

ENGINEERING Express

Published by the Texas Board of Professional Engineers

Number 32, Summer 2005



Dale Beebe Farrow, P.E.,
TBPE Executive Director

A Word from the Executive Director

By Dale Beebe Farrow, P.E.

I started with the Texas Board of Professional Engineers (TBPE) in September of last year and it has been quite a journey. Ms. Victoria Hsu, P.E., the TBPE outgoing executive director, is a good friend and mentor of mine from our time together at the state environmental agency. I thank Victoria for all the fine work she accomplished at the Board during her tenure. She guided the agency as it went from the dark ages of technology to a highly functional on-line venue and from a state agency to a self directed enterprise.

At my interview, I was asked why I would leave a dynamic environmental leadership position to come to a small licensing agency. My answer was "to make a mark." The Board is one of three agencies in Texas that is self-directed and semi-independent (SDSI). That means we are self-funded and run our agency like a business. While we do follow many of the procedural directives of a state agency, we have the ability to change our operations and come up with new ideas and execute them without suffering from the inertia some other state agencies must

contend. It is so exciting for me to energize and challenge my staff every day for ways we can rise higher as a stellar performing entity. The goal we share is to always make the TBPE an exemplary organization, dedicated to the practice of engineering in a way that serves its licensees and the people of Texas in the best and most efficient ways possible.

With that said, we do have our glitches from time to time. An email came in to me and to Chairman Nichols from a licensee who was concerned that we got his license information mixed up with his father's. When the father passed away, the evidence would show we laid the son to rest. He was very gracious about it, paraphrasing Mark Twain, "The rumors of my death are premature and extremely exaggerated." When we reactivated his license, our Chairman congratulated him, saying he knows of only one other that had died and been resurrected.

While we can't always be perfect, we are working on a few things to help with matters like this. In December, we should have our on-line renewal system functional. This will allow you to renew on-line as well as update your personal information such as address, employer, email address, etc. You will also be able to log your continuing education on-line and get an automatic update as to how many hours you still need to satisfy the requirement.

There is much to do in running an agency that licenses some 50,000 engineers, evaluates 750 enforcement cases per year, oversees examinations for thousands, develops policy advisory opinions, and participates in outreach to our many customers. I am proud to serve as the Executive Director of this Board and hope that if you have ideas to help me make things better and improve the practice of engineering in Texas, you won't hesitate to let me know.

IN THIS ISSUE

Continuing Education Program	Page 3
Board Rule Updates	Page 6
Enforcement Disciplinary Actions	Page 9
Legislative Wrap-Up	Page 16

TEXAS BOARD OF PROFESSIONAL ENGINEERS

Executive Director Dale Beebe Farrow, P.E.
Design Editor Janet Sherrill

Special Thanks To: Lance Kinney, P.E., C.W. Clark, P.E., Jeff Mutscher, Janie Beltran, Paul Cook and Mason Schoolfield

CURRENT BOARD MEMBERS

James R. Nichols, P.E., Chair Fort Worth
Govind Nadkarni, P.E., Vice-Chair Corpus Christi
Vicki T. Ravenburg, CPA, Secretary .. San Antonio
Jose F. Cardenas, P.E. El Paso
C. Roland Haden, Ph.D., P.E. College Station
William "Bill" Lawrence Highland Village
Shannon K. McClendon Dripping Springs
Gerry E. Pate, P.E. Houston
Robert M. Sweazy, Ph.D., P.E. Lubbock

CONTACT INFORMATION

1917 IH 35 South, Austin, TX 78741
Phone: 512-440-7723
Website: www.tbpe.state.tx.us
E-mail: peboard@tbpe.state.tx.us

A Message from the Chairman of the Board

By James R. Nichols, P.E.

I wanted to mention some of the highlights that the Texas Board of Professional Engineers (TBPE) has seen since the last publication of the newsletter. The Board is pleased to welcome Ms. Dale Beebe Farrow, P.E., as the new Executive Director of the agency. She brings a wealth of management, leadership and regulatory experience to the job and we anticipate that the agency will do well under her direction.

The Board fared well through the 79th legislative session and under HB1817 some changes were made to the Act with respect to renewal late fees, frivolous complaints, sealing work in compliance with the latest Attorney General opinion and policy advisory opinions. I encourage you to read up on these new changes and follow the regulatory process as rules are proposed.

The agency had an exemplary audit report from the State Auditors' Office and was commended before the Senate Finance Committee for putting all the appropriate controls and processes in place and demonstrating fiscal responsibility under its self-directed and semi-independent (SDSI) status.

The Board continues to work closely with Mexico and Canada through our North American Free Trade Agreement (NAFTA) comity agreement and hopes to have a cross-licensing ceremony in Mexico City later this year. I extend my appreciation to our Emeritus Member, Jose Guerra, P.E. and Vice-chair, Govind Nadkarni, P.E., for their ongoing dedication to this effort. Texas is the only state in the union to consummate such a licensure agreement under NAFTA.

We continue to work closely with the National Council of Examiners for Engineering and Surveying (NCEES) as well as the Accreditation Board for Engineering and Technology (ABET). I am pleased to say that Texas holds a seat on several of the important national committees and weighs in on national model law, testing, education, enforcement and licensing issues.

We have also entered a contract with Engineering and Land Surveying Examination Services (ELSSES) a

subsidiary of NCEES, to administer our engineering examinations.

Finally, I would like to discuss a significant change that the Board is considering in its licensing process. TBPE has been empowered by the Legislature to protect the health, safety and welfare of the Texas public by ensuring that only qualified engineers are licensed. There have been concerns that Texas may not be as discriminating in this area due to an examination waiver process that may be extended to individuals with 12 or more years of engineering experience. While the Board has contended that Texas more than compensates for requiring the exam by the additional scrutiny we place on experience and references, we decided it was time to take a look at the waiver process and discuss whether it should be more restrictive.

A special Board meeting was held in June and the Board determined it was appropriate to move in this direction. Staff was directed to initiate rulemaking to eliminate waivers of the Principles and Practice Exam, except to those that either already hold a license in another jurisdiction (including Canada and Mexico through NAFTA) or who are Ph.D educators. Texas would continue to apply the same scrutiny it currently does to experience, education and references.

The Board rule on the changes to



James R. Nichols, P.E., Board Chair

the waiver process were approved for publication at our August Board meeting and will be posted in the *Texas Register* for comment. I hope you will see this as a positive step for Texas in fulfilling its mission to grant licenses to only those individuals that can demonstrate this additional test of competency.

It continues to be an honor to serve as the Chairman of the Texas Board of Professional Engineers, and I want to thank my fellow Board members as well as the agency staff for all their hard work and dedication over the last year.

Congratulations to Board Member Jose F. Cardenas, P.E., for his appointment to the Board and to Shannon K. McClendon for her recent reappointment to the Board by Governor Perry.



Jose F. Cardenas, P.E.



Shannon K. McClendon

May I see your License Please?

Continuing Education about Continuing Education

By Lance Kinney, P.E., Director of Licensing

The licensing division is a busy place. We handle close to 50,000 renewals, over 2,000 new license applications, over 4,000 examinees, hundreds of new firm registrations and around 7,000 firm renewals each year. On top of that, this year we kicked off the Continuing Education Program (CEP).

As most of you hopefully know by now, 15 professional development hours (PDH's) are required to renew your P.E. license. At least one of those hours must be related to ethics or a review of the law and rules.

