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EXECUTIVE DIRECTOR

TEXAS BOARD OF PROFESSIONAL ENGINEERS

December 8, 2009

Mr. John Turpin
1221 S Congress #631
Austin, TX 78704

Dear Mr. Turpin:

RE: Formal Response to Policy Advisory Request dated Sept. 28, 2009

The Policy Advisory Committee of the Texas Board of Professional Engineers (Board) met on November 19, 2009, at 9:15 am in an open, public meeting and considered your policy advisory request. The following response was accepted by the committee and the Board accepted the response at the November 19, 2009, regular Board meeting:

1. In reference to the Texas Engineering Practice Act and Rules Concerning the Practice of Engineering and Professional Engineering Licensure (Act & Rules), "preliminary documents" are generally considered to be any engineering document that is not considered to be the "final version" and is released from the licensed professional engineer's control (§137.33(f)). Likewise, §137.33(e) describes how those preliminary documents should be marked as to the purpose and limitation of the documents. Understand that a governmental entity or client accepting preliminary documents may require an engineer's seal and signature in addition to the caveat. However, the limiting aspects specified in the caveat would still apply.

2. By sealing, signing, and dating an engineering document, the professional engineer represents that the document is final and that it does meet all governing codes, unless marked preliminary and the caveat would limit its purpose and applicability. Ethical responsibility of the licensed professional engineer are outlined in the Act & Rules in Subchapter C: Professional Conduct and Ethics and specifically in §137.63(b)(1), which states, "The engineer shall: endeavor to meet all of the applicable professional practice requirements of federal, state and local statutes, codes, regulations, rules, ordinances or standards in the performance of engineering services."

The Board would hold accountable any engineer who did not abide by all requirements of the Act & Rules and could, and does, sanction licenses of those licensed by this Board for violations.

Thank you for your request and please contact us if you have any questions.

Sincerely

Lance Kinney, P.E.
Interim Executive Director

LK:CBP:dpt

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