

to better protect and serve the public. Our selection to be a part of this pilot program is an indication that the TBPE has the confidence and trust of the Legislature to conduct our business without close scrutiny through the budget process.

During the coming year, we will be preparing for the Sunset Review in 2003. Our last Sunset Review was in 1981, and since that time many changes have been made by the Board to uphold and regulate the profession and practice of engineering in the State of Texas. The Self-Evaluation Report was filed with the Sunset Advisory Commission in August, and we anticipate a significant amount of activity as we prepare for the Sunset Review.

The coming year will be one of the most challenging periods in the history of our agency as we enter into the Self-Directed, Semi-Independent Agency Pilot Project along with the preparation for the Sunset Review. I am confident that we will turn the challenges into opportunities, and we will emerge a better and stronger agency meeting the needs of the public and the engineering profession.

Texas Legislature Enacts Two New Bills Which Affect Agency

By Randi Warrington, Executive Assistant

The 77th Texas Legislature enacted two bills that resulted in changes to the Texas Engineering Practice Act and the operations of the Board.

Senate Bill 1797 became effective June 17, 2001, and exempts engineering professors from the licensure requirements of the Act if they are performing research or instructional work within the scope of their institution of higher education.

The bill also provides that the teaching of engineering may not be considered as the practice of engineering. The bill does not exempt engineering educators offering engineering consulting services to the public in Texas.

Even though some engineering faculty members are now exempt from the licensure requirements, the Board and Engineering Deans in Texas will continue to encourage all faculty members to become licensed pro-

fessional engineers.

To promote licensure among engineering faculty, the Board has simplified the application process for engineering educators. See the article entitled Licensure of Engineering Educators on page 8 for more information about the abbreviated application process.

Senate Bill 736 became effective September 1, 2001, and provides the mechanisms necessary for the Board and two other exemplary regulatory agencies - the Board of Public Accountancy and the Board of Architectural Examiners - to implement the Self-Directed, Semi-Independent (SDSI) Pilot Project originally established by the enactment of Senate Bill 1438, 76th Legislative Session.

This legislation was indeed a revolutionary step taken by the Texas Legislature and the Board is honored that it was given

the opportunity to exercise greater autonomy over its operations during the two-year trial period.

The pilot project removes the Board from the legislative appropriation process and allows it to operate outside the provisions of the General Appropriations Act.

The Board's primary goals under the SDSI project are to provide exceptional customer service and to develop alternative methods to increase its efficiency and effectiveness in the delivery of its services to the regulated community and general public.

The pilot project does not alter the mission of the Board nor does it remove the Board from compliance with the Government Code including the Texas Open Meeting Act and the Public Information Act, and the governor will continue to appoint the Board Members.

Message from the Executive Director

By Victoria Hsu, P.E., TBPE Executive Director



Continuing Education - The Debate Continues.

On December 11, 2001, I attended my first Sunset Commission meeting on licensing agencies. The first announcement was that a mandatory continuing education program would most likely be recommended to the Legislature for professional licensing agencies.

Many comments were received on the merits or the redundancy of mandatory continuing education for professional engineers:

It would mean both expense and revenue loss.

We estimate to need at least four additional staff to audit the records. Without auditing, the program may as well not exist. It means extra workspace, storage space, and employee overhead, etc. In the past, every time we had any significant program changes about 5,000 licensees dropped out. It means almost a million dollar loss of funds to the state.

There is no extra value added on engineers' technical expertise.

Engineers who are serious about their profession educate themselves on a continuous basis anyway. How does extra record keeping better protect the public, if

it is only record keeping?

It is necessary to remain current on regulations and rules.

It is very sad to see a fellow engineer being disciplined, but at the same time it is very disturbing to know that some engineers do not remain current in related regulations and cause damage to the public.

Continuing education will benefit the image of professional engineers.

Other professionals such as doctors, lawyers, accountants, and architects are required to have continuing education classes.

More training in ethics, interpersonal skills, communication, management or community service is vital for the success of engineers and in turn benefit the public.

There are jokes about engineers. It's been said that you might be an engineer, if...

... buying flowers for your wife or spending the money to upgrade your RAM is a moral dilemma;

... you carry on a one-hour debate over the expected results of a test that actually takes five minutes to run;

... you have ever introduced your kids by the wrong name;

... you think that when people around you yawn it's because they didn't get enough sleep;

... your idea of good interpersonal communication means getting the decimal point in the right place; and

... the thought that a CD could refer to finance or music never enters your mind.

Reciprocity for engineers

Many other states have a mandatory continuing education requirement. Having one in Texas would facilitate reciprocity.

Some benefits realized by other states that implemented a continuing education

program:

- Renewals could be more timely. Some states generate automatic audits on compliance of the CE program when the renewal is late.
- An increase in participation could be seen in professional society activities.
- The engineers' image could be improved before the public. Explanations for why there is not a CE requirement would no longer be necessary.
- It could bring people to think about education. People could be prompted to think what it means to them.
- It could bring some engineers "out of the woods". Some engineers did not know about the significant rule changes until CE was implemented.

I believe there is no real education if the education does not respond to the need. As engineers, we touch a wide aspect of the public's lives. We are readily distinguished from other professions by our permanent concerns for public safety.

A mandatory continuing education program would link what an engineer is supposed to be to what an engineer is required to be. A mandatory program would highlight what an engineer is presently doing to deserve the title of a licensed engineer.

This program could distinguish us from non-licensed engineers. If a program is going to be mandated by the Legislature, through codifying what we have been doing, we will be able to refocus both the engineer's and the public's attention to the vision and image of a "dream engineer."

We would like your input to establish the scope and content of this program. Please contact me directly at Victoria.hsu@tbpe.state.tx.us.

Effective January 1, 2000, all engineering firms that offer services to the public shall be registered with the board. For information, refer to our website at www.tbpe.state.tx.us.

Licensing News

By David Lusk, P.E., Director of Licensing

Howdy! I hope you are all encouraging your engineering co-workers and business associates to pursue their professional engineering license.

I recently accepted the Director of Licensing position to oversee the licensure process at the Board. There have been a few other personnel changes in this division since the last newsletter and I want to introduce the new team leader, Amy Lopez, and her experienced staff: Gloria Bedford, Barbara Mayfield, Myrtle Jackson, Angelena Martinez, and Diana Bennett. We aspire to provide those requesting licensure with prompt, courteous, and efficient service.

In the last year, the Licensing Division of the Texas Board of Professional Engineers performed a self-audit to identify opportunities to better improve and streamline the licensure process. The Management Advisory Services (MAS) group of the State Auditor's Office facilitated this task.

At the end of the audit, the Board directed the agency staff to implement the recommendations suggested by MAS. The Board and staff appreciate the participation and efforts of all those who have helped review and suggest improvements to the licensure process.

Some of these recommendations include developing better guidance for applicants and references to improve consistency and gain better information and revising Board Rules and policies on application requirements and processing.

In reviewing the experience required for licensure, a focus group was assembled with representatives from many of the disciplines. This group reviewed the existing rules and worked to define and categorize various engineering activities. By further defining engineering experience, staff can prepare guidance documents to assist references in evaluating the experience records and determining if the experience is creditable.

In conjunction with these streamlining efforts, the Board approved several changes to the Board Rules that pertain to licensure. Most of these changes will clarify Board policy or rules or aid in processing applications at a faster pace.

The most significant change is that an

application will not need circulation to the P.E. Board Members unless a reference has brought the applicant's qualifications into question or unless an applicant is requesting waiver of an examination.

In previous rules, an application was circulated if the applicant had less than 6 years experience, which was a majority of the applications. This change should minimize approval time significantly.

Also, to reinforce the commitment for the examination as a tool to demonstrate com-

petency, the Board modified the waiver rule to not allow someone to waive an examination if they have failed that examination in the previous four years.

