

ENGINEERING

Express

Number 35, Summer 2008

Published by the Texas Board of Professional Engineers

A Message from the Chairman of the Board



*G. Kemble Bennett,
Ph.D., P.E.*

By G. Kemble Bennett, Ph.D., P.E.

When Governor Perry asked me to serve as the new chairman of the Board, I was honored and ready to accept the privilege of taking on this important role.

Outgoing Chairman Govind Nadkarni, P.E., has done a remarkable job over the last few years. His legacy of service includes becoming assistant vice president for the NCEES Southern Zone, leading the implementation of the NAFTA agreement with Canada and Mexico, evaluating and approving an international agreement with Australia, and working on the Ad Hoc Licensing Committee to finalize some 450 P.E. waiver applications, just to name a few. Thankfully, Nadkarni has been reappointed by the Governor to another term on the Board and will continue to provide his expertise and dedication to the Board.

In this day of rising energy costs, rising food costs, and deteriorating and under-capacity infrastructure, our challenges in the engineering world continue. As Vice Chancellor for Engineering of The Texas A&M University System and Dean of the Dwight Look College of Engineering at Texas A&M University, I have first-hand knowledge of the challenges our

universities face in attracting and retaining engineering students. But engineers are precisely the ones who will help find solutions to our quality of life challenges. So, now more than ever, we must work to build and develop the professional engineering workforce of the future. It is critical to our state and fundamental to our nation's prosperity.

In serving as a member over the last couple of years, I can say that our Board is progressive and proactive and one dedicated to protecting the health, safety, and welfare of the people of Texas.

Our outreach efforts over the past few years have been outstanding in meeting with the general public, our practitioners, and students throughout Texas. I know that these efforts will continue.

Over the next few years we will have several policy issues to address. One is the area of overlap with other licensed professionals in Texas. Another is how Texas will address the licensure issues surrounding BS+30 - the national initiative to require 30 credits beyond a bachelor's degree to be licensed as a professional engineer in the future. We also spearheaded the national consortium on licensing software engineers and need to evaluate how this emerging engineering discipline will be implemented in Texas.

I am confident there will be no shortage of challenges before us in the years to come, and I am very proud to take my place as your chairman.

A Word from the Executive Director



*Dale Beebe-Farron, P.E.,
TBPE Executive Director*

By Dale Beebe-Farron, P.E.

As we move into fiscal year 2009, I would like to highlight a few things over the past year.

First, we have a new Board chair, two new Board members, and we must say goodbye to two Board members.

Dr. Kem Bennett, Ph.D., P.E. of College Station has been named the new Board Chair. Prior to this appointment, Bennett has been an active Board member and served as chair of the Licensing Committee. He brings a great deal of insight and experience to his appointment, especially in

academia.

Governor Perry also reappointed our outgoing chair, Govind Nadkarni, P.E., as a Board member to provide continuity to our operations. Nadkarni has accomplished many things as chairman. We are grateful he will continue in this capacity as well as Dr. Daniel Wong, P.E. of Sugarland who has also been reappointed for a six year term.

I am honored to welcome two new members to the Board. Governor Perry recently appointed these members to replace members whose terms had expired.

First, we welcome Elvira Reyna from Little Elm, Texas. Former House Representative Reyna represented Texas House District 101 from 1993 to 2007.

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A Word from the Executive Director - Continued from Page 1

We also welcome Dr. Gary Raba, P.E., from San Antonio to the Board. Raba is the vice chairman of Raba-Kistner Consultants, Inc., a consulting engineering company with offices in five locations in Texas and Mexico.

Leaving the Board is Gerry Pate, P.E., of Houston, who has been on the Board for six years and has contributed his time and energy generously throughout his term, especially in his leadership of the Policy Advisory Opinion Committee. Our public member, Elsie Allen of Fort Worth, who joined the Board in 2007, has also been replaced. We thank each of these outgoing members for their service and dedication.

This has been a huge year for outreach. We recently exceeded last year's outreach numbers with many more events still planned for 2008. (see page 12) One of the most gratifying stories came from Franco Davati, P.E. He told me he was inspired by the cover of our last newsletter showing us gathered at an Engineering Week activity. When he was contacted by the Houston independent school district, one of the teachers told him that the students keep asking her, "What is all this math good for and what does it do?" That's when they thought they needed an engineer to explain how it's all connected.

So Davati, a forensic engineer, took the challenge. He agreed to speak with the students and explained why they need to learn math first, so they can understand physics, dynamics, mechanics, strength of materials and what happens if these are not done properly. He then showed them an array of catastrophic accidents and explained what caused them. He even

used animations so the kids would stay attentive. The students loved it and Davati got a wonderful thank you note from the teacher saying the kids couldn't stop talking about his presentation. What an extraordinary way to get students excited about math and science.