The Board has undertaken an extensive outreach program and communications effort to spread the word and make sure that everyone is aware of the program and will be able to comply with the requirements by their renewal date. So far, we have been able to speak at 68 engagements to more than 5,400 attendees all over the state. We have included inserts and instructions with all renewal statements starting in 2004, and have developed a website page that contains information, instructions, forms, and even a downloadable presentation on CEP. The website is available at www.tbpe.state.tx.us/CEP_Info.htm.

The word seems to have gotten out, too. We've had a very good compliance rate during the initial renewal periods this year. During the March renewal period, less than 5% of the engineers forgot to certify their CEP hours, which resulted in their renewals and payments being returned. For June, the number was less than 2%. Also, less than 2% of the P.E.s we audited during March did not comply with the requirements resulting in very few enforcement cases.

There are a few things that I would like to emphasize concerning common failure modes for CEP renewals;

1) Certification: You must certify that you have completed the 15 hour requirement or are exempt by checking the box on your renewal form. Certification is required and is very simple – just check the appropriate box. No certification means that your renewal

form and fee will be returned. This could result in your license becoming delinquent, so please remember to certify!

2) Exemptions: It is important to note that the exemptions for CEP are not the same as the exemptions from the \$200 professional fee. All active P.E.s must complete and certify 15

hours of continuing education per renewal period. There is no exemption for P.E.s in exempt industry, and there is no exemption if you are over 65 years of age.

3) Inactive Status: If you wish to apply for Inactive Status and therefore, not be required to report 15 hours of continuing education, you must apply before your renewal date or submit the paperwork along with your renewal. Requests received after your renewal date will apply to the next renewal year and are not retroactive. More information on Inactive Status can be found at www.tbpe.state.tx.us/Inactive_Info.htm.

Finally, I would like to mention something that we are working diligently on in licensing. We have heard your recommendations (and complaints) and are developing an on-line system to update addresses and personal information, submit continuing education information, and pay renewals with a credit card. The system is scheduled to start in December 2005, and we are looking forward to being able to expedite and streamline the renewal process.

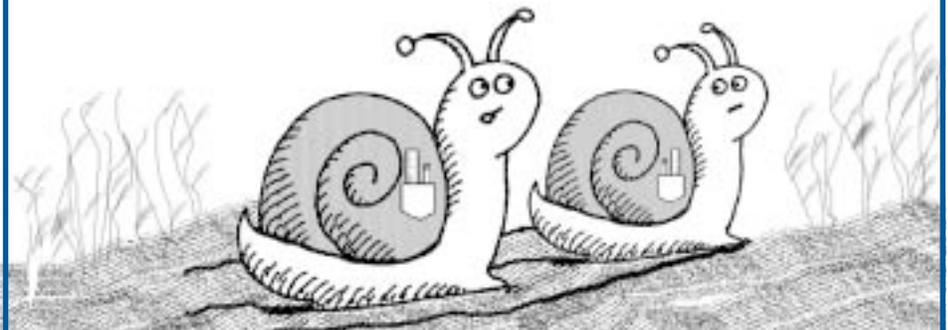
WHAT IF I DON'T HAVE MY 15 HOURS OF CEP?

- Your renewal form and payment will be returned.
- You will be assessed normal late fees.
- Your license will expire on the renewal deadline and remain expired until the CEP requirement is met.
- Your license will not be renewed without an indication from you that the CEP requirement has been met.

News Flash!

Starting with the September 2005 renewals, if your payment is received after the due date, a \$75 late fee will be charged on top of your license renewal fee. Payments received more than 90 days late will be charged another \$75 fee, for a total of \$150 plus the license fee. So please, don't be sluggish!

You know what makes me mad?...
Late fees!



Time Flies When You're Having Fun

By Paul D. Cook, Assistant Executive Director



WOW...where have the last 19 1/2 years gone? It seems like yesterday (December 1, 1985) that I started working at the Board as an investigator and to say the least, I was very apprehensive about my new position.

After retiring as a Supervising Special Agent with the Air Force Office of Special Investigations, I knew the investigative techniques to perform and lead an investigation, but there is a tremendous difference in conducting a criminal investigation and an administrative inquiry of an unlicensed individual or a license holder.

Back in 1985, Ron Hall was the Supervising Investigator; Stan Gilbert was the Director of Enforcement Programs; and Woody Mize, P.E., was retiring as executive director succeeded by Ken Bartosh, P.E.

When I first started at the Board, everyone tried to put me at ease and told me that all I needed to do was study the law and rules, answer engineering questions from the license holders and respond to concerns from the public.

That did not help with my apprehension at all. Just when I became comfortable with a version of the law and rules, the Legislature would change the laws and the Board would change the rules. Over the years the law and rules have changed many times and it is a challenge for staff and the license holders to keep up to date.

Take a look at the statistics chart to the right to see how times have changed. When I began working with the Board we did not have computers. We used Okidata printers and all the documentation regarding an application, enforcement file and general letters were typed by hand on an IBM Selectric II correcting (thank goodness) typewriter. The typewriter I used when I began working here is still being used for certain documents.

I will be retiring from the agency on August 31, 2005, and I wanted to take this opportunity to thank you for your

cooperation and assistance over the years. I hope I have been of assistance to you and provided the excellent customer service you deserve.

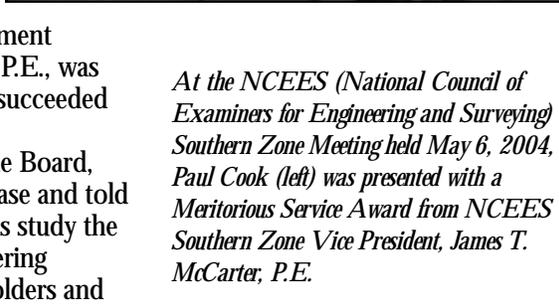
I have thoroughly enjoyed working at the Board and meeting (at least on the telephone) the best engineers in the

world. I have been very fortunate to work with a dedicated staff, very talented executive directors and Board members that truly take their challenge very seriously.

I bid you farewell and I hope our paths cross in the future.



At the August 11, 2005 Quarterly Board Meeting, Paul Cook was presented with a framed copy of House Resolution 1002 signed by Governor Rick Perry honoring him for his dedicated service to the Board and the state of Texas. From left to right, Paul Cook, Dale Beebe Farrow, P.E., TBPE Executive Director and James R. Nichols, P.E., TBPE Board Chair.



At the NCEES (National Council of Examiners for Engineering and Surveying) Southern Zone Meeting held May 6, 2004, Paul Cook (left) was presented with a Meritorious Service Award from NCEES Southern Zone Vice President, James T. McCarter, P.E.



A few statistics from my tenure with the agency:	
License Holders	1 n = 10,000
1985 - 30,000	
2005 - 50,000	
Staff	1 n = 5
1985 - 16	
2005 - 30	
Application for Licensure Processing Time	1 n = 2 weeks
1985: 12-14 weeks	
2005: 2-3 weeks for approval to take exam.	
License Renewal Fee	1 n = \$2
1985: \$12 (No professional fee)	
2005: \$35*	
*\$200 professional fee is sent to Texas General Revenue Fund.	
Hair	1 n = 100,000
1985: A lot.	
2005: A lot less than a lot.	

Compliance & Enforcement: Policy Advisory Opinions & Technical Experts

By C.W. Clark, P.E., Director of Compliance & Enforcement

Policy Advisory Opinions

The 78th Legislature enacted a section of our statute related to Policy Advisory Opinions, which established the requirement for a Policy Advisory Opinion Committee to be formed and Policy Advisory Opinions to be developed, effective September 1, 2003. While the Board has written policy advisory opinions in the past, this law put more validity and purpose to the opinions and provides a legal defense to prosecution for individuals that rely on Board issued opinions.