I would also like to thank those who have volunteered to administer the examinations. Anyone interested in volunteering to help administer the examinations may contact me via the agency email address: peboard@tbpe.state.tx.us. I look forward to a progressive year for professional engineering.

Agency New and Revised Fees

The Board approved several increases to fees at the June 13, 2001 Quarterly Board Meeting, which became effective September 1, 2001.

The annual renewal fee for the P.E. license was increased to \$30, the Fundamentals of Engineering (FE) Examination fee for graduates was increased to \$75, and the Principles and Practice of Engineering (PE) Examination fee was increased to \$125. The FE fee for students remains \$50 and the Structural II P&P fee remains \$400.

Additional fee increases as well as new or reduced fees were approved by the Board at the October 17, 2001 Quarterly Board Meeting, which become effective December 1, 2001.

The annual firm registration fee for

sole proprietors that are not incorporated will be **\$25**. The firm registration fee for all other entities remains at \$75. The penalty fees for late renewal of a P.E. license will be \$50 for a license that has been expired for up to 90 days and \$100 for a license that has been expired for longer than 90 days. The fee for engineer-in-training certification will be \$15. New fees being implemented by the Board include a reactivation fee for an administratively withdrawn application for licensure of \$50; a return check processing fee of \$25; seal imprint late fee of \$25; and a proctoring fee of \$75 for out-of-state examinees. There will also be a return transcript fee of \$20 for individuals requesting that the Board return their original transcript.



Employee excellence awards were presented to members of the licensing division of TBPE on March 15, 2001 in recognition of their outstanding contribution to the agency. Pictured from left to right are; Barbara Mayfield, Gloria Bedford, Amy Lopez and Myrtle Jackson.

Board Rule Updates

Purpose	§131.31	Corrected several grammatical errors and clarified that the Board is authorized to charge fees for services necessary for the performance of its duties.
Applications for a Professional Engineer License	§131.52	Revised the awkward language concerning the Fundamentals of Engineering examination, clarified that official transcripts are only necessary to substantiate qualifying degrees for licensure, added naval architecture/marine and building architectural to the list of recognized engineering disciplines, and extended the period of time an application will be held pending receipt of all documentation from 30 to 45 days.
Applications – General	§131.53	Revised awkward language concerning the examination requirement for licensure and submission of an application to the Board.
References	§131.71	Clarified that a professional engineer who has not worked directly with or supervised an applicant for licensure may review and judge the applicant’s experience and serve as a licensed engineer reference.
Experience Evaluation	§131.81	Clarified the format and content of the supplementary experience record and defined design, analysis, implementation, and/or communication as an acceptable combination of engineering experience criteria for licensure, removed teaching experience from the list of engineering activities as a result of Senate Bill 1797, 77 th Legislature, and clarified experience credit for post-baccalaureate engineering degrees.
Educational Requirements for Applicants	§131.91	Clarified that applicants must have a bachelor’s degree in engineering or one of the mathematical, physical, or engineering sciences to fulfill the educational requirements for licensure under the Act, §12(a)(1).
Degrees from Non-Accredited Programs	§131.92	Clarified that an applicant using a degree from a non-accredited engineering program to qualify for licensure must furnish an evaluation of the degree from a commercial evaluation service approved by the Board and clarified that the executive director may waive the evaluation if the degree program has been deemed substantially equivalent by the Engineering Accreditation Commission of the Accreditation Board of Engineering and Technology (EAC/ABET) or an EAC/ABET-accredited institution.
Transcripts	§131.93	Defined the submission requirements for transcripts necessary to meet the educational requirements for certification or licensure.
Engineering Examinations Required for a License to Practice as a Professional Engineer	§131.101	Clarified the language regarding a waiver of examination(s) and the availability of the Principles and Practice of Engineering examinations by the National Council of Examiners for Engineering and Surveying (NCEES).
Engineer-in-Training (Repealed)	§131.103	Recodified as new §131.137 in Subchapter H - Licensing.
Engineer-in-Training Certificates (Repealed)	§131.104	Recodified as new §131.138 in Subchapter H - Licensing.
Examination Analysis (Repealed)	§131.105	Recodified as new §131.103 in Subchapter F - Examinations.
Examination Irregularities (Repealed)	§131.106	Recodified as new §131.104 in Subchapter F - Examinations.
Examination Analysis (New)	§131.103	Established the policies and procedures for an examination analysis in accordance with NCEES’s uniform policies and procedures.
Examination Irregularities (New)	§131.104	Established the corrective measures available to the Board when an examinee does not abide by the NCEES policies and procedures for the administration of the examinations.
Reviewing, Evaluating and Processing Applications	§131.111	Incorporated the new streamlining procedures for reviewing, evaluating and processing an application for licensure.
Processing of Non-Approved Applications (Repealed)	§131.113	Repealed due to extensive modification of the section.
Processing of Administratively Withdrawn Applications (New)	§131.112	Established the procedures for processing administratively withdrawn applications for licensure.
Personal Interviews of Applicants	§131.114	Revised to move the personal interviews conducted by the full Board to the Licensing Committee, which will then provide a report at the full Board with recommendations.
Issuance of License	§131.116	Revised awkward language concerning the submission of a wallet-size portrait photograph.
Engineer-in-Training (New)	§131.137	Established the eligibility requirements for certification as an engineer-in-training.
Engineer-in-Training Certificates (New)	§131.138	Established the administrative procedures for obtaining certification as an engineer-in-training.
Firm Compliance	§131.162	Established the authority for the Board to implement enforcement of the provisions concerning firm registration.

Licensure of Engineering Educators

By David Lusk, P.E., Director of Licensing

Licensing is vital to the general practice of engineering. It is no less vital to the education of individuals who plan to enter general engineering practice. The Board is aware that in many ways teaching engineering is unique to engineering practice. As a result, the Board has adopted certain rules to govern and also accommodate and facilitate licensing among engineering faculty.

During the 77th Legislative Session, the Act was modified to remove “teaching of advanced engineering courses” from the practice of engineering and now offers engineering educators an exempt status. The Texas Board of Professional Engineers still believes that it is important for engineering educators to serve as role models for engineering students and strongly encourages eligible engineering faculty to gain licensure.

In addition, licensure functions as a pledge to the public; this pledge enhances the reputation of the profession and, in turn, better serves the public.

Embracing the recent legislation, the Board recognizes that experience gained by faculty extends beyond “teaching.” Academic workloads involve higher “education” in many forms and shall be considered acceptable engineering experience in an application for an engineering license by an engineering faculty member. This experience includes scholarly activity such as publishing papers in technical and professional journals; making technical and professional presentations; publishing books and monographs; performing sponsored research; reporting on research conducted for sponsors; supervising research

of undergraduate and graduate students, postdoctoral fellows, or other employees; providing counseling, guidance, and advisement for engineering students; and performing certain other types of formal or informal functions in higher education.

In addition, an engineering educator may wish to provide expertise outside the university environment. When an engineer’s work is his or her personal responsibility outside the responsibility of a corporation or a university, this individual is subject to the same rules and regulations as any other engineer offering services to the public. The Board cautions those engineering educators who consult outside the university environment to remember that this consulting service is subject to the requirements of the Act and requires licensure.

Enforcement News

Disciplinary And Administrative Actions Since June 2000

By Clif Bond, TBPE Supervising Investigator

June 14, 2000 Board Meeting

Munishwar Kumar Arya, P.E., Houston, Texas – File D-998 – It was alleged that Arya prepared three sets of detention pond design plans in connection with a motel construction project that were not in compliance with local codes; that he failed to sign and affix his seal to some of the plan sheets; and that the plans bore only the title block of a firm that did not have a Texas licensed professional engineer as a full-time employee. It appeared that these actions were not in keeping with generally accepted engineering standards and procedures, indicated a lack of competency in detention pond design and aided and abetted the unlawful representation of the ability to offer engineering services to the public of Texas. The Board accepted an Agreed Board Order signed by Arya for a three-year probated suspension of his Texas engineer license.