This year we set up an international consortium to explore comity licensure with Engineers Australia. We found their process to be extremely robust and a mutual recognition agreement was approved by our Board at the June meeting. It allows for a temporary license (renewable for up to three years) for engineers that are approved by the respective Boards. To be eligible, the applicant must have seven years of engineering experience, three of which are after they are licensed in their home jurisdiction and they must be a citizen of Australia or the United States.

NCEES continues to change for the better under the leadership of Jerry Carter, the new executive director. Govind Nadkarni is serving as the assistant vice president of the southern zone and may be in

good position next year to run for vice president of the southern zone and potentially serve on the board of directors.

We are beginning to see some progress on moving toward computer based exam testing, with Lance Kinney (TBPE Deputy Executive Director) working on the national task force. It finally looks like Texas will be hosting the 2011 NCEES Southern Zone meeting and has proposed to host the NCEES annual meeting in 2013 in San Antonio.

Remember to renew online with ECHO - both P.E. license and firm registration renewals. The transaction fee is gone, so it beats the cost of a stamp.



Pictured are recently appointed TBPE Board members Elvira Reyna from Little Elm, Texas (left) and Dr. Gary W. Raba, D.Eng., P.E. from San Antonio.



Franco F. Davati, P.E. is shown giving a presentation on Forensic Engineering to a seventh grade math class at Mayde Creek Junior High in Houston. Math Chair Jessica Dennison praised Davati for his appearance stating, "the kids couldn't stop talking about it after your presentation. You have left a lasting mark on our students in a very positive way."

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Enforcement News

Disciplinary and Administrative Actions

August 16, 2007 - June 26, 2008

August 16, 2007 Board Meeting

Case Number: D-28666; Peter Harold Early III, P.E.; Galveston, Texas.

Violation: It was alleged that Early signed and affixed his Texas engineer seal to six WPI-2 Forms that were submitted to the Texas Department of Insurance (TDI) certifying that roofing and/or re-roofing projects complied with cited windstorm codes. However, inspections of the projects disclosed that the projects did not comply with the cited codes.

Resolution: Two year probated suspension, a \$2,000.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-29399; Glenn R. Briggs, P.E.; Altus, Oklahoma.

Violation: The Oklahoma State Board for Professional Engineers and Land Surveyors issued Briggs a Consent Order suspending his Oklahoma engineer license for one year, assessing him a \$10,000.00 administrative penalty and requiring him to take and pass an engineering ethics course for failing to plan and design for the likelihood of sink holes in connection with his design of a retention lagoon for a wastewater treatment facility. Based upon the action taken against Briggs in Oklahoma, Briggs's Texas engineer license was also subject to censure.

Resolution: Formal Reprimand.

Case Number: D-29440; Richard Franklin Keelan, P.E.; San Leon, Texas.

Violation: It was alleged that Keelan signed his name and affixed his Texas engineer seal to a plan and detail sheet that was not prepared by him nor under his direct supervision and that he altered the plan sheet without proper notification to the original professional engineer.

Resolution: One year probated suspension, a \$2,100.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-29580; Ernest W. DeLuca, P.E.; Conroe, Texas.

Violation: It was alleged that DeLuca signed and affixed his Texas engineer seal to two residential foundation design plan sheets that were misleading and could tend to create a misleading impression because one had a caveat that indicated dimensions shown may not be accurate and the other had details that appeared to have been blocked out; but, were still legible.

Resolution: Formal Reprimand and a \$620.00 administrative penalty.

Case Number: B-29699; Belview Engineering; El Paso, Texas.

Violation: It was alleged that this firm's use of the word "Engineering" in its name and its listing under the "Engineers-Professional" heading in the June 2006 El Paso classified telephone

directory was an unlawful representation of the firm's ability to offer and provide engineering services in Texas.

Resolution: Cease and Desist and a \$780.00 administrative penalty.

Case Number: E-29611; Gilbert L. Rhoades; Pickwick Dam, Tennessee.

Violation: It was alleged that after in 2006, Rhoades' Texas engineer license expired in June 1994, and became non-renewable in June 1996, he identified himself as a "Registered Professional Engineer - State of Texas" on his Resume of Qualifications and affixed his seal to an expert opinion report in connection with a lawsuit in Texas.

Resolution: Cease and Desist and a \$630.00 administrative penalty.

November 8, 2007 Board Meeting

Case Number: D-29815; William R. McDowell, P.E.; Corpus Christi, Texas.

Violation: It was alleged that McDowell signed and affixed his Texas engineer seal to a WPI-2 Form that was submitted to the Texas Department of Insurance (TDI) certifying that construction of a structure complied with cited windstorm codes. However, inspections of the project disclosed that the project did not comply with the cited codes.

Resolution: One year probated suspension, a \$800.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-29935; Katrina M. Gerber, P.E.; Overland Park, Kansas.

Violation: The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design issued Gerber a reprimand and assessed her a \$3,000.00 administrative penalty for practicing engineering in Minnesota after her Minnesota engineer license had expired and for falsely certifying that her engineer license had not been previously disciplined. Based upon the action taken against Gerber in Minnesota, Gerber's Texas engineer license was also subject to censure.