These advisory opinions are intended to be an interpretation of Chapter 1001 of the Occupations Code or the application of the chapter to a person in regard to a specified existing or hypothetical factual situation.

Recently the 79th Legislature reworded §1001.601 of our statute to further clarify that the opinions could be a broadly focused interpretation as well as be narrowly specific. Board rules are also being amended to mirror the statutory intent.

So far the Board has received 14 formal policy advisory opinion requests, has issued nine final opinions or responses, closed four opinion requests, and have one other request pending Committee and/or Board action. The current status of each policy advisory request/opinion is on our website, www.tbpe.state.tx.us/policy.htm.

If any individual wants to participate as a stakeholder for any opinion not yet finalized, please contact the Compliance & Enforcement Division.

Technical Experts

The Compliance & Enforcement Division is currently gathering a database of individuals' resumes to be referenced as needed to assist in future investigations. Occasionally, we have enforcement cases where it is unclear as to who may be correct in their engineering judgment of a specific situation. We do have professional engineers on staff and on the Board who assist our investigators from time to time regarding engineering issues if their area of competence is appropriate. However, when cases involve engineering outside the expertise of staff and Board engineers, we use other professional engineers to aid in the assess-

ment of technical details.

The need for outside engineering judgment only arises once or twice a year; but when it does, we want to make sure we choose the best possible engineer for the assessment. In most cases, if selected, you would be provided engineering reports, plans, and/or drawings and be asked to give your engineering opinion of another engineer's design, response, or opinion.

As a reminder, all technical consultants are "immune from civil liability and may not be subjected to a suit for damages for any action taken in the course of performing the person's official duties." (refer to Board Law and Rule, §1001.252 (i) and §139.23)

If you would like to be considered as a technical expert for future enforcement cases, please see our web page, www.tbpe.state.tx.us/nm/technical_experts.htm for instructions.

Approved Policy Advisory Opinions/Responses

- ◆ Metropolitan Transportation Planning
- ◆ Structural or Mechanical Modifications to Building Roofs
- ◆ Water Tank Rehabilitation
- ◆ Construction Materials Testing
- ◆ Water Quality Planning
- ◆ Comprehensive Building Design
- ◆ Professional Engineer (P.E.) Title Use
- ◆ Specified Power Poles for Manufacture
- ◆ Professional Engineer Requirements for Telecomm/Datacomm Design

Current Request Pending Committee/Board Action

- ◆ Professional Design of Indoor Antenna Systems

Your renewal fee; where does the money go?



Board Rule Updates

The following rules were adopted by the Board. The effective date appears next to the Board rule number. The italicized text explains the rule change with the wording of the rule below the explanation. Please refer to the TBPE website at www.tbpe.state.tx.us/downloads.htm to view or download complete copies of the law and rules.

§131.81 Definitions - 6/26/05

The change of this rule added a definition of "Supervision of Engineering Construction."

(35) Supervision of Engineering Construction—As used in §1001.407 of the Act, includes but is not limited to the periodic observation of materials and completed work to determine general compliance with plans, specifications and design and planning concepts. Supervision of engineering construction does not include the construction means and methods; responsibility for the superintendence of construction processes, site conditions, operations, equipment, personnel; or the maintenance of a safe place to work or any safety in, on or about the site.

§133.31 Educational Requirement for Applicants - 6/26/05

As a result of the NAFTA agreement, the Board adopted language to consider all applicants who are currently licensed in Canada to have academic qualifications that are substantially equivalent to an accredited engineering program.

(d) An applicant holding a verified Canadian P.Eng. or ing. License shall be considered to have academic qualifications substantially equivalent to an accredited engineering program.

§133.53 Reference Statements - 6/26/05

The adopted rule change permits evidence of retaliation by an applicant against a reference provider to be considered by the Board during the application review process.

(f) Evidence of retaliation by an applicant against a person who provides reference material for an application may be considered in the application process as described in §133.81(d) of this chapter.

§133.65 Examination on the Fundamentals of Engineering - 6/26/05

The adopted rule requires examinees to either be currently enrolled in a degree program in Texas or to be residents of Texas.

(a) An undergraduate student who is within two full-time regular semesters (not including summer sessions) of graduating may take the examination on the Fundamentals of Engineering at a location prescribed by the Board provided that the student is enrolled in a degree program in Texas and the program is:

- (1) an engineering program accredited or approved by the EAC/ABET;
- (2) a four year baccalaureate technical program accredited or approved by the TAC/ABET; or
- (3) an engineering-related science program of four years or more that has been approved by the Board.

(b) A graduate student may take the examination on the Fundamentals of Engineering at a location prescribed by the Board provided that the student is enrolled in an EAC/

ABET-accredited graduate degree program or in a graduate program at an institution which has an EAC/ABET-accredited undergraduate degree program in that discipline, and the student has:

- (1) a baccalaureate degree that is EAC/ABET-accredited;
- (2) an engineering or engineering-related science program degree that has been approved by the Board; or
- (3) a non-engineering related curriculum or other degree in which the student has provided evidence acceptable to the executive director as meeting the minimum requirements of §1001.302(a)(1)(A) or (B) of the Act.

(c) Persons who demonstrate that they meet the educational requirements for a license and who have not passed the examination on the Fundamentals of Engineering while in college and who are residents of Texas may apply to the Board to take the examination in accordance with the applicable examination schedule adopted by the Board.

(d) Persons who do not meet the criteria of subsection (a) of this section, but who need only to complete the examination on the Fundamentals of Engineering to fulfill the graduation requirements of a degree program that would meet the educational requirements for a license, may apply to the Board to take the examinations in accordance with the applicable examination schedule adopted by the Board.

§133.81 Receipt and Process - 6/26/05

The adopted rule change permits applicants who are not currently approved for the examination process and who are not currently in the Board review process to voluntarily withdraw their application. The adopted rule change also allows applicants to have only one pending application at a time.

(e) An applicant may request an application to be withdrawn from consideration provided that the application has not been approved for licensure subject to passage of an examination and the application has not begun circulation under the Board Review Process under §133.85 of this chapter. All requests for withdrawal must be submitted to the Board in writing.

(f) An applicant may only have one pending application on file with the Board at any time.

§137.13 Inactive Status - 6/26/05

The adopted rule change clarifies that a professional engineer on Inactive Status may not offer or perform engineering services to the public.

(h) Offering or performing engineering services to the public while the license is inactive is a violation of the inactive status and is subject to disciplinary action by the Board.

§131.101 Subject of an Advisory Opinion - 9/7/05

The rule was reformatted to clarify the rule language and to more accurately reflect the appropriate statutory language.

Continued on Page 7

(a) On its own initiative or at the request of any interested person, the Board shall prepare a written advisory opinion about:

- (1) an interpretation of the Act; or
- (2) the application of the Act to a person in regard to a specified existing or hypothetical factual situation.

(b) The Board shall respond to requests for opinions within 180 days unless the Board affirmatively states the Board's reason:

- (1) for not responding to the request within 180 days; or
- (2) for not responding to the request at all.

§131.103 Request for an Advisory Opinion - 9/7/05

The rule was reformatted to clarify the rule language and to more accurately reflect the appropriate statutory language.