Norman L. Cooper, P.E., Canyon Lake, Texas – File D-1088 – It was alleged that Cooper, in the capacity of an expert witness, failed to personally verify the actual depth of piers that had been installed under the foundation of a residence; therefore, it appeared that his statements in his draft expert witness report concerning the

pier depths were misleading and his actions were not in keeping with generally accepted engineering standards and procedures. The Board accepted an Agreed Board Order signed by Cooper and his attorney for a Formal Reprimand and assessed him a \$500 administrative penalty. Cooper also agreed to submit a plan of action incorporating corrective measures implemented to prevent similar violations in the future.

“It shall be misconduct or an unlawful act for a license holder whose license has been revoked, suspended, or has expired, to sign or affix a seal on any document or product.” Board Rule 131.166(e)

***William Blair Ellis, P.E.**, Scroggins, Texas – File D-1125 – It was alleged that Ellis signed and sealed documents that were submitted to the Texas Natural Resource Conservation Commission (TNRCC) depicting proposed changes in ground storage tanks for a water distribution project which were not in compliance with TNRCC rules. The Board accepted an Agreed Board Order signed by Ellis and his attorney for a Formal Reprimand.

***Richard Butler Klein**, Delray Beach,

Florida – File D-1139 – The Florida Board of Professional Engineers accepted the voluntary surrender of Klein’s Florida engineer license as a result of an investigation conducted by the Florida Board concerning allegations that Klein violated Florida law in his capacity as the structural engineer of record and threshold inspector for a construction project in Florida. Since the Florida Board viewed Klein’s surrender of his Florida license as a disciplinary action and he was also currently licensed as a professional engineer in Texas, he was subject to disciplinary action by the Texas Board. The Board accepted a Consent Order signed by Klein and his attorney for a ten-year suspension of his Texas engineer license; however, should he complete an engineering ethics course by December 14, 2000, the suspension would be reduced to five years.

***William Leo Parrent, Jr., P.E.**, Plano, Texas – File D-174 – It was alleged that Parrent indicated on plans that the foundation design for a residence was based upon Post-Tensioning Institute (PTI) recommendations; however, the geotechnical report which formed the basis of his design was actually conducted 19 months prior to his design for a property several blocks away;

Continued on Page 8

Enforcement News - Continued from Page 7

that he admitted that the foundation was under designed; that his failure to provide calculations to support his design indicated that he may never have performed them; and that there may have been a conflict of interest regarding his role as a foundation designer and his ownership of a concrete company. The Board accepted a Consent Order signed by Parrent for a three-year suspension of this Texas engineer license with the final 30 months to be fully probated contingent upon his payment of a \$4,000 administrative penalty and his submission of a plan of action incorporating corrective measures implemented to prevent similar violations in the future.

***Mosoud Seyed Khoshnoudi, P.E.**, Irving, Texas – File D-1175 – It was alleged that Khoshnoudi provided professional engineering design services in connection with residential foundation design and exterior wall systems during a period when his Texas engineer license was expired. The Board accepted a Consent Order signed by Khoshnoudi for a two-year probated suspension of his Texas engineer license contingent upon his payment of a \$2,000 administrative penalty.

Theodore Banks Eyrick, Ph.D., P.E., San Antonio, Texas – File D-1183 – It was alleged that Dr. Eyrick conducted an engineering inspection for his client in December 1998; but did not provide his client with his inspection report until February 2000. This indicated that he was not acting as a faithful agent for his client and his actions were not in keeping with generally accepted engineering standards and procedures. The Board accepted a Consent Order signed by Dr. Eyrick for a Formal Reprimand.

Aerobotics Industries, Inc., Euless, Texas – File B-14141 – It was alleged that this firm's use of the words "Engineering" and "Engineers" in its advertisements and stationary, and its listing under the heading of "Engineering-Professional" in a local telephone directory during a period of time when it did not have a Texas licensed professional engineer as a regular full-time employee, were unlawful representations of the ability to offer and/or provide engineering services for the public of Texas. The Board accepted an Agreed Board Order signed by Frank Carbone, the firm's president, and the firm's attorney, assessing the firm a \$2,000 administrative penalty.

**September 8, 2000
Board Meeting**

"The issuance of oral or written assertion in the practice of engineering, which are fraudulent, deceitful or misleading or no which in any manner whatsoever tend to create a misleading impression constitutes misconduct." Board Rule 131.152(b)

***Earl R. Knight, Sr., P.E.**, Angleton, Texas – File D-1136 – It was alleged Knight affixed his seal to a Texas Department of Insurance (TDI) Form, WPI-2, indicating that he performed the construction review and inspection of a residence and certifying that the structure was erected in compliance with the Southern Standard Building Code (SSBC) wind load requirements. After TDI performed a subsequent inspection of the residence finding that the structure did not follow SSBC prescriptive construction requirements, Knight was asked to provide calculations to justify his certification. However, he failed to provide the requested information. It was also alleged that Knight did not become involved with the inspection process until after the residence had already been framed and

sheathed on an existing foundation; therefore, he could not have inspected the residence during its construction. The Board accepted an Agreed Board Order signed by Knight for a three-year suspension of his Texas engineer license with the last two years to be probated contingent upon his payment of a \$1,000 administrative penalty.

John Dee Burleson, P.E., Cross Plains, Texas – File D-1149 – It was alleged that Burleson signed and affixed his engineer seal to electrical and mechanical engineering plan sheets for an addition and changes to an existing office building that were prepared by the electrical and mechanical contractors and not by him or under his direct supervision. It was also alleged that the mechanical plans did not meet minimum ventilation rate requirements required to comply with the 1997 International Mechanical Code. The Board accepted an Agreed Board Order signed by Burleson and his attorney for a one-year probated suspension of his Texas engineer license contingent upon his payment of a \$1,000 administrative penalty and submission of a written plan of corrective measures implemented to prevent similar violations in the future.

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General Guidelines for Engineers-in-Training

The National Council of Examiners for Engineering and Surveying (NCEES) developed guidelines for enhancing skills and gaining experience.

Practical Application of Engineering Theory:

Analysis and reports; design and synthesis; testing methods; implementation methods; systems application; specification writing and interpretation; knowledge and understanding of codes, standards, regulations, and laws that govern applicable engineering activities; and construction observation or inspection.

Project Management Skills:

Planning; scheduling; project decision-making processes; budgeting; construction contract documents; procurement of professional services; construction procedure and bidding procedures; supervision; project control; and risk assessment.

Communication Skills:

Accumulation of project knowledge through interpersonal communications; transmission of project knowledge to project team members and others; and observation of, and involvement in, communication of engineering issues to project decision makers.

Social Implications of Engineering:

Promoting and safeguarding the health, safety, and welfare of the public; follow a code of ethics promoting high standards of integrity in the practice of engineering; and demonstrate awareness of consequences which may result from engineering work and a desire to mitigate potential negative impacts.

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***Daniel Francis McInnis, P.E.,** Fort Worth, Texas – File D-1198 – It was alleged that McInnis altered boundary information on survey plats for a subdivision that had been prepared by a licensed surveyor, affixed a copy of the surveyor’s seal to the plats and submitted the plats to county officials for approval without the knowledge of the surveyor. The Board accepted a Consent Order signed by McInnis for a one-year probated suspension of his Texas engineer license contingent upon his payment of a \$1,000 administrative penalty.

Otto Eugene Orsak, Jr., P.E., Austin, Texas – File D-1169 – It was alleged that Orsak signed and affixed his Texas engineer seal to two sets of design plans during a period when his Texas engineer license was in an expired status. It was also alleged that Orsak failed to notify the Board of a change in his mailing address at the time it occurred. The Board accepted an Agreed Board Order signed by Orsak for a one-year probated suspension of his Texas engineer license contingent upon his payment of a \$500 administrative penalty.