Resolution: Formal Reprimand.

Case Number: D-29887; Herbert L. Brewer; San Antonio, Texas.

Violation: It was alleged that Brewer signed his name and affixed his Texas engineer seal to an engineering drawing that was not performed by him nor under his Texas supervision. It was also alleged that he provided engineering services as a sole proprietorship after his firm's registration had expired.

Resolution: Formal Reprimand and a \$780.00 administrative penalty.

Continued on Page 4

February 28, 2008 Board Meeting

Case Number: D-28872; Robert L. Harrington, P.E.; Midland, Texas.

Violation: It was alleged that Harrington signed and sealed structural, electrical and plumbing plan sheets for a building renovation project that contained apparent errors, design deficiencies and code violations which suggested that he was not competent to perform the engineering depicted on the plans. It was also alleged that those plan sheets did not show his firm title block which created a misleading impression as to what business entity was responsible for the plans.

Resolution: Four year probated suspension, \$5,720.00 administrative penalty, successful completion of junior and/or senior level college courses in concrete design and foundation design that total nine credit hours with a grade of "C" or better, and cease and desist from future practice of electrical and plumbing engineering until such time as he demonstrates to the Board that he has gained competence in those engineering areas.

Case Number: D-29579; Joseph A. Tamayo, P.E.; Brownsville, Texas.

Violation: It was alleged that Tamayo failed to submit continuing education records to the Board for audit, falsely certified his completion of continuing education hours and failed to promptly respond to several Board inquiries regarding these issues.

Resolution: Two year probated suspension and a \$3,120.00 administrative penalty.

Case Number: D-29801; Raouf B. Mansour, P.E.; Dallas, Texas.

Violation: It was alleged that Mansour signed and affixed his Texas engineer seal to an engineering design plan for a retaining wall that he intended to be a preliminary design without placing a caveat on the plan stating that it was preliminary, why it was being issued and the limitation on its use. Thus, it appeared that Mansour's actions were not careful and diligent and may have endangered the public suggesting a level of negligence.

Resolution: Formal Reprimand and a \$1,800.00 administrative penalty.

Case Number: D-29852; Billy W. Hudson, P.E.; Grand Prairie, Texas.

Violation: It was alleged that an employee of Hudson's had transferred a rendition of the engineer seal and signature of a professional engineer on electrical design plans without the knowledge or approval of the professional engineer. This action suggested that Hudson failed to exercise reasonable care to prevent his employee from committing such an action and also indicated that he did not provide adequate and responsible supervision.

Resolution: Formal Reprimand and a

\$900.00 administrative penalty.

Case Number: D-29886; Sergio Nicholas Lozano-Sanchez, P.E.; Austin, Texas.

Violation: It was alleged that Lozano-Sanchez accepted monies from a client to file a building permit for a project when he knew or should have known that a building permit was not required and that he may have signed his name and cashed a check from his client made out to the city to permit the client's project and misused those funds. Such apparent unlawful actions suggested that Lozano-Sanchez did not conduct his professional and business practices in a manner respectful to his client nor that he was a faithful agent to his client.

Resolution: One year probated suspension, a \$2,720.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-30001; Michael B. Couch, P.E.; San Antonio, Texas.

Violation: It was alleged that Couch signed and affixed his seal to a report certifying that work on a project was complete when the work was not complete, an action that was misleading and created a misleading impression.

Resolution: Formal Reprimand and a \$940.00 administrative penalty.

Case Number: D-30204; Lawrence Henry Flak, P.E.; Conroe, Texas.

Violation: It was alleged that Flak signed and affixed his seal to engineering documents during a period when his Texas engineer license was in an expired status and that he did not notify the Board of changes to his mailing address and employer.

Resolution: Formal Reprimand and a \$516.00 administrative penalty.

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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.

Geo Strata Environmental Consultants, Inc.; San Antonio, Texas

Parsons Infrastructure and Technology Group, Inc.; Pasadena, California

Riggins-Moreland Engineering, Inc.; Dallas, Texas

Terracon Consultants, Inc.; Lenexa, Kansas

Bryson Engineering, L.L.C.; Ft. Worth, Texas

Bufkin Design & Engineering, Inc.; Austin, Texas

Weidlinger Associates, Inc.; New York, New York

Corwin Engineering, Inc.; Allen, Texas

International Gas Consulting, Inc.; Houston, Texas

Anderson Engineering Consultants, Inc.; Little Rock, Arkansas

Vickery Engineering, Inc.; Conroe, Texas

Adams Consulting Engineers, Inc. dba Adams Engineering; Tyler, Texas

Applied Manufacturing Technologies, L.P. dba Applied Manufacturing Technologies, Inc., Houston, Texas

February 28, 2008 Board Meeting Continued

Case Number: D-30221; Scott Theodore Freeman, P.E.; Frisco, Texas.