(a) A request for an advisory opinion shall include, at a minimum, sufficient information in order for the Board to provide a complete response to the request. The requestor must provide the following, as applicable:

- (1) requestor contact information,
- (2) affected section(s) of the Act and/or Board rules,
- (3) description of the situation,
- (4) reason engineering advisory opinion is requested,
- (5) parties or stakeholders that will be affected by the opinion, if known, and
- (6) any known, pending litigation involving the situation.

(b) A request for an advisory opinion shall be in writing. A written request may be mailed, sent via electronic mail, hand-delivered, or faxed to the Board at the agency office.

§133.11 Types of Licenses - 9/7/05

The adopted amendment eliminates the requirement that an applicant request a temporary license at the time of application.

The Board shall receive, evaluate and process all applications for licensure as a professional engineer received from individuals who assert through the application process that they meet the minimum requirements of §1001.302 of the Act. The Board shall deny a license to any applicant found not to have met all requirements of the Act and Board rules.

(1) Standard License. Unless requested by the applicant or license holder, all licenses issued by the Board shall be considered standard licenses. Standard licenses are fully renewable annually until such time as the Board takes specific action to prevent renewal or provision of the Texas Engineering Practice Act prevents renewal.

(2) Reciprocal or Comity License: (U.S. states or territories). Pursuant to §1001.311 of the Act, the Board has reviewed the licensing requirements of the jurisdictions listed in this paragraph and has found them to be substantially equivalent to the requirements in Texas. The Board shall waive the application requirements of §133.21 for an applicant who is licensed in good standing with at least one of the jurisdictions listed in this paragraph and submits the documentation as required in §133.27(a) of this chapter. A reciprocal or comity license issued under this paragraph has full status of and shall be issued as a standard license. The Board does not recognize any U.S. state or territory for reciprocity or comity at this time.

(3) Reciprocal or Comity License: (Canada and the United

Mexican States through NAFTA). Pursuant to §1001.311 of the Act and the NAFTA Mutual Recognition Agreement, the Board has reviewed the licensing requirements of Canada and the United Mexican States and has found them to be substantially equivalent to the requirements in Texas. A reciprocal or comity license issued under this paragraph has full status of and shall be issued as a temporary license. The Board may waive the application requirements of §133.21 for applicants who:

(A) are currently licensed in good standing with at least one of the jurisdictions listed in this paragraph;

(B) meet the experience requirements of §133.69(a)(3)(A) or §133.69(a)(3)(B) of this chapter; and

(C) submit the documentation as required in §133.27(b) of this chapter.

(4) Temporary License. A temporary license holder shall be subject to all other rules and legal requirements to which a holder of a standard license is subject. A temporary license may only be renewed twice. The executive director shall be authorized to convert a standard license to a temporary license.

(5) Provisional. The Board does not issue provisional licenses at this time.

§133.73 Examination Analysis - 9/7/05

The adopted amendment adds language that will permit examinees to request regrading of the examination of the Fundamentals of Engineering to match with current NCEES policy and procedures.

(a) In accordance with §1001.306(c) of the Act, the Board will provide a written analysis furnished by the NCEES or by the Board to anyone who has failed either the examination on the Fundamentals of Engineering or the examination on the Principles and Practice of Engineering.

(b) Once the Board has provided a written analysis of an examination, no further review or re-grading shall be available for the examination except as provided in subsection (c) of this section. However, the executive director may, at his or her discretion, review the administrative portions of an examination answer sheet to resolve administrative uncertainties and/or determine the manner in which an examination should be scored.

(c) An examinee may view the examination on the Fundamentals of Engineering or the Principles and Practice of Engineering results or request regrading of such examination only as permitted by the uniform examination procedures set out by NCEES or by the Board:

(1) only at the date(s) and time(s) specified by the Board in its letter notifying the examinee of his or her failure of the examination; and

(2) provided that any costs associated with regrading by NCEES or by the Board will be paid by the examinee.

§133.87 Final Action on Applications - 9/7/05

The adopted amendment outlines the process the Board will use in reviewing applications wherein the applicant has a criminal conviction. The rule directs the Board to follow the requirements of Chapter 53 of the Texas Occupations Code in the review of the application and allows the Board to deny the license application or examinations if applicable.

Continued on Page 8

(a) Upon approval of an application by the executive director, the licensing committee, or the Board in a manner provided in this subchapter, the executive director shall:

(1) approve an application subject to the applicant's taking and passing the examination on the Principles and Practice of Engineering; or

(2) issue a license to an applicant who has passed the examination on the Principles and Practice of Engineering or who has had that examination waived.

(b) The Board shall deny an application if any of the following occurs:

(1) the application has been administratively withdrawn for a period of six months;

(2) three of the professional engineer Board members or majority of the full Board voted to deny an application on the basis that the applicant does not meet the requirements of §1001.302 of the Act; or

(3) the applicant did not pass the examination on the Principles and Practice of Engineering in the prescribed time.

(c) An applicant who has been denied a license for failure to pass the examination on the Principles and Practice of Engineering within the prescribed time may not re-apply for a license until one (1) year has passed from the date on the notification of failure to pass the examination or until the applicant has completed at least six (6) additional semester hours of formal college level classroom courses relevant to the applicant's dominant branch or discipline of experience.

(d) The Board by vote shall confirm the action taken on a license at its next regularly scheduled meeting.

(e) The executive director shall advise the applicant in writing of any decision of the executive director, the licensing committee, or the Board, as applicable.

§133.99 Processing of Applications with a Criminal Conviction - 9/7/05

The adopted amendment outlines the process the Board will use in reviewing applications wherein the applicant has a criminal conviction. The rule directs the Board to follow the requirements of Chapter 53 of the Texas Occupations Code in the review of the application and allows the Board to deny the license application or examinations if applicable.

The Board shall follow the requirements of Chapter 53, Texas Occupations Code, regarding an applicant for a license and may deny a license or deny a request for an examination on the grounds that a person has been convicted of a felony or misdemeanor that directly relates to the duties of an engineer or the occupation of engineering.

§137.5 Notification of Address Change, Employment Change, and Criminal Convictions - 9/7/05

The adopted amendment clarifies the requirements for license holders to report any criminal convictions to the Board.

(a) Each license holder shall notify the Board in writing not later than 30 days after of a change in the person's personal mailing address or employment status.

(b) A notice informing the Board of a change in employment status shall include, as applicable, the:

(1) full legal trade or business name of the association or employment,

(2) physical location and mailing address of the business,

(3) telephone number of the business office,

(4) type of business (corporation, assumed name, partnership, or self-employment through use of own name),

(5) legal relationship and position of responsibility within the business,

(6) effective date of this change; and

(7) reason for this notification (changed employment or retired; firm went out of business or changed its name or location, etc.).

(c) Each license holder shall notify the Board in writing not later than 30 days after a misdemeanor or felony criminal conviction.

Welcome New TBPE Staff Members!

Valarica Martinez, Investigator
Misti Shumate, Revenue Accountant
Odi Trevino, CEP Specialist
Rick Valdes, Investigator

Calendar of Events

Regular Quarterly Board Meeting
November 30, 2005, 10:30 a.m., Austin, TX

Regular Quarterly Board Meeting
February, 2006, Date to be Determined
10:30 a.m., Austin, TX

NCEES Southern Zone Meeting
April 27-29, 2006, Savannah, GA

NCEES Annual Meeting
September 13-16, 2006, Anchorage, AK

PE Exams

Examination Date: October 28, 2005
Application Deadline: July 15, 2005
Scheduling Deadline: September 2, 2005

FE Exams

Examination Date: October 29, 2005
Scheduling Deadline: September 2, 2005

PE Exams

Examination Date: April 21, 2006
Application Deadline: December 16, 2005
Scheduling Deadline: February 3, 2006

FE Exams

Examination Date: April 22, 2006
Scheduling Deadline: February 3, 2006

Enforcement News

Disciplinary and Administrative Actions

January 15, 2004 - May 19, 2005

Further information on the listed enforcement actions can be found on our website. To find the case, notice the meeting date above the case, then go to www.tbpe.state.tx.us/disciplinary.htm. Click on the link to that particular meeting then scroll down to the case.