Raul Pedro Flores, McAllen, Texas, File D-884 – It was alleged that after Flores’ Texas engineer license had been suspended due to a previous enforcement action and prior to the suspension being lifted, he continued to represent himself as an engineer, displayed the word “Engineering” in his business name on company signs and subdivision design plans representing his firm as an engineering business when there were no other professional engineers as full-time employees and continued to practice engineering. It was also alleged that Flores failed to respond to repeated requests from the Board for his response addressing these allegations. As a result of a Formal Hearing before the State Office of Administrative Hearings, the Board accepted the Proposal for Decision from the Administrative Law Judge and issued Flores a Final Order suspending his Texas engineer license for one year.

Johnson City Independent School District (JCISD) and John D. Lands, Superintendent, Johnson City, Texas – G-583 – It was alleged that JCISD engaged in a building construction project without employing the required Texas professional engineers for the design and engineering construction supervision and accepted plans, specifications and other related documents that were not prepared or sealed by a Texas licensed professional engineer. It was also

alleged that after being alerted to the fact that the project required professional engineering services, JCISD continued with the project without having a professional engineer and only hired a professional engineer to review the construction after the project was completed. The Board accepted an Agreed Board Order signed by Randy Brodbeck, Chairperson, JCISD, and Lands requiring JCISD to immediately employ a Texas licensed professional engineer when required by law for future projects, to not enter into future proposals/solicitations/contracts with firms to provide engineering services unless those firms have a full-time employee who is licensed as a professional engineer in Texas to perform or directly supervise any engineering work provided to JCISD and that JCISD will only accept engineering plans and related documents that are prepared by a Texas licensed professional engineer. JCISD was also assessed a \$1,000 administrative penalty and was required to submit a written plan of corrective measures implemented to prevent similar violations in the future.

A “Peer Review” program was recommended in the self-evaluation report. This program can encourage engineering safety through specialized enforcement decisions. Would you like to participate if we form this program? Please contact the Board at peboard@tbpe.state.tx.us

Ameridian Technologies, Inc., Houston, Texas – File B-14214 – It was alleged that prior to hiring a Texas licensed professional engineer as a regular full-time employee, this firm advertised itself as a “Geophysical Engineering Consulting Business” able to offer and/or perform “Consulting Engineering” services and publicly identified the title “Engineer” for employees who were not licensed as professional engineers in Texas. It was also alleged that an engineering study regarding a seismic test investigation was conducted by an employee of this firm who was not licensed as a professional engineer in Texas. The Board accepted an Agreed Board Order signed by Vito Saccheri, President of the firm, assessing the firm a \$1,000 administrative penalty and requiring that the firm submit a written plan of corrective measures implemented to prevent similar violations in the future.

H. Michael Ladd dba EP&C Engineering & Technology Group, Dallas, Texas – File B-14528 – It was alleged that Ladd used the word “Engineering” in his business name as disclosed in a newspaper advertisement and indicated in a company profile that he and his business offered engineering services which he stated would be performed by Texas licensed professional engineers under a contractual relationship with his business. Board records did not show that Ladd was licensed as a professional engineer in Texas nor that he had a Texas licensed professional engineer as a regular full-time employee. The Board accepted a Consent Order signed by Ladd to cease and desist from any and all representations that he or his business can offer or perform engineering services in Texas, to immediately delete the word “Engineering” from his business name and to immediately cancel and not enter into future proposals/solicitations/contracts to provide engineering services in Texas until such time as Ladd becomes licensed as a professional engineer in Texas or his business hires a Texas licensed professional engineer as a regular full-time employee. Ladd was also ordered to pay a \$500 administrative penalty.

Jack W. Pool, San Antonio, Texas – File B-14651 – It was alleged that after his Texas engineer license had expired and became non-renewable, Pool practiced engineering and represented that he was a Texas licensed professional engineer by signing and affixing his Texas engineer seal to a document submitted to the Texas Natural Resources Conservation Commission. The Board accepted a Consent Order signed by Pool to cease and desist from any and all representations that he can offer and/or perform engineering services in Texas and from affixing his Texas engineer seal to any and all documents issued in Texas until such time as he becomes duly licensed as a professional engineer in Texas. Pool was also ordered to pay a \$2,500 administrative penalty.

Orson Andrew Rogers, Webster, Texas – File B-14455 – It was alleged that after his Texas engineer license had expired and became non-renewable, Rogers practiced engineering for the public of Texas as an employee of four separate Texas engineering firms. The Board accepted an Agreed Board Order signed by Rogers to cease and desist from the practice of engineering in Texas, from any and all representations that

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he can offer and/or perform engineering services in Texas, from use of the designation "P.E." after his name and from affixing his Texas engineer seal to any document issued in Texas until such time as he becomes duly licensed as a professional engineer in Texas. Rogers was also ordered to pay a \$250 administrative penalty.

Glen G. Gregory, Jr., Jenks, Oklahoma – File B-14700 – It was alleged that after his Texas engineer license had expired and became non-renewable, Gregory practiced engineering and represented that he was a Texas licensed professional engineer by affixing his Texas engineer seal to a site drainage plan sheet for a Texas project. The Board accepted a Consent Order signed by Gregory to cease and desist from the practice of engineering in Texas, from any and all representations that he can offer and/or perform engineering services in Texas and from affixing his Texas engineer seal to any document issued in Texas until such time as he becomes duly licensed as a professional engineer in Texas. Gregory was also ordered to pay a \$2,500 administrative penalty.

Roger David Dietz, Plano, Texas – File B-14757 – It was alleged that after his Texas engineer license expired and became non-renewable, Dietz established a business that had "Engineering" in its name and that at the time the business was formed did not have a Texas licensed professional engineer as a regular full-time employee, represented himself as a Texas licensed professional engineer by using the designation "P.E." after his name on business cards, performed engineering services for the public of Texas and affixed his Texas engineer seal to engineering documents. The Board accepted a Consent Order signed by Dietz to cease and desist from the practice of engineering in Texas, from using the designation "P.E." after his name and from any and all representations that he is a professional engineer or that he can offer and/or perform engineering services in Texas until such time as he becomes duly licensed as a professional engineer in Texas. Dietz was also ordered to pay a \$2,000 administrative penalty.

Jesse Dewaine Bogard, Houston, Texas – File B-14575 – It was alleged that after his Texas engineer license expired and became non-renewable, Bogard practiced engineering for the public of Texas as an employee of two separate firms and that he repre-

sented himself as a Texas licensed professional engineer by using the designation "P.E." after his name and/or affixing his Texas engineer seal to engineering documents issued in Texas. The Board accepted a Consent Order signed by Bogard to cease and desist from the practice of engineering in Texas, from using the designation "P.E." after his name, from affixing his Texas engineer seal to any document and from any and all representations that he is a professional engineer or that he can offer and/or perform engineering services in Texas until such time as he becomes duly licensed as a professional engineer in Texas. Bogard was also ordered to pay a \$3,000 administrative penalty.

A Practice Review Program was envisioned and recommended to the Sunset Commission to increase professional accountability and professional development. The program could be implemented several ways: as a random audit of licensed engineers, as a request from a licensed engineer to review an existing practice, or as an enforcement tool to review questionable engineering practices for those who have been disciplined. This program could also be used as a tool to confirm a person's "exempt" status from the licensure requirements of the Act. To comment on this recommendation, please contact the Board at peboard@tbpe.state.tx.us

December 8, 2000 Board Meeting

James M. Purdy, P.E., Dallas, Texas – File D-1222 – It was alleged Purdy failed to sign, date and affix his Texas engineer seal on mechanical and plumbing plans for a dormitory development project prior to their release to the public, nor did he properly caveat the plans to identify himself as the responsible professional engineer, the reason for releasing them without being sealed and the limitations on their use. It was also alleged that Purdy did not list his firm's title block on the plans which created a misleading impression about the individual or entity responsible for the engineering information. The Board accepted a Consent Order signed by Purdy for a Formal Reprimand and assessed him a \$1,000 administrative

penalty.