Violation: It was alleged that Freeman failed to submit continuing education records to the Board for audit suggesting that he falsely certified his completion of continuing education hours and failed to promptly respond to the initial Board inquiry regarding these issues.

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

Case Number: B-29811; Jeffrey D. Fisher; Houston, Texas.

Violation: It was alleged that Fisher unlawfully practiced engineering by preparing design plans for a residence and that he fraudulently transferred the seal of a professional engineer and forged the engineer's signature to the plans because signed and sealed plans were required by the city to obtain a building permit.

Resolution: Cease and Desist and a \$1,520.00 administrative penalty.

Case Number: B-29812; Dr. W. Gary Sokolich; Newport Beach, California.

Violation: It was alleged that Dr. Sokolich unlawfully offered or attempted to practice engineering in Texas in connection with an agreement he made to provide consulting services as an "Engineer" related to the design, measurement and evaluation of ultrasonic transducers and associated electronic drive circuitry regarding an electronic device a Texas businessman wanted to manufacture.

Resolution: Cease and Desist and a \$1,360.00 administrative penalty.

Case Number: B-30032; Bryan Horn – Architect; Sugar Land, Texas.

Violation: It was alleged that Horn unlawfully practiced engineering by preparing mechanical, electrical and plumbing design plans for an office that was to be located in a two story commercial building.

Resolution: Cease and Desist and a \$1,280.00 administrative penalty.

Case Number: B-29994; Fiberglass Structural Engineering, Inc.; Bellingham, Washington.

Violation: It was alleged that this firm unlawfully represented the ability to offer and provide engineering services and later unlawfully provided engineering services in connection with a power plant public works project.

Resolution: Cease and Desist and a \$1,360.00 administrative penalty. Prior to the Board's final action, an employee of this firm became licensed in Texas as a professional engineer and the firm became registered with the Board; therefore, the Cease and Desist Order was not binding.

June 26, 2008 Board Meeting

Case Number: D-27487; Delbert F. Richardson, P.E.; Lufkin, Texas.

Violation: It was alleged that Richardson's structural truss designs for a building were not done in a careful and diligent manner in conformance with all applicable building codes, ordinances and regulations.

Resolution: Formal Reprimand and a \$1,500.00 administrative penalty.

Case Number: D-29173; Howard Pieper, P.E.; Houston, Texas.

Violation: It was alleged that Pieper continued to offer and provide consulting engineering services as a business entity after his firm's registration expired and was no longer renewable.

Resolution: Formal Reprimand and a \$750.00 administrative penalty.

Case Number: D-29802; Curtis R. Dumas, P.E.; Houston, Texas.

Violation: It was alleged that Dumas performed engineering design work that was issued on plan sheets that did not bear "Dumas Environmental Services", his firm's name; thus, creating a misleading impression that another firm was responsible for the engineering designs. It was also alleged that Dumas provided these engineering services as a business entity that was not registered with the Board.

Resolution: One year probated suspension, a \$1,030.00 administrative penalty and an order to cease and desist from further offers to perform or the actual performance of consulting engineering services until such time as his firm is registered with the Board.

Case Number: D-29853; Toan K. Chu, P.E.; Grand Prairie, Texas.

Violation: It was alleged that Chu aided and abetted the unlicensed practice of engineering by signing his name and affixing his Texas engineer seal to engineering design plans that were not performed by him nor were they performed under his direct supervision. It was also alleged that such action created a potential for the endangerment of the public and created a misleading impression that the engineering and engineering plans had been performed by him.

Resolution: Two year probated suspension, a \$3,995.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-29854; Azeem Yasin, P.E.; Dallas, Texas.

Violation: It was alleged that Yasin performed engineering design work that was issued on plan sheets that did not bear "2CMD, Inc.", his firm's name; thus, creating a misleading impression that another firm was responsible for the engineering designs.

Resolution: Formal Reprimand and a \$940.00 administrative penalty.

Case Number: D-30263; Gilberto Guerra, P.E.; Houston, Texas.

Violation: It was alleged that Guerra failed to submit his continuing education records to the Board for audit purposes and falsely certified that he had completed the required 15 hours of continuing education.

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June 26, 2008 Board Meeting Continued

Resolution: Formal Reprimand and a \$1,650.00 administrative penalty.

Case Number: E-30391; David W. Hall, Cypress, Texas.

Violation: It was alleged that Hall unlawfully represented himself as being licensed in Texas as a professional engineer by using the designation "P.E." after his name on two different letters that he issued which bore Texas engineer seals showing his name with two different engineer license numbers and by creating and displaying a Texas Certificate of Licensure as a Professional Engineer bearing his name with a third engineer license number.

Resolution: Cease and desist from any and all representations that he can offer/perform engineering services in Texas, from affixing any Texas engineer seal bearing his name with a Texas engineer license number; from displaying any Texas Certificate of Licensure as a Professional Engineer bearing his name and from using any and all other Professional Engineer titles in Texas until such time as he becomes duly licensed in Texas as a professional engineer; and a \$4,950.00 administrative penalty.