January 15, 2004 Board Meeting

Case Number: D-1370; Mr. Gene Ganesh Karkal, P.E.; San Antonio, TX.

Violation: It was alleged that Mr. Karkal signed and affixed his Texas engineer seal to documents that contained engineering work he was not competent to perform; that he did not perform nor directly supervise the performance of the engineering work depicted on the documents; and that a certificate of occupancy letter he issued contained false, deceitful, fraudulent and misleading information.

Resolution: Five year suspension and a \$5,000.00 administrative penalty.

Case Number: D-1435; Mr. Michael Diaz, P.E.; League City, TX.

Violation: It was alleged that Mr. Diaz failed to act as a faithful agent of his client and that he did not meet the practice requirements of state statutes and codes which was contrary to generally accepted engineering standards and procedures.

Resolution: One year probated suspension and a \$1,500.00 administrative penalty.

Case Number: B-16200; Mr. Horace Hooper; Everman, TX.

Violation: It was alleged that Mr. Hooper unlawfully practiced engineering.

Resolution: Cease and Desist and a \$600.00 administrative penalty.

Case Number: B-16256; Interra Hydro, Inc.; Wichita Falls, TX.

Violation: It was alleged that this business unlawfully represented that it had the ability to offer and/or perform engineering services and unlawfully represented an employee as a professional engineer.

Resolution: Cease and Desist and a \$500.00 administrative penalty.

Case Number: E-2842; Luminator; Plano, TX.

Violation: It was alleged that this business unlawfully represented an employee as a professional engineer.

Resolution: Cease and Desist and a \$100.00 administrative penalty.

April 22, 2004 Board Meeting

Case Numbers: D-1357 and D-1367; Mr. Victor Silvas Medina, P.E.; Corpus Christi, TX.

Violation: It was alleged that Mr. Medina issued a certification letter that was misleading and not in keeping with generally accepted engineering standards and procedures. It was also alleged that during a period when Mr. Medina's engineer license was suspended, he continued to perform engineering services.

Resolution: Four year suspension.

Case Number: B-16198; Mr. Olen Ray Long, P.E.; Celina, TX.

Violation: It was alleged that after Mr. Long's original engineer license was no longer renewable due to being expired for longer than two years and before he became re-licensed, he unlawfully practiced engineering and unlawfully represented himself as a professional engineer.

Resolution: The assessment of a \$3,740.00 administrative penalty.

Continued on Page 10

Engineering Firms Assessed Administrative Penalties

The business entities listed below were assessed an administrative penalty for allegations associated with the offer or performance of consulting engineering services during a period when the business entity's firm registration was in an expired status or during a period when the business entity was not registered with the Board.

- R. W. Pipeline Services, Inc., Corpus Christi, TX
- Lemus & Associates, L.L.C., Bellaire, TX
- Paton Controls (US), Inc., Baytown, TX
- Kalsi Engineering, Inc., Sugar Land, TX
- Klak Engineering, Houston, TX
- Lamba Engineering, Houston, TX
- Borsig Technologies, Inc., dba Knighthawk Engineering, Houston, TX
- Sigma Engineering Services, Houston, TX
- Turk Engineering Corp., Houston, TX
- Packer Engineering, Inc., Naperville, IL
- Westfield Engineering & Services, Inc., Houston, TX
- Atraco, Inc., dba Engineering Mechanics Company, Houston, TX
- R. T. Wharton & Associates, Inc., Ontario, CA
- Industrial Design Associates, Inc., dba IDA Engineering, Inc., Dallas, TX
- Apex Geoscience, Inc., Tyler, TX
- Abaco Consultants, Inc., San Antonio, TX
- The Purdy Consultants, Dallas, TX
- A-E-I, Bedford, TX
- Graham-Martin, Ltd., Grand Prairie, TX
- Curtis Neal and Associates Consulting Engineers, San Antonio, TX
- Michael Baker, Jr., Inc., Moon Township, PA

June 16, 2004 Board Meeting

Case Number: D-1309; Mr. Terrence Ortiz, P.E.; Austin, TX.

Violation: It was alleged that Mr. Ortiz made an error or omission regarding structural loading calculations which when measured by generally accepted engineering standards and procedures, indicated his engineering for this project was not performed in a competent manner.

Resolution: Three year probated suspension, the assessment of a \$3,000.00 administrative penalty and required completion of an engineering ethics course.

Case Number: D-1419; Mr. Bhupendrakumar V. Patel, P.E.; Irving, TX.

Violation: It was alleged that Mr. Patel issued advertisements that could have created the misleading impression that he could lawfully seal other's engineering plans and that he performed consulting engineering services during a period when his business entity was not registered with the Board.

Resolution: Formal Reprimand and a \$1,000.00 administrative penalty.

Case Number: D-27158; Mr. Sylvester J. Crooks, P.E.; Premont, TX.

Violation: It was alleged that Mr. Crooks issued multiple windstorm inspection documents that were misleading and he affixed his seal to documents that described engineering inspections that were not performed by him nor were they performed under his direct supervision.

Resolution: Formal Reprimand and a \$1,680.00 administrative penalty.

Case Number: D-26897; Mr. James Vincent Ryan, Jr., P.E.; Live Oak, TX.

Violation: It was alleged that Mr. Ryan practiced engineering, identified himself as a professional engineer and affixed his engineer seal to documents during a period when his license was in an expired status; and that he failed to notify the Board of an employment change.

Resolution: Formal Reprimand and a \$560.00 administrative penalty.

October 7, 2004 Board Meeting

Case Numbers: D-1325, D-1326 and D-1332; Mr. Richard W. Peverley, P.E.; Houston, TX.

Violation: It was alleged that Mr. Peverley failed to perform all the engineering services he had been paid to perform by a client. It was also alleged that Mr. Peverley failed to produce an engineering report for which he had been paid. It was further alleged that Mr. Peverley issued an engineering report that contained wrong information and that he affixed his seal to this report during when his engineer license was suspended.

Resolution: Three year probated suspension, a \$3,000.00 administrative penalty and required restitution.

Case Number: D-1372; Mr. David Kenton Bulla, P.E.; Fort Worth, TX.

Violation: It was alleged that Mr. Bulla signed, sealed and

Case Number: B-16139; Mr. Ramsey Bradbury dba Lawrence Engineering; Dallas, TX.

Violation: It was alleged that Mr. Bradbury unlawfully used the word "Engineering" in his business name.

Resolution: Cease and Desist and a \$500.00 administrative penalty.

Case Number: B-27010; Mr. Gary Gene Olp, AIA; Dallas, TX.

Violation: It was alleged that Mr. Olp's alteration of engineering plans represented engineering decisions and constituted the unlawful practice of engineering.

Resolution: Cease and Desist and a \$2,000.00 administrative penalty.

Case Number: F-26775; Wonderful Information & Control Systems, Inc.; Spring, TX.