Stanley Ray Fees, P.E., Kingsville, Texas – File D-1224 – It was alleged Fees prepared plans and a certification letter that were submitted to a city that contained misleading information regarding the number, size and location of exiting trees in a proposed construction area. It was also alleged that Fees submitted a signed and sealed concurrence letter to the same city for the same project stating that the drainage work had been properly completed when in fact it had not been completed. The Board accepted a Consent Order signed by Fees for a Formal Reprimand and assessed him a \$1,000 administrative penalty.

ESC Polytech Consultants, Inc., Houston, Texas – File B-14364 – It was alleged that the web page for this firm represented the ability to offer and/or perform a variety of engineering services. It was also alleged that the firm submitted documentation to the Texas Department of Transportation (TxDOT) indicating that it had a Texas licensed professional engineer as a full-time employee in an attempt to have the firm certified to be considered for future TxDOT engineering projects. Board records did not show that the firm had a Texas licensed professional engineer as a regular full-time employee. The firm denied the allegations. As a result of a Formal Hearing before the State Office of Administrative Hearings, the Board accepted the Proposal for Decision from the Administrative Law Judge and issued the firm a Cease and Desist Order to immediately discontinue offering to practice engineering and/or the actual practice of engineering for the public of Texas until such time as the firm hires a Texas licensed professional engineer as a regular full-time employee. The firm was also ordered to pay a \$3,500 administrative penalty. After the Board's order was challenged in District Court, the matter was remanded to the Board for further proceedings and the parties agreed to an Agreed Final Order finding that ESC violated the Engineering Practice Act and assessing an administrative penalty of \$300.

Ronald E. Walker, dba Failco Services International, Cypress, Texas-File B-14516 – It was alleged that Walker's company letterhead stationary represented that his company provides safety engineering services.

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It was further alleged that Walker testified in an oral deposition that he performs safety engineering services and he had performed such engineering services in connection with an analysis of an accident investigation. Board records did not show that Walker was licensed as a professional engineer in Texas nor that his company had a Texas licensed professional engineer as a regular full-time employee. The Board accepted a Consent Order signed by Walker to cease and desist from any and all representations that he can offer and/or perform engineering services, to immediately delete the word "Engineering" from his company's letterhead stationery and to cancel any current and not enter into future proposals/solicitations/contracts to provide or perform engineering services in Texas until such time as either he becomes licensed as a professional engineer in Texas or he hires a Texas licensed professional engineer as a regular full-time employee. Walker was also ordered to pay a \$500 administrative penalty.

Harry E. Hendricks, dba K & L Engineering, San Antonio, Texas – File B-14618 – It was alleged that Hendricks identified himself as a Texas licensed professional engineer by using the designation "P.E." after his name on a test report bearing the word "Engineering" in his company name. Board records did not show that Hendricks was licensed as a professional engineer in Texas nor that his company had a Texas licensed professional engineer as a regular full-time employee. The Board accepted an Agreed Board Order signed by Hendricks to cease and desist from any and all representations that he and his company can offer and/or perform engineering services for the public of Texas, to immediately delete the word "Engineering" from his company's name until such time as he hires a Texas licensed professional engineer as a regular full-time employee and to immediately discontinue the use of the designation "P.E." after his name on any and all documents issued in Texas until such time as he becomes licensed as a professional engineer in Texas. Hendricks was also ordered to pay a \$1,000 administrative penalty.

Lubbock Labs, Inc., Lubbock, Texas – File B-14804 – It was alleged that prior to hiring a Texas licensed professional engineer as a regular full-time employee, this firm provided letters to a public university in response to requests for proposals indi-

cating the firm met ASTM E 329 qualifications and that it had an "in-house" Texas licensed professional engineer. This firm was subsequently awarded contracts to perform required engineering services (based upon these letters). The Board accepted a Consent Order signed by Tom Delavan, President of the firm, assessing the firm a \$1,500 administrative penalty.

Ronald H. Norton, Houston, Texas – File E-2717 – It was alleged Norton represented that he was licensed as a professional engineer in Texas in a resume and used the designation "P.E." on a cover letter to the resume which was submitted to a potential employer. Board records did not show that Norton was licensed as a professional engineer in Texas. The Board accepted a Consent Order signed by Norton to cease and desist from any and all representations that he can offer and/or perform engineering services, to immediately discontinue the use of the designation "P.E." after his name and to discontinue identifying himself as being a Texas licensed professional engineer until such time as he becomes licensed as a professional engineer in Texas. Norton was also ordered to pay a \$1,500 administrative penalty.

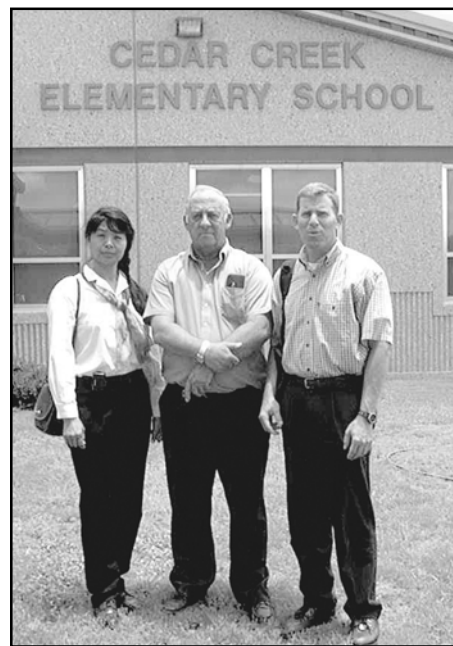
March 15, 2001 Board Meeting

Raul Pedro Flores, McAllen, Texas – File D-850 – It was alleged that Flores failed to respond to inquiries from the Texas Water Development Board (TWDB) regarding his lack of progress as consulting engineer for wastewater collection and treatment projects for four south Texas communities, which resulted in TWDB terminating funding applications. Flores' lack of action caused unnecessary delays to needed upgrades to the wastewater collection and treatment systems in these communities and may have contributed to dangerous conditions affecting the public health, safety and welfare. It was also alleged that Flores failed to promptly respond to the Board's inquiry regarding this matter. The Board accepted a Consent Order signed by Flores and his attorney for a six-month suspension of his Texas engineer license, after which the suspension will be probated for an additional two years.

Don Keith Paris, Pasadena, Texas – File D-1140 – It was alleged that Paris signed his name and affixed his Texas engineer seal to mechanical, electrical and plumbing engineering design plans that were not pre-

pared by him or under his direct supervision, but were prepared by individuals who were not licensed professional engineers. Therefore, it appears Paris aided and abetted the unlicensed practice of engineering. It was also alleged that Paris was not qualified by education and/or experience to perform or directly supervise mechanical, electrical and plumbing engineering designs. These actions were not in keeping with generally accepted engineering standards and practices. The Board accepted a Consent Order signed by Paris and his attorney for a three-year suspension of his Texas engineer license with the final 30 months to be probated contingent upon his payment of a \$2,000 administrative penalty.

Robert Leroy Plowfield, Jr., Winter Park, Florida – File D-1235 – The Florida Board of Professional Engineers issued a Final Order to Plowfield approving a 90-day suspension of his Florida license, followed by a three-year probation, for submitting incomplete and deficient design plans for a multi-story commercial building in Florida. As a result of this action, the Tennessee Board of Architectural and Engineering Examiners accepted a Consent Order signed by Plowfield for a six month suspension of this Tennessee engineer license. Based upon the actions taken in Florida and Tennessee
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TBPE Executive Director, Victoria Hsu, P.E. and Licensing Director, David Lusk, P.E. visited with Joe Adare of Bastrop ISD regarding mold issues in public schools.

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nessee, Plowfield's Texas engineer license was also subject to censure; therefore, the Board accepted a Consent Order signed by Plowfield for a three-month suspension of his Texas engineer license.