Case Number: E-40473; John Klim; Dallas, Texas.

Violation: It was alleged that Klim unlawfully represented himself as being licensed in Texas as a professional engineer by using the designation "P.E." after his name on his business cards

Resolution: Cease and desist from any and all representations that he is licensed in Texas as a professional engineer and from using any and all other Professional Engineer titles in Texas until such time as he becomes duly licensed in Texas as a professional

engineer; and a \$300.00 administrative penalty.

Case Number: D-30364; Mohammad Tamoozi, P.E.; Houston, Texas.

Violation: It was alleged that Tamoozi entered into an arrangement with a firm that was not registered with the Board and that did not have any full-time employees that were Texas licensed professional engineers to perform engineering work that was issued under that firm's name and bearing his signature and Texas engineer seal. It was alleged that such action aided and abetted this firm in unlawfully providing engineering services and created a misleading impression that the firm could offer/provide engineering services to the public of Texas.

Resolution: One year probated suspension, a \$800.00 administrative penalty and completion of an engineering ethics course.

Case Number: B-30220; A.R.M. Soil Testing; Houston, Texas.

Violation: It was alleged that this firm, that was not registered with the Board and did not have any full-time employees that were Texas licensed professional engineers, issued an engineering report under its name. It was alleged that such action was an unlawful representation that the firm had the legal ability to offer/provide engineering services to the public of Texas.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services and from the representation that it can offer/provide engineering services to the public of Texas until such time as the firm hires a full-time employee who is a Texas licensed professional engineer and the firm becomes registered with the Board; and a \$1,280.00 administrative penalty.

New Electronic Sealing Rules Approved

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

Licensed professional engineers have not been able to take full advantage of the latest electronic technological advances as well as meet client and local governmental entity requirements as it relates to signed and sealed engineering plans. The Board has recently approved rule changes that should prove to be more accommodating without enabling potential violations.

Prior to these latest rule changes, that encompass Rules §137.31 through §137.37, engineers were only allowed to use an actual signature on the original documents, unless they used specific methodologies for electronic originals. This meant that no reproductions, computer generated, or rubber stamps could be used. These limitations proved to be problematic for the engineer at times, and the Board received complaints when engineers attempted to meet these complex rules but didn't quite meet the intent of the law.

The new rules allow an engineer to create originals, and reproduce electronically, plans or documents with their seal and signature for transmittal via virtually unlimited methodologies. These rule changes do not relieve the engineer of the requirement to maintain the security of their electronic signature and seal, similar to the long mandated requirement of proper security of the physical seal. While the rule changes eliminated the

requirement of a specific method of document encryption for electronic transmittal, it is still the engineer's responsibility to ensure that the security of their seal and signature is maintained to the best of their ability by using the most appropriate technology available at the time.

We still recommend that the encryption used be unique to the person using it, capable of verification, under the sole control of the person using it, and linked to the document in such a manner that the electronic signature is invalidated if any data in the document is changed.

Licensed professional engineers are reminded that the new Board Rules are the minimum solution and clients and/or governmental entities may be more restrictive, which is okay as long as doesn't violate the Board's statute and rules. If asked, the PE should be prepared to provide a paper trail of the original and copies of sealed and signed engineering works. These rule changes should allow the transmittal of electronic files in a much easier and more efficient manner.



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

Policy Advisory Opinions

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

The 78th Legislature enacted a new 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. These advisory opinions are intended to be an interpretation of the Chapter 1001 of the Occupations Code or the application of the chapter with regard to a specified existing or hypothetical factual situation. The 79th Legislature re-worded §1001.601 of our statute to further clarify that the opinions could be a broadly focused interpretation as well as be narrowly specific.

The Board has received 22 formal Policy Advisory Opinion requests, has issued seven final opinions (one of which has been modified and re-issued), closed thirteen opinion requests with official responses, and two have been withdrawn. The final opinions and responses along with current status of each Policy Advisory Request/Opinion are on our website, <http://www.tbpe.state.tx.us/policy.htm>.

No new requests have been accepted by the committee this past year; but, if any individual has a request for a policy advisory opinion, please contact the Compliance & Enforcement Division and they will assist you in that process.

In Memoriam

The following P.E.s, though no longer with us, left their mark through their service to the engineering profession.