Violation: It was alleged that this firm, originally incorporated as Wonderful Engineering & Control Systems, Inc., unlawfully performed engineering services.

Resolution: Cease and Desist and a \$2,000.00 administrative penalty.

Case Number: E-2811; Mr. Giovanni Occhipinti; Houston, TX.

Violation: It was alleged that Mr. Occhipinti unlawfully represented himself as a professional engineer.

Resolution: Cease and Desist and a \$250.00 administrative penalty.

Case Number: E-27077; Mr. Jon Galle; Midland, TX.

Violation: It was alleged that Mr. Galle unlawfully represented himself as a professional engineer.

Resolution: Cease and Desist and a \$1,500.00 administrative penalty.

Case Number: E-27094; The University of Texas Medical Branch; Galveston, TX.

Violation: It was alleged that this entity unlawfully represented an employee as a professional engineer.

Resolution: Cease and Desist and a \$500.00 administrative penalty.

issued a certification letter which misleadingly indicated that repairs had been made to a structure; which were later found to have not been made.

Resolution: Three year probated suspension, a \$500.00 administrative penalty and required completion of an engineering ethics course.

Case Number: D-26743; Mr. Jerry L. Coffee, P.E.; Plano, TX.

Violation: It was alleged that Mr. Coffee falsely certified that a foundation had been designed in accordance with PTI standards and soil data for conditions as the site; however, it was found that the soil data was from a different site.

Resolution: Two year probated suspension and a \$1,850.00 administrative penalty.

Continued on Page 11

October 7, 2004 Board Meeting Continued

Case Number: D-1444; Mr. Richard Vonley McGaughy; Sugar Land, TX.

Violation: It was alleged that Mr. McGaughy signed and affixed his engineer seal to a foundation plan after his engineer license had expired.

Resolution: Cease and Desist, because Mr. McGaughy's engineer license subsequently became non-renewable, and a \$440.00 administrative penalty.

Case Number: A-27446; Mr. Mufid A. Abdulqader; Richardson, TX.

Violation: It was alleged that after Mr. Abdulqader's engineer license expired and become non-renewable he continued to practice engineering on behalf of his public entity employer and affix his engineer seal to design plans.

Resolution: Cease and Desist and a \$500.00 administrative penalty.

January 26, 2005 Board Meeting

Case Number: D-26948; Mr. Paul Garza, Jr., P.E.; Laredo, TX.

Violation: It was alleged that Mr. Garza issued multiple windstorm inspection documents that were misleading.

Resolution: Formal Reprimand and a \$500.00 administrative penalty.

Case Number: D-27017; Mr. Joe Frank Nix, P.E.; San Antonio, TX.

Violation: It was alleged that Mr. Nix signed and affixed his engineer seal to an initial report that contained false and misleading information.

Resolution: Formal Reprimand and a \$840.00 administrative penalty.

Case Number: D-27509; Mr. Manuel Flores, P.E.; Los Fresnos, TX.

Violation: It was alleged that Mr. Flores signed and affixed his engineer seal to plans that depicted engineering work that he was not competent to perform which demonstrated a lack of care and diligence.

Resolution: Two year probated suspension and a \$1,500.00 administrative penalty. Mr. Flores also agreed to cease and desist from the practice of electrical engineering until he passes the NCEES exam on that discipline.

Case Number: B-27561; Mr. Charles Evan Still; Bryan, TX.

Violation: It was alleged that Mr. Still formed his own company that unlawfully had "Engineering" in its name and that he unlawfully performed engineering services.

Resolution: Cease and Desist and a \$1,440.00 administrative penalty.

Case Number: G-27565; Mr. Greg Dean Martin; Georgetown, TX.

Violation: It was alleged that after Mr. Martin's engineer license expired and become non-renewable he provided unlawful consulting engineering services under his firm which was not registered with the Board; unlawfully represented

Case Number: E-27019; Mr. R. Alan Shubert, P.E.; El Paso, TX.
Violation: It was alleged that Mr. Shubert unlawfully represented himself as a professional engineer.

Resolution: Because Mr. Shubert became licensed in Texas as a professional engineer during this inquiry, he was only assessed a \$250.00 administrative penalty.

Case Number: E-27041; Mr. R. L. "Dick" Sanders; Abilene, TX.
Violation: It was alleged that Mr. Sanders unlawfully represented himself as a professional engineer.

Resolution: Cease and Desist and a \$1,170.00 administrative penalty.

Case Number: E-27333; Mr. Hyde Griffith; Pearland, TX.

Violation: It was alleged that Mr. Griffith unlawfully represented himself as a professional engineer.

Resolution: Cease and Desist and a \$200.00 administrative penalty.

himself as a professional engineer; and affixed his engineer seal to an engineering report.

Resolution: Cease and Desist and a \$3,500.00 administrative penalty.

Case Number: E-27169; Mr. Gerald K. Brown; Houston, TX.

Violation: It was alleged that Mr. Brown unlawfully represented himself as a professional engineer.

Resolution: Cease and Desist and a \$250.00 administrative penalty.

Case Number: E-27332; Mr. Kyle Dotson; San Jose, CA.

Violation: It was alleged that Mr. Dotson unlawfully represented himself as a professional engineer.

Resolution: Cease and Desist and a \$210.00 administrative penalty.

Case Number: E-27449; Mr. Andreas O. Frank; Fort Worth, TX.

Violation: It was alleged that Mr. Frank unlawfully represented himself as a professional engineer.

Resolution: Cease and Desist and a \$1,140.00 administrative penalty.

Continued on Page 12

Effective September 7, 2005 \$133.99 Processing of Applications with a Criminal Conviction

The Board shall follow the requirements of Chapter 53, Texas Occupations Code, regarding an applicant for a license and may deny a license or deny a request for an examination on the grounds that a person has been convicted of a felony or misdemeanor that directly relates to the duties of an engineer or the occupation of engineering. As a result of this rule, the Board will require anyone with a criminal conviction to notify the Board within 30 days of the conviction.

May 19, 2005 Board Meeting

Case Number: D-26969; Mr. Carmen Piuanno, P.E.; Spring, TX.

Violation: It was alleged that Mr. Piuanno prepared engineering design plans that were not in compliance with local codes and regulations.

Resolution: Formal Reprimand, a \$1,500.00 administrative penalty and required completion of an engineering ethics course.

Case Numbers: D-26795 and D-27018; Mr. Horacio Castillo, Kingsville, TX.

Violation: It was alleged that Mr. Castillo signed and affixed his engineer seal to a document showing alterations electrical loadings to an original engineering plan which he was not competent to perform and he failed to notify the original engineer of the alterations. It was also alleged that Mr. Castillo issued letters and an "As-Built" plan to his public entity client certifying that work had been completed on various projects which subsequent inspections disclosed the work had not been completed.

Resolution: Three year suspension with the final 30 months to be probated, a \$10,000.00 administrative penalty and required completion of an engineering ethics course. Mr. Castillo was also required to send revised "As-Built" plans to the county within six months.

Case Number: D-27666; Mr. Alfonso Quintanilla; McAllen, TX.

Violation: It was alleged that Mr. Quintanilla had been licensed as a professional engineer in error.

Resolution: Mr. Quintanilla voluntarily surrendered his engineer license which was revoked without prejudice and he was allowed to re-apply for a new license.

Case Number: D-27355; Mr. Ronald Richard Federici, P.E.; Metairie, LA.

Violation: It was alleged that Mr. Federici issued false and misleading assertions regarding the level of work done by another engineering firm.