Thomas John Wiener, Roswell, Georgia – File D-1258 – It was alleged that Wiener failed to fully comply with a Board Order by not completing the Basic Studies in Engineering Ethics Course from Texas Tech University, which was required by the Consent Order signed by Wiener and accepted by the Board on June 20, 2000. The Board accepted a Consent Order signed by Wiener for a six-month suspension of his Texas engineer license.

* **Richard W. Peverley, P.E.**, Houston, Texas – Files D-1212, D-1230 and D-1240 – It was alleged that Peverley had performed engineering inspections of three residences for which he was paid. However, Peverley did not issue the reports for these inspections to the clients until four, nine and eight months after the respective inspections had been completed. When one of the reports was finally issued, it contained numerous errors and discrepancies regarding the size, foundation and floor plan of the residence resulting in a misleading report. Peverley's actions did not appear to be in keeping with generally accepted engineering standards and procedures, did not reflect that he was respectful of his client's needs nor that he was acting as a faithful agent of his client and suggested a level of negligence. The Board accepted an Agreed Board Order signed by Peverley and his attorney for a two-year probated suspension of his Texas engineer license contingent upon his payment of a \$3,000 administrative penalty.

Billy Walter Hudson, P.E., Grand Prairie, Texas – File D-1205 – It was alleged Hudson signed his name and affixed his Texas engineer seal to a parapet wall design that resulted in a potential for endangerment to the public because the design did not include any reinforcement support for resistance to lateral wind loads, which appeared to have contributed to the collapse of the wall. It was also alleged that the wall design was not performed by Hudson nor under his direct supervision. These actions were not in keeping with generally accepted engineering standards or procedures. The Board accepted an Agreed Board Order signed by Hudson for a three-year probated suspension of his Texas engineer license contingent upon his payment of a \$2,000 administrative penalty.

***"The engineer shall not express an engineering opinion in deposition or before a court, administrative agency, or other public forum which is contrary to generally accepted scientific and engineering principles without fully disclosing the basis and rationale for such an opinion. Engineering opinions which are rendered as expert testimony and contain quantitative values shall be supported by adequate modeling or analysis of the phenomena described."* Board Rule 131.153(c)**

Eloy Vera, P.E., Roma, Texas – File D-1217 – It was alleged that a subdivision plat prepared by Vera did not contain information in English and Spanish such as his certification of compliance and cost estimates regarding sewer and water service facilities. It was also alleged that eight lots were sold prior to the subdivision being legally plotted. These actions were contrary to state and local government codes, regulations, rules or ordinances. The Board accepted an Agreed Board Order signed by Vera and his attorney for a one-year probated suspension of his Texas engineer license contingent upon his payment of a \$1,500 administrative penalty.

* **Bob L. Gatewood, P.E.**, - Houston, Texas – File D-1219 – It was alleged that Gatewood signed and affixed his Texas engineer seal to a letter that was submitted to a city certifying that special inspection services had been performed for the roofing system on a construction project and that welds and screw placements conformed with construction documents; however, subsequent inspections performed after roof decking material was removed disclosed that welds were either missing, undersized or were of poor workmanship. Because these errors were not identified before the roof had been installed, the client incurred additional expenses to correct the deficiencies. Therefore, it appeared Gatewood's certification letter was misleading and that he was not acting as a faithful agent of his client. These actions, which were not in keeping with generally accepted engineering standards and procedures, were contrary to city codes and ordinances and created an endangerment to the lives, health, safety and welfare of the public and suggested a level of incompetence. The

Board accepted an Agreed Board Order signed by Gatewood and his attorney for a three-year probated suspension of his Texas engineer license contingent upon his payment of a \$5,000 administrative penalty and submission of a written plan of corrective measures implemented by him to prevent future violative actions similar to those which precipitated this matter.

Earl L. Kirkpatrick, P.E., Ft. Worth, Texas – File D-1252 – It was alleged during a period while his Texas engineer license was in an expired status, Kirkpatrick signed and/or affixed his Texas engineer seal to 21 letters, 17 reports and 6 sets of plans and specifications for various Texas projects. The Board accepted a Consent Order signed by Kirkpatrick for a one-year probated suspension of his Texas engineer license contingent upon his payment of a \$750 administrative penalty.

Mark Rather Eichstadt, P.E., Port Aransas, Texas – File D-1247 - It was alleged that Eichstadt failed to fully comply with a Board Order by not completing the Basic Studies in Engineering Ethics Course from Texas Tech University, which was required by the Agreed Board Order signed by Eichstadt and his attorney and accepted by the Board on March 10, 2000. The Board accepted a Consent Order signed by Eichstadt and his attorney for a Formal Reprimand and assessed him a \$500 administrative penalty.

Backyard Amenities, Inc., Mont Belvieu, Texas – File B-14341 – It was alleged that Brad Stephens, the company's president, designed seven swimming pools and affixed a copy of a Texas professional engineer's seal and signature that he had obtained from another source to the plan sheets which were submitted to a city for permitting. Board records did not show that Stephens was licensed as a professional engineer in Texas nor that his company had a Texas licensed professional engineer as a regular full-time employee. The Board accepted an Agreed Board Order signed by Stephens to cease and desist from any and all representations that his company can offer and/or perform engineering services and from the actual performance of engineering services until such time as the company hires a Texas licensed professional engineer as a regular full-time employee, and to immediately discontinue the use of the Texas professional engineer's seal and signature on any and all documents. Stephens

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also agreed to hire a Texas licensed professional engineer to perform “after-the-fact” engineering inspections and issue certification reports for the five swimming pools that were permitted and constructed. The company was also ordered to pay a \$5000 administrative penalty.

Hill Environmental Research Organization, Inc., Tulsa, Oklahoma – File B-14737 – It was alleged that this company provided two engineering reports to different clients in Texas regarding vapor recovery systems that were not performed by or under the direct supervision of a Texas licensed professional engineer. Board records did not show that this company had a Texas licensed professional engineer as a regular full-time employee. The Board accepted a Consent Order signed by Joel Hill, the company’s president, to cease and desist from offering to perform or the actual performance of engineering services and from any and all representations that his company can offer and/or perform engineering services for the public of Texas until such time as he hires a Texas licensed professional engineer as a regular full-time employee. The company was also ordered to pay a \$1,000 administrative penalty.

Robert Stump, Webster, Texas – File B-14841 – It was alleged that Stump prepared an engineering design plan for a swimming pool and affixed a seal to the plan sheet that identified himself as a professional engineer. Board records did not show that Stump was ever licensed as a professional engineer in Texas. The Board accepted a Consent Order signed by Stump to cease and desist from the actual practice of engineering, from any and all representations that he can offer or perform engineering services and from identifying himself as any type of engineer not authorized by law. Additionally, he was ordered to immediately destroy the seal that identified him as a professional engineer. Stump was also ordered to pay a \$3,500 administrative penalty.

Communication Services, Inc., Scottsdale, Arizona – File D-1245 – It was alleged Gray Communication Services, Inc., a subsidiary of this company, was acting as the “architect/engineer” for communication facility projects in Texas and was responsible for releasing preliminary design plans prepared by its employee and consultant engineers that did not identify the responsible engineer or design professional, the purpose for their release and the limitations on their use. The Board accepted a Con-

sent Order signed by G. Dale Gray, the company’s president, ordering the company to pay a \$500 administrative penalty.

Davis Software, Inc., Dallas, Texas – File B-14074 – It was alleged that this company used the word “Engineering” in its name on its company stationary and used the word “Engineers” on its internet web site, and represented that the engineering services provided by the company were performed by or under the direct supervision of a Texas licensed professional engineer. Board records did not show that this company had a Texas licensed professional engineer as a regular full-time employee. The Board accepted a Consent Order signed by Tim Davis, the company’s president, and its attorney, to cease and desist from offering to perform or the actual performance of engineering services and from any and all representations that the company can offer and/or perform engineering services for the public of Texas and to immediately discontinue the use of the words “Engineering” and “Engineers” on its stationary, web site and other advertisements until such time as the company hires a Texas licensed professional engineer as a regular full-time employee. The company was also ordered to pay a \$2,000 administrative penalty.