| | | | |
|------------------------------------|-------------------------------------|-------------------------------------|---------------------------------------|
| Neal Albright, Fayetteville, AR | Samuel Faris, Mission, TX | R. R. Lacey, Ft. Worth, TX | Robert Ross, Houston, TX |
| Walter Albritton, Houston, TX | O. F. Forester, Corpus Christi, TX | William Lagrange, Waco, TX | Kenneth Ross, Dickinson, TX |
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| Leslie Appelt, Houston, TX | Johnny Gimarc, Holly Lake Ranch, TX | Edward Ling, Cibolo, TX | John Santic, Calumet City, IL |
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| Arthur Bear, Houston, TX | George Greene, Ingram, TX | Charles Lundy, San Antonio, TX | Otto SchroeDer, Spring, TX |
| Jerald Beasley, Mcgregor, TX | Arthur Hamlin, Jackson, MI | Richard Mady, Wilmington, NC | Edgar Schwarz, Boerne, TX |
| Thomas Belsha, Katy, TX | Bruce Hanssen, Menard, TX | Robert Mahood, Wilmington, DE | William Scruggs, San Antonio, TX |
| Harvey Blankenship, Ft. Worth, TX | Jerry Harrell, Conroe, TX | G. B. Mann, Dallas, TX | Joseph Selle, Houston, TX |
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| James Collins, Willis, TX | Bruce Johnson, Gainesville, FL | John O'Hearn, Richmond, TX | Ray Waterman, Shreveport, LA |
| Clare Colman, Burlingame, CA | Kenneth Jones, Mt. Vernon, TX | Woodrow Parkison, Orlando, FL | J. P. Watson, Houston, TX |
| James Coupland, Taos, NM | Everette Jones, Arlington, TX | Ronnie Patrick, South Houston, TX | D. R. Watson, San Angelo, TX |
| J. B. Bristol, United Kingdom | David Kanter, Metairie, LA | Felicien Perrin, New Orleans, LA | G. Werckle, San Antonio, TX |
| Leonard Darby, West End, NC | John Keith, Carrollton, TX | Joe Poole, Sugar Land, TX | Thomas Whitaker, Houston, TX |
| Jack Davis, Houston, TX | James King, Lubbock, TX | William Pribble, Austin, TX | Joseph White, Corpus Christi, TX |
| Robert Dedek, Memphis, TN | Kurt King, Calgary, Canada | Reddivari Reddy, Sugar Land, TX | Lester Whitton, Kerrville, TX |
| James Dowdy, Ft. Worth, TX | E. Konde, Comfort, TX | Allen Reeder, Montgomery, TX | J. H. Wilde, Brookshire, TX |
| D. D. Engle, Kerrville, TX | David Krause, Fayetteville, AR | Guy Reneau, Lakewood, CO | Robert Williamson, San Antonio, TX |
| Richard Ewing, College Station, TX | Larry Kubicek, Corpus Christi, TX | Steve Richards, Friendswood, TX | David Winder, Houston, TX |
| Bernard Fallon, Houston, TX | Charles Kubisiak, Elkins Park, PA | E. Riha, Yoakum, TX | W. Raymond Woolrich, Houston, TX |
| Daniel Farias, Laredo, TX | Joseph Kunkel, Friendswood, TX | Stephen Rosenthal, Ft. Worth, TX | |

This list is compiled from notifications received at the TBPE between June 12, 2007 and June 4, 2008. If we failed to mention an engineer that passed away during this time frame and they were either active or inactive at the time of their passing, please send an email to peboard@tbpe.state.tx.us and we will include their name in our next issue.

Board Rule Updates

The following are summaries of rules that were adopted by the Board during the last year. The effective date appears next to the Board rule. Please refer to the TBPE web site at www.tbpe.state.tx.us/downloads.htm to view or download complete copies of the current law and rules.

| Rule | Rule Change and Effective Date |
|--|--|
| §131.9 – Officers of the Board | Moved certain functions from the Secretary to the Treasurer of the Board. <i>Effective December 2, 2007</i> |
| §131.15 - Committees | Extended the term of the Joint Advisory Committee on Engineering and Architecture until Sept. 1, 2011. <i>Effective September 10, 2007</i> |
| §131.81 – Definitions | Defined Electronic Seal and Electronic Signature. <i>Effective April 27, 2008</i> |
| §133.43 – Experience Evaluation | Limited allowable experience prior to earning a degree for licensure to two years. <i>Effective April 6, 2008</i> |
| §133.53 – Reference Statements | Clarified procedure to provide a reference statement. <i>Effective December 2, 2007</i> |
| §133.69 – Waiver of Examinations | Allows a former Texas license holder to re-apply via the Waiver of Exams process <i>Effective April 6, 2008</i> |
| §133.73 – Examination Results and Analysis | Requires a numeric score for exams to be provided by the Board and sets the passing score at 70. <i>Effective December 2, 2007</i> |
| §137.13 – Inactive Status | Allows delinquent licensee to change to inactive status at time of renewal. <i>Effective September 10, 2007</i> |
| §137.31 – Seal Specifications | Allows PEs to use an electronic seal and electronic signature when sealing their work. <i>Effective April 27, 2008</i> |
| §137.33 – Seal Procedures | Allows PEs to use an electronic seal and electronic signature when sealing their work. <i>Effective April 27, 2008</i> |
| §137.35 – Electronic Seals and Electronic Signatures | Allows PEs to use an electronic seal and electronic signature when sealing their work. <i>Effective April 27, 2008</i> |
| §137.37 – Sealing Misconduct | Allows PEs to use an electronic seal and electronic signature when sealing their work. <i>Effective April 27, 2008</i> |
| §139.35 – Sanctions and Penalties | Modified sanction table to include electronic signatures. <i>Effective April 27, 2008</i> |

NCEES Needs Exam Development Volunteers

The Texas Board would like to strongly encourage interested PEs to help out their profession by volunteering to assist in exam development. Several members of the TBPE Board and staff have participated, and we can attest that it is a fun and rewarding experience!