Resolution: Formal Reprimand and a \$1,300.00 administrative penalty.

Case Number: D-27735; Mr. Justin Jay Loucks, P.E.; Carrollton, TX.

Violation: It was alleged that Mr. Loucks failed to provide written notification to his employer and involved parties of a potential conflict of interest.

Resolution: One year probated suspension and a \$1,200.00 administrative penalty.

Case Number: D-27736; Mr. Garland M. Horton, Jr., P.E.; Amarillo, TX.

Violation: It was alleged that Mr. Horton signed and affixed his engineer seal to design plans that contained design information that he did not perform and that the design plans failed to reflect his business name; thus, they presented a misleading impression that another business was responsible for the engineering work.

Resolution: One year probated suspension, a \$1,500.00 administrative penalty and required completion of an engineering ethics course.

Case Number: D-27755; Mr. Donald S. Peebles, P.E.; Bedford, TX.

Violation: It was alleged that Mr. Peebles signed and affixed his engineer seal to design plans that did not comply with required subdivision regulations and that he failed to thoroughly review revised submittals to ensure all needed corrections had been made.

Resolution: Two year probated suspension and a \$2,520.00 administrative penalty.

Case Number: D-27757; Mr. Sanat Kantilal Parikh, P.E.; Missouri City, TX.

Violation: It was alleged that Mr. Parikh had been disciplined by the Florida Board of Professional Engineers for signing and affixing his engineer seal to plans that apparently were not prepared by him nor under his direct supervision. Such disciplinary action subjects Mr. Parikh's to disciplinary action by our Board.

Resolution: Two year probated suspension.

Case Number: D-27828; Mr. Keith C. Strimple, P.E.; Lake McQueeney, TX.

Violation: It was alleged that Mr. Strimple signed and affixed his engineer seal to plans that were misleading because they contained wrong or out-dated specifications. It was also alleged that Mr. Strimple's subsequent letter certifying that construction met the intent of the design was also false and/or misleading because it did not address associated construction changes.

Resolution: Two year probated suspension and a \$3,800.00 administrative penalty.

Case Number: B-26935; Mr. Michael Clinton Strother; Jasper, TX.

Violation: It was alleged that after Mr. Strother's engineer license expired and became non-renewable he unlawfully represented himself as the "County Engineer" and unlawfully practiced engineering.

Resolution: Cease and Desist and a \$1,480.00 administrative penalty.

Case Number: B-27825; Mr. Robert H. Reeves; Dallas, TX.

Violation: It was alleged that Mr. Reeves unlawfully represented himself as a professional engineer.

Resolution: Cease and Desist and a \$200.00 administrative penalty.

Case Number: E-27830; Childress Engineering Services, Inc.; Richardson, TX.

Violation: It was alleged that this firm unlawfully represented an employee as a professional engineer.

Resolution: Cease and Desist and a \$360.00 administrative penalty.

Case Number: BE-27848; Mr. Scott Lee Harvey; Roanoke, TX.

Violation: It was alleged that Mr. Harvey unlawfully represented himself as a professional engineer, unlawfully affixed an engineer seal bearing his name to numerous engineering documents and unlawfully practice engineering on numerous projects.

Resolution: Cease and Desist and a \$10,000.00 administrative penalty.

Further information on the listed enforcement actions can be found on our website. To find the case, notice the meeting date above the case, then go to www.tbpe.state.tx.us/disciplinary.htm. Click on the link to that particular meeting then scroll down to the case.

NCEES Provides Updated Exam Information to the Board

To follow is a summary of a National Council of Examiners for Engineering and Surveying (NCEES) memo to the Board concerning changes to examinations. For more information on any of these updates, please refer to the NCEES website at www.ncees.org/.

Calculators

The current list of approved calculators will remain in effect for the October 2005 administration. The calculator committee will re-evaluate the list for 2006 and any changes will be posted by November 15, 2005. (Please visit www.ncees.org/exams/calculators/ for more information concerning the calculator policy.)

Pass/Fail Reporting

In accordance with NCEES Policy EDP14 and effective October 2005, scores for examination candidates will be reported only as pass or fail. [Note: The Texas Board has requested that scores continue to be reported.]

NCEES Tip Line

A new tip line for reporting a breach of security or an exam irregularity was created and went live just before the April exam administration. The tip line can be accessed by completing an on-line form at the NCEES home page or by calling 800-250-3196, ext. 296. Anyone reporting an incident has the option of remaining anonymous. Suspected security breaches can also be reported by calling 800-250-3196, ext. 467.

PE Examination in Civil (Transportation Design Standards)

The Transportation Design Standards of the Civil PE exam will change with the October 2005 exam. The new standard is available on the NCEES website.

Fundamentals of Engineering

Effective with the October 2005 exam administration, the FE exam will be under a revised specification. The new specification is available on the NCEES website.

Industrial Engineering

Effective with the October 2005 exam administration, the Industrial Engineering PE exam will be under a revised specification. The new specification is available on the NCEES website.

Electrical and Computer Engineering

Effective with the October 2005 exam administration, the depth modules for the Electrical and Computer Engineering PE exam will be under a revised specification. The new specification is available on the NCEES website.

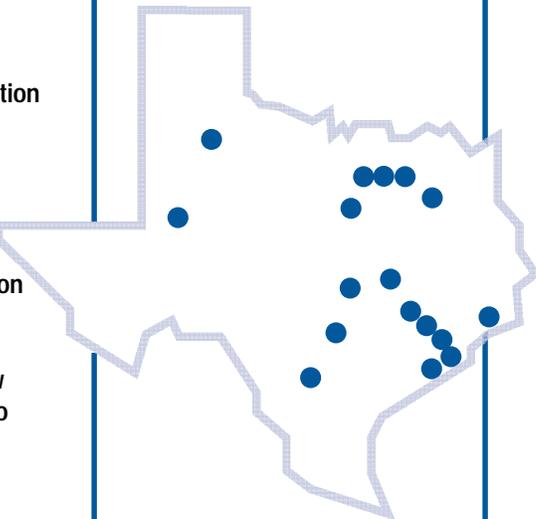
TBPE Outreach Program – FY 2005 Continuing Education, Licensure, Ethics, Compliance & Enforcement

So far, in fiscal year 2005 (September 1, 2004 to August 31, 2005), the TBPE staff has made **68 public appearances** to engineering professionals.

These events have been attended by over 5,400 attendees. This does not include the 24 exam sites statewide.

Cities Visited

- Amarillo
- Arlington
- Austin
- Beaumont
- College Station
- Dallas
- Ft. Worth
- Galveston
- Glen Rose
- Houston
- Lake Jackson
- Lubbock
- Midland
- Prairie View
- San Antonio
- Spring
- Temple
- Tyler



The TBPE Staff would like to extend our best wishes for a speedy recovery to Valarica Martinez, TBPE Investigator. Val is recovering from surgery after donating a kidney to her brother.



In this age of automation and the common replacement of receptionists by electronic answering systems, the TBPE is proud of its personalized customer service.

Pictured is Diana Sirio, agency receptionist and staff member for nearly 13 years. Diana answers all calls to the main agency telephone number which at peak times can average 400 calls per day.

Professional Engineering - Past, Present and Future

By *Edmundo R. Gonzalez, Jr., P.E., RPLS, Emeritus Board Member to NCEES*

Past

The beginning of human civilization as defined by Anthropologists was determined as the time that homosapiens were able to develop and use tools. That certainly must have been for hunting, fishing or farming. Of course, there was no minimum amount of education, examinations or experience required at that time. Very soon after that, there must have been some concern about the health, safety and welfare of their community.