Mark Jensen, Irving, Texas – B-14943 – It was alleged that Jensen represented himself as being a professional engineer in Texas by affixing his State of Michigan engineer seal to the title page and three schematic floor plan drawings in an engineering report that was prepared under the direct supervision of a Texas licensed professional engineer for a Texas client. Board records did not show that Jensen has ever been

licensed as a professional engineer in Texas. The Board accepted a Consent Order signed by Jensen to cease and desist from any and all representations that he can offer or perform engineering services until such time as he becomes licensed as a professional engineer in Texas and to immediately discontinue the use of his Michigan engineer seal on any and all documents issued in Texas. Jensen was also ordered to pay a \$1,500 administrative penalty.

Independent Testing Laboratories, Houston, Texas – B-14858 - It was alleged that this firm represented an ability to provide engineering services and that it had a Texas licensed professional engineer as an employee in a proposal package submitted to a city in response to a request for qualifications concerning a project that required engineering services. Based upon the company’s submittal, it was awarded the contract. Board records did not show that this company had a Texas licensed professional engineer as a regular full-time employee and the Texas professional engineer named in the company’s submittal confirmed that he was not an employee of the company. The Board accepted a Consent Order signed by Leland S. Bisbee III, the company’s president, and its attorney, to cease and desist from offering to perform or the actual performance of engineering services and from any and all representations that the company can offer and/or perform engineering services for the public of Texas until such time as the company hires a Texas licensed professional engineer as a regular full-time employee. The company was also ordered to pay a \$1,500 adminis-

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Board and Committee Meeting Schedule

Regular Quarterly Board Meeting	March 7, 2002	Austin, TX
NCEES Southern Zone Meeting	April 4-5, 2002	Baton Rouge, LA
Enforcement Committee	April 22, 2002	Austin, TX
General Issues Committee	To be determined	Austin, TX
Licensing Committee	May 6, 2002	Austin, TX
TSPE Annual Meeting	June 10-14, 2002	Arlington, TX
Regular Quarterly Board Meeting	June 11-12, 2002	Arlington, TX
NCEES Annual Meeting	August 7-10, 2002	La Jolla, CA
Regular Quarterly Board Meeting	September 5, 2002	Austin, TX
Regular Quarterly Board Meeting	December 5, 2002	Austin, TX

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trative penalty.

June 13, 2001 Board Meeting

* **David J. Marquez**, El Paso, Texas – File D-1223 – It was alleged that the New Mexico Board of Registration for Professional Engineers and Surveyors had revoked Marquez's New Mexico engineer license on September 1, 1993; however, he signed, dated and affixed his Texas engineer seal to an engineering document for his Texas client for an engineering project in New Mexico. This would constitute the unlicensed practice of engineering in New Mexico. It was also alleged that this document contained engineering calculations that were not performed by Marquez nor were they performed under his direct supervision. The Board accepted an Agreed Board Order signed by Marquez and his attorney for a five-year suspension of his Texas engineer license with the final four years to be probated contingent upon his payment of a \$2,500 administrative penalty.

***“Engineers shall only seal work done by them or performed under their direct supervision ... Upon sealing, engineers take full responsibility for that work.”
Board Rule 131.166(c)***

Cleveland Leonard Shepard, Jr., Houston, Texas – File D-1232 – It was alleged that Shepard failed to fully comply with a Board Order by not completing the Basic Studies in Engineering Ethics Course from Texas Tech University which was required by the Agreed Board Order signed by him and accepted by the Board on March 10, 2000. Based upon his failure to complete the ethics course by June 13, 2001, the Board accepted an Agreed Board Order signed by Shepard to suspend his Texas engineer license until such time as he provides the Board with documentation confirming his successful completion of the course and assessed him a \$500 administrative penalty.

* **Victor Silvas Medina, P.E.**, Corpus Christi, Texas – Files D-1242 and D-1248 – It was alleged that during a period while his Texas engineer license was in an expired status, Medina signed and affixed his Texas engineer seal to a foundation engineering inspection report for a residence. It was also alleged that during this same expired status period, Medina signed and affixed his Texas engineer seal to 90 Texas Depart-

ment of Insurance Building Construction Compliance forms. It was further alleged that Medina failed to promptly respond to the Board's inquiries regarding these matters. The Board accepted an Agreed Board Order signed by Medina for a two-year probated suspension of his Texas engineer license contingent upon his payment of a \$2,500 administrative penalty.

* **Jon Norton Strange, P.E.**, Houston, Texas – File D-1254 – It was alleged that Strange accepted an assignment to design three athletic tracks and 32 tennis courts for a school district and apparently copied engineering designs and specifications for this project that had been prepared by another Texas licensed professional engineer for a similar project at another location. Strange signed and affixed his Texas engineer seal to the copied documents. It was also alleged that Strange was not qualified by education or experience to perform this engineering design assignment in an adequate or competent manner. The Board accepted a Consent Order signed by Strange for a one-year probated suspension of his Texas engineer license contingent upon his payment of a \$2,000 administrative penalty.

ICI Construction, Inc., Dallas, Texas – File B-14902 – It was alleged that a former employee of this company, who was not a Texas licensed professional engineer, made engineering changes to the shoring system of a retaining wall that were not in accordance with the original engineering drawings that had been prepared by a Texas licensed professional engineer. The Board accepted a Consent Order signed by Donnie Lindstrom, the company's Director of Operations, to cease and desist from the practice of engineering until such time as the company hires a Texas licensed professional engineer as a regular full-time employee. The company was also ordered to pay a \$2,000 administrative penalty.

Bruce Hall, Calgary, Alberta, Canada – E-2737 – It was alleged that Hall represented himself as a professional engineer by using the designation “P.E.” after his name on documents sent to Texas clients and indicated he was or had been licensed in as a professional engineer Texas on his resume. It was also alleged that Hall practiced engineering by performing calculations, making interpretations and issuing conclusions regarding the analysis of turbine generator performance. Board records did not show that Hall has ever been licensed as a professional engineer in Texas. The Board ac-

cepted a Consent Order signed by Hall to cease and desist from the practice of engineering, from any and all representations that he can offer or perform engineering services in Texas and from using the designation “P.E.” after his name on any document issued in Texas until such time as he becomes licensed as a professional engineer in Texas. Hall was also ordered to pay a \$5,000 administrative penalty.

October 17, 2001 Board Meeting

* **Jesse Eugene Coleman, Jr., P.E.**, Fort Worth, Texas - File D-1229 - It was alleged that during his testimony as an expert witness in a lawsuit, Coleman made statements regarding the effect of pier to beam contact and foundation level tolerances that appeared to be misleading and were not supported by adequate modeling, calculations or analysis and without fully disclosing the basis and rationale for his opinions. The Board accepted an Agreed Board Order signed by Coleman for a five-year probated suspension of his Texas engineer license contingent upon Coleman's agreement that he will cease and desist from practicing structural engineering during the probated

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General Guidelines for Engineering Mentors

- **Provide guidance, encouragement, and support to an Engineer-in-Training (EIT).**
- **Assure that the EIT is gaining experience and capability in each of the areas outlined above.**
- **Be sufficiently familiar with the details of the engineer's work, either through direct supervision or ongoing direct contact, to be able to verify and certify that each portion of the engineer's work experience qualifies as acceptable experience.**
- **Assist the EIT in these areas: leadership, experience, ethics, values, and development of engineering principles.**

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period.