The development process relies on thousands of volunteer hours donated by hundreds of licensed engineers. All exam volunteers must be licensed professional engineers, and NCEES needs engineers from all disciplines, areas, and stages of practice. For more information, visit the NCEES website at <http://www.ncees.org/exams/volunteer/>.

CONGRATULATIONS TO ENGINEERS LICENSED OVER 50 YEARS

The Board would like to acknowledge individuals who have maintained their P.E. license for over 50 years. The complete listing of 837 P.E.s is located on our website at: www.tbpe.state.tx.us/50

Software Engineering Is Not Just Programming

By Dan Wittliff, P.E., DEE, F. NSPE

Software Engineering is a rapidly emerging engineering discipline with substantial impact on the key infrastructure components that effect the public's health, safety, and welfare.

Rapidly Growing

Currently, there about 30,000 members of IEEE-USA who identify themselves as software engineers or for whom software engineering is a significant part of their responsibilities. The number of US schools granting undergraduate degrees in Software Engineering increased by a third from 2005 to 2006. There are now 15 ABET accredited Software Engineering programs in the US alone and a total enrollment of almost 1,500 to say nothing of the fact that Canada is graduating more than 300 software engineers per year.

- 2005 – 18 Schools and 196 BS Degrees
- 2006 – 24 Schools (13 ABET) and 218 BS Degrees
- 2007 – 450 Seniors, 305 Juniors, 262 Sophomores, and 459 Freshmen, 15 ABET programs
- Six Canadian universities granted 297 BS degrees in 2006.

Common Misperception

While there is a common misperception that Software Engineering is “just programming”, the fact is that software engineers apply natural and physical laws as well as engineering knowledge and skills to developing and proving systems that control such important infrastructure systems as: dams, electrical transmission and distribution, transportation safety and management, gas and oil pipelines, water supply, and wastewater treatment systems. As a point of comparison, saying that Software Engineering is “just programming” is essentially the same as saying that structural engineering is “just drafting”.

The Software Engineering Licensing Consortium (SELC) is a group of stakeholders including members of NSPE, IEEE, and TBPE formed in July 2007 to correct this misperception and advance the cause of developing a P&P (PE) exam in Software Engineering. The SELC defines licensable Software Engineering as:

“...the application and/or study of a systematic, disciplined, quantifiable approach to the development, operation, and maintenance of software that has an impact on the lives, property, economy, or security of people or the national defense; that is, the application of engineering to software.”

Path to Licensure

State licensure boards are reluctant to license an engineer in a discipline that does not have its own Principles and Practice of Engineering (PE) Exam developed and administered by NCEES. In fact, TBPE licensed over 60 software engineers by experience up until January 1, 2006, when Texas opted to follow the more common practice of issuing licenses only to those candidates who passed a PE exam in a specific discipline. To de-

velop a PE exam in a new discipline, NCEES Examination Development Policy Number 5 requires at least 10 states to submit petitions of support to develop a new exam.

To accomplish that goal, in January 2008 the SELC began sending out requests to 16 state boards of licensure for professional engineers to get their help in formally requesting that NCEES develop and administer a PE Exam for Software Engineering. To this point, Florida, New York, and Texas have sent formal letters to NCEES requesting such an exam be developed. Another three states (Delaware, Illinois, and Michigan) are in the process of approving such endorsement letters while four more states (Alabama, Louisiana, New Mexico, and Wisconsin) are actively considering formal support of this effort.

A second wave of requests to the remaining 36 or so jurisdictions went out in June 2008. SELC invited these jurisdictions to join the other states who have already stepped forward in requesting NCEES to develop a separate P&P exam for Software Engineering. It is noteworthy that none of boards contacted so far has taken a position opposed to Software Engineering as a separate discipline with a PE exam of its own.

Note: Dan Wittliff, P.E., DEE, Fellow NSPE, and member of the TBPE Industrial Advisory Committee, serves as facilitator for the SELC and was State President of the Texas Society of Professional Engineers from 2002 to 2003. If you would like to contact Dan, his email is dwittliff@austin.rr.com.



Dan Wittliff, P.E.,
DEE, F. NSPE

TECHNICAL EXPERTS: The Board needs Your Help!

Do you want to assist in the enforcement process at the Board?

Would you like to earn valuable Continuing Education credits in the process?

How about the possibility of being paid for your services?

We are looking for technical experts to assist the Board in making more effective determinations on engineering competency. We need engineers who can shed some light on the diversified engineering specialties that have emerged over time.