Present

If you read any article about the perception by the public of the different professions, you will invariably find the profession of engineering at the top of the list or very close to

the top. This has to be because we take our profession seriously and with pride. We have developed technology to accommodate our society and its needs. Housing, travel, food, cell phones - everywhere you turn you can see what the hands of engineers have done. We are able to harness our technology and abilities and continue our course to improve our quality of life.

Future

Where are we going? Only we as engineers can tell. Rest assured it will be an effort to the limit of our abilities. How can you participate in this? It is simple; apply your efforts to the fullest in your daily work, keep up to date with technology and participate in your technical and professional societies. Lead the way to where you think we should go.



Edmundo R. Gonzalez, Jr., P.E., RPLS



The Lighter Side of Engineering

Below is a list of engineering categories. Match the quote from the engineer describing their profession to the engineering discipline.

- | | | | |
|-----------------|--------------------|----------------|----------------|
| 1) Civil | 5) Structural | 9) Petroleum | 13) Geological |
| 2) Agricultural | 6) Environmental | 10) Ceramic | 14) Ocean |
| 3) Mining | 7) Control systems | 11) Mechanical | |
| 4) Electrical | 8) Chemical | 12) Nuclear | |

- a) "It's a bit quirky but this is an accelerating field."
- b) "My current line of work has transformed me into what I am today. I am positive."
- c) "I can't fathom doing anything else."
- d) "It can be alarming as we must constantly monitor the situation."
- e) "My work is an earth moving experience, but can be draining."
- f) "Here you can be someone outstanding in your field and it's a growing area."
- g) "Some say we have gone to pot, but we are well insulated."
- h) "My work is a joint effort, where we support and truss each other."
- i) "My job is a blast and has many interesting facets."
- j) "I was discharged, but after assessing the situation, believe it was in air."
- k) "I love it to the core and would never take it for granite."
- l) "I do well with my job, every bit of it, even if it seems unrefined to some."
- m) "My first reaction was basically neutral, but now I feel a strong bond to my profession."
- n) "It is a very fitting and dynamic line of work if you have the tolerance."

For answers, turn to the last page of the newsletter.

Technology Survey

By Janet Sherrill, IT/Communications Director

In the IT division of the agency, we recently sent a technology survey to a random sampling of license holders and also posted the survey on our website. We received over 1,600 responses to a variety of technology questions. The overwhelming response to this survey was very encouraging.

Several of the questions concerned allowing payments to be made on-line using a credit card. Over 80% of those surveyed would like to be able to pay with a credit card. During the four years that I have worked for the Board, I have heard requests for such an option at least a hundred times. We are now working to develop such a system. We are building a system that is easy to use, extremely secure with the confidential information we are entrusted to protect and available 24/7 for your convenience. This system should be fully implemented, tested and ready for the December 2005 renewals.

Although an industry standard, paying for state fees by credit card has been a difficult process. The largest difficulty is the expense involved with electronic transactions. Credit card merchants charge a transaction fee of anywhere from 1.5 to 3% of the transaction cost. If you average these transaction expenses to 2% for a \$235 PE renewal, the credit card company

charges our agency \$4.70 to process the payment. With a standard retailer, this expense can be recovered through markup. With state agencies, there is not a profit margin which can be modified. Another issue has been the concept of charging everyone for a convenience that not everyone will use.

Due to these expenses and other setup fees, the Board has voted to implement a \$3 transaction fee which will be charged with each payment paid by credit card. Although this transaction fee will not cover the full expense the Board incurs, it will help to offset the fees and allow the Board to offer this service. Of those surveyed, over 40% are willing to pay a fee to have the convenience of paying by credit card.

Another issue addressed in several survey questions was an on-line database system where an engineer can view or make changes to pertinent information. Over 95% of those surveyed would like to use such a system.

This system is also in production currently. It will be called an "On-line Profile System". After entering the e-mail address on file and a secure password, the engineer will be able to view or change pertinent information such as address, phone number, e-mail address or employer. It will also have a log system for entering continuing

education credits.

This system will offer a great deal of assistance to the agency by allowing engineers to find many of their answers themselves outside the confines of 8-5, Monday through Friday. Although integrated with the on-line payment system, this on-line database will be available to all license holders with an option to pay by credit card or print out a renewal statement and pay by check.

Another initiative on which we surveyed opinions was a project to record Board meetings and place the audio and video on the agency website for downloading or viewing. Over 54% of the respondents would be interested in audio only recordings while 72% of respondents would like audio and video recordings. We will be looking into this further in the near future. Due to the initial investment in this initiative, this project will be carefully analyzed for return on investment before proceeding further.

Our agency has the unique privilege of regulating a community of very technical professionals. We understand your expectations are high. As we constantly strive to deliver our service through the technology tools available, we appreciate your input and feedback.

VA Reimbursement for Exam Fees



The Texas Board of Professional Engineers has been approved by the VA under the GI Bill for reimbursement of examination fees for the FE and PE exams. This approval allows veterans and other eligible persons to receive reimbursement for the cost of license examinations/tests

from the VA. The effective date of approval is March 1, 2003. This reimbursement is not from the State of Texas or the Texas Board of Professional Engineers. Please do not contact the Board for information or reimbursement. The reimbursement information is available at www.gibill.va.gov/education/benefits.htm under "Licensing and Certification".



The agency recently initiated a quarterly employee recognition program to honor staff members that exhibit exemplary work ethics. Pictured above (from left to right) are 2005 award recipients Amy Lopez, Accounts Payable Specialist, Mason Schoolfield, Programmer /IT Specialist and Serena Lloyd, Licensing Team Leader.

Update on the 79th Legislative Session

To follow are summaries of legislation related to engineering that were considered in the 79th legislative session that ended May 30, 2005. At press time for this newsletter we are into our second special session; however, no further legislation affecting engineers is anticipated in these special sessions. To read the text of these bills, go to www.capitol.state.tx.us/tlo/legislation/bill_status.htm. Be sure to change the session to search to the 79th Regular Session, 2005.

HB-1817 - Passed

This bill was authored by Rep. Driver. It relates to the practice of engineering. It includes legislation related to the following:

- Certificate of Merit Clarification
- Renewal Fee Limits
- Frivolous Complaints
- Sealing of Plans For Projects Built or Utilized in Texas
- Clarification to Policy Advisory Opinions

HB-2525 - Passed

This bill was authored by Rep. Callegari. It relates to contracts by governmental entities for construction projects and related professional services.

HB-2703 - Failed

This bill was authored by Rep. Krusee. It relates to contracts for the design and construction of transportation projects by certain governmental entities.

HB-2128 - Failed

This bill was authored by Rep. Nixon. It relates to exempting sole proprietorships and certain firms that practice engineering from firm registration.

SB-939 - Failed

This bill was authored by Sen. Lucio (Companion bill HB-2979 by Rep. Goolsby). It relates to a study regarding school facilities and the feasibility of developing model plans for school facilities.

*Answers to The
Lighter Side of
Engineering Quiz
on Page 5*

12 a)

4 b)

14 c)

7 d)

1 e)

2 f)

10 g)

5 h)

3 i)

6 j)

13 k)

9 l)

8 m)

11 n)

Texas Board of Professional Engineers
1917 IH-35 South
Austin, TX 78741

STANDARD PRESORT
US POSTAGE
PAID
AUSTIN, TX
PERMIT NO. 2637