* **George Gutierrez II, P.E.**, San Antonio, Texas - File D-1274 - It was alleged that on June 6, 1995, Gutierrez signed and affixed his seal on a letter stating that a residential septic system had been constructed in 1973 in accordance with rules that existed at that time and certified that the system was functioning adequately. However, inspections of the septic system performed by a registered sanitarian and a city public works department employee disclosed that the system was not constructed in accordance with state regulations, was a health hazard due to raw sewage being exposed to the atmosphere and could not be permitted because sewage was being illegally discharged. Therefore, it appeared that Gutierrez's letter was misleading and he failed to identify a potentially dangerous sewage disposal situation that was not in keeping with generally accepted engineering standards and procedures. The Board accepted a Consent Order signed by Gutierrez for a two-year probated suspension of his Texas engineer license.

* **Melvin Gary Glass, P.E.**, El Paso, Texas - File D-1278 - It was alleged that Glass signed and affixed his Texas engineer seal on electrical design plans prepared by his employees who were not licensed professional engineers for an elementary school project that contained numerous errors and code violations and were not in conformance with the school district's standard practices. Based upon the numerous deficiencies, it appeared that Glass was not qualified by education or experience to perform electrical engineering himself or to review and take responsibility for the electrical engineering design work performed by his employees. The Board accepted a Consent Order signed by Glass for a two-year probated suspension of his Texas engineer license contingent upon his payment of a \$4,000 administrative penalty and his submission of a written plan of corrective measures he will implement to prevent similar violations in the future. Glass also agreed that during the probation period and after the provisions of the Consent Order are fulfilled, he would not practice electrical engineering or affix his seal to electrical engineering design plans until he passes the National Council of Examiners for Engineering and Surveying Principals and Practice examination in electrical engineering.

Lyndon M. Curry, P.E., Port O'Connor, Texas - File D-1295 - It was alleged that Curry

submitted a WPI-2 Form to the Texas Department of Insurance (TDI) certifying that construction of a building addition complied with ASCE-7-93 wind load provisions; however, TDI inspections disclosed that Curry certified the construction prior to its completion. Based upon this inspection, TDI requested that Curry provide calculations to support his certification, which he did not do. Therefore, it appeared the WPI-2 Curry submitted was misleading and his failure to provide TDI with his calculations was not in keeping with generally accepted engineering standards and procedures. Additionally, it appeared that Curry was offering and performing consulting engineering services as a sole proprietorship without being registered with the Board as a consulting engineering business entity. The Board accepted a Consent Order signed by Curry for a Formal Reprimand.

"The engineer shall not perform any engineering assignment for which the engineer is not qualified by education or experience to perform adequately and competently ..." Board Rule 131.153(B)

Paul A. Mendoza, Austin, Texas - File B-15103 - It was alleged that Mendoza signed his name and affixed his Texas architect seal to structural, mechanical, electrical and plumbing design plans for the renovation of a commercial building. Based upon the size of the building, the structural, mechanical, electrical and plumbing designs were required by law to have been performed by a licensed professional engineer; therefore, Mendoza's preparation of these design plans constituted the unlawful practice of engineering. The Board accepted a Consent Order signed by Mendoza and his attorney agreeing that Mendoza will not practice engineering outside the exemptions listed in the Texas Engineering Practice Act and will refrain from making any and all representations that he can offer and/or perform engineering services until such time as he hires a Texas licensed professional engineer as a regular full-time employee or until such time as he becomes a Texas licensed professional engineer. Mendoza also agreed to pay a \$1,000 administrative penalty.

William James Rich, Laredo, Texas - B-15105 - It was alleged that Rich prepared three geotechnical reports that included engineering recommendations for foundation

options. Board records did not show that Rich was licensed as a professional engineer in Texas; therefore, his reports represent the unlawful offer and/or attempt to practice engineering. The Board accepted a Consent Order signed by Rich to cease and desist from offering to perform or the actual performance of engineering services and from any and all representations that he can offer and/or perform engineering services for the public of Texas until such time as he becomes licensed as a professional engineer in Texas. Rich also agreed to pay a \$500 administrative penalty.

CDI Engineering Group, Inc. (CDI), Houston, Texas - B-15114 - It was alleged that Lanny Ottosen, a CDI employee who was not licensed as a professional engineer in Texas, signed an engineering report on behalf of CDI that was submitted to a CDI client. Board records did not show that Ottosen was licensed as a professional engineer in Texas nor did the report identify any of CDI's Texas licensed professional engineers as being responsible for the engineering information contained in the report. Therefore, it appeared Ottosen unlawfully practiced engineering through his preparation of the report and unlawfully represented his ability to offer and/or perform engineering services. The Board accepted a Consent Order signed by James E. Musick, Vice President of Operations, CDI, to cease and desist from allowing CDI employees who are not licensed as professional engineers in Texas to sign and issue engineering reports or from any representations that its unlicensed employees have the ability to offer and/or perform engineering services for the public of Texas until such time as those employees become duly licensed as professional engineers in Texas. CDI also agreed to pay a \$2,000 administrative penalty.

David Huerta dba Design Network Group (DNG), Houston, Texas - B-15126 - It was alleged that DNG advertised itself as an architectural/engineering firm with over 20 years of engineering experience and submitted an invoice to a customer claiming to have provided engineering services and charging for an "Engineer" and an "Engineer Seal." Board records did not show that Huerta was licensed as a Texas professional engineer nor that DNG had a full-time employee who was licensed as a professional engineer in Texas. Therefore, the advertising and invoice represented an unlawful

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offer and/or attempt to practice engineering. The Board accepted a Consent Order signed by Huerta to cease and desist from any and all representations that he or DNG can offer and/or perform engineering services, to delete any references of engineering from his advertising and to end any current or future contractual obligations to perform engineering services until such time as he hires a Texas licensed professional engineer as a regular full-time employee. Huerta also agreed to pay a \$750 administrative penalty.

“... only licensed persons shall practice, offer or attempt to practice engineering ... or in any manner use the term “engineer” as a professional, business or commercial identification, title, name, representation, claim or asset, ...” Section 1.1 of the Texas Engineering Practice Act (Act)

Gomez-Mendez-Saenz, Inc. (GMS), Brownsville, Texas - B-15170 - It was alleged that site grading and drainage plans

for two projects were submitted to the City of Brownsville, one set bearing Rudy Gomez's signature and architect seal and the other bearing David Saenz's signature and architect seal. The size and scope of the respective projects required that Texas licensed professional engineers prepare the grading and drainage design plans. Board records did not show that Messrs. Gomez or Saenz were licensed as professional engineers in Texas nor that GMS had any regular full-time employees who were licensed as professional engineers in Texas. Therefore, it appears these individuals unlawfully performed engineering services and their respective plans were an unlawful representation of GMS' ability to offer and/or perform engineering services. The Board accepted a Consent Order signed by Gomez, President, GMS, to cease and desist from the practice of engineering and from any and all representations that GMS can offer of perform engineering services until such time as GMS hires a full-time employee who is licensed as a professional engineer in Texas. GMS also agreed to pay a \$2,000 administrative penalty.

Gerald F. Obermeyer, El Paso, Texas - E-2759 - It was alleged that on October 2, 2000, Obermeyer prepared, signed, and affixed his Texas engineer seal on a reference statement on which he indicated he was currently licensed in Texas and used the designation “P.E.” after his name. Board records showed that Obermeyer's Texas engineer license expired on December 31, 1993; therefore, the use of his Texas engineer seal and the designation “P.E.” were unlawful representations of being a Texas licensed professional engineer. The Board accepted a Consent Order signed by Obermeyer to cease and desist from any and all representations that he can offer and/or perform engineering services, to discontinue his use of the designation “P.E.” and from affixing his Texas engineer seal on any document until such time as he becomes re-licensed as a professional engineer in Texas. Obermeyer also agreed to pay a \$500 administrative penalty.

* Indicates individuals who either agreed to complete a correspondence course in engineering ethics as part of closure of case, or as a contingency for probation.

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