If you think that you qualify, send your detailed resume and references to: peboard@tbpe.state.tx.us with a subject line of “Resume for Enforcement”.

Director of Licensing Report

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

In April, 2008, there were two rule changes that may impact some applicants. The first change will allow former Texas license holders who were licensed without the PE exam to request a waiver for re-licensure.

The second rule change relates to experience gained in conjunction with education. It limits the amount of engineering experience that can be claimed prior to receiving a degree to two years and clarifies the intent that the experience and education are related.

There are also exam changes. The National Council of Examiners for Engineers and Surveyors (NCEES) develops and administers both the Fundamentals of Engineering (FE) and the Principles and Practice of Engineering (PE) exams for Texas. When an applicant registers to take the exams, the fee covers all the costs associated with the exams including the site, the exam books, grading and administration costs. Unfortunately, when NCEES raises their prices, we have to pass that on to the applicant. Starting with the October 2008 exams, the PE exam administration will increase by \$30.

NCEES has recently announced some changes to the format of some of the exams. Starting in April this year, a new construction module was added to the civil PE exam. Another change was the combination of the environmental and water

resources modules of the civil PE exam. Future changes include a requirement that an examinee select their afternoon module at registration instead of at the time of the exam. There will also be a combination of the Structural I and II exams into one 16-hour exam. One more change was an expansion of the list of acceptable calculators that can be used in the FE or PE exams. Keep an eye on our website and www.ncees.org for more info on changes to exams and exam policies.

Finally, here is some information I picked up about why exam results take so long. NCEES grades the exams for Texas. Prior to scanning the answer sheets, NCEES does a number of tasks including data corrections and creating and validating an exam key for each exam given. In April, 2008 Texas had over 2,100 FE examinees and almost 800 PE examinees – that can be a lot of data correction. (FYI - Texas is second only to California in the number of examinees we have each year.)

Here are a few other things you may not be aware of.

1. The Board did away with the \$3 transaction fee for paying with a credit card on ECHO, our online renewal system! So it is now the same fee as renewing by mail.
2. Did you know that you can log into our ECHO system and print a current pocket card within seconds? Don't worry, you will still get the self-laminating card in the mail but you'll have a temporary one to tide you over.
3. Forgetting to check the box on your renewal stating that you meet all of the requirements, such as continuing education, can result in a delay of the renewal of your license.
4. As you know, when you renew, you must report any criminal convictions you have had. In general, criminal histories for license holders of all kinds have been a topic of interest for state leadership since the last legislative session. To address this concern, TBPE implemented a routine check for criminal history on all new license applications.
5. Did you know you're not required to provide a reference for an applicant? Any reference you provide to the Board should be based on your knowledge of the person's character and your assessment of his or her work experience.

If you have any questions and need to contact the TBPE Licensing Division, please use the following:

Phone - 512-440-3089

Email - licensing@tbpe.state.tx.us

Website - www.tbpe.state.tx.us

ECHO - www.tbpe.state.tx.us/echo



David Howell, P.E.
Director of Licensing



Each trimester, a TBPE employee is recognized for exemplary service to the Board. The recipient for the third trimester of 2007 was Odi Trevino, Accounts Payable/Receivable Assistant (left). The recipient for the first trimester of 2008 was Dorothy Nieto, Executive Assistant (right). The recipient for the second trimester of 2008 was Helen Pena, Firm Registration Coordinator (center).

TBPE Issues PE Number 100,000

By Lance Kinney P.E., Deputy Executive Director

A civil engineer from Cedar Park, Texas, has been named Professional Engineer 100,000 by the Texas Board of Professional Engineers. Dustin Mortensen, an engineer working for Freese and Nichols in Austin, was selected by the Board to receive PE number 100,000 as the result of his hard work, his completion of the engineering licensure exams, and the selection of his entry in a special essay contest sponsored by the Board for this occasion.

It was determined in the summer of 2007 that the Board would issue its 100,000th engineering license before the end of the year. Licenses have been issued consecutively by the Board since 1938, and no other state engineering board had reached this milestone. The Board calculated that the most likely candidate to receive PE number 100,000 would be an examinee taking the licensure exam in October 2007. To determine which candidate would be best suited to receive this honor, the Board sponsored an essay contest for all eligible examinees.

The Board received essays from over eighty applicants. Board staff reviewed the entries, and then TBPE Vice Chairman Jose Cardenas, P.E., selected the essay submitted by Mortensen as the best example of an applicant expressing his desire to become a professional engineer. "Mr. Mortensen's essay exemplifies the privilege, and honor, of being a licensed professional engineer and it clearly demonstrates his understanding of the responsibilities and duties associated with the practice of our profession," said Cardenas. "The issuance of license number 100,000 affirms the vitality of the engineering profession in our state."

Dale Beebe Farrow, P.E., Executive Director for the Board, noted that "Dustin's essay struck a chord with the Board as he wrote about the engineers that helped mentor him and how proud he will be to design for the public and mentor those that come behind him (including his two young sons)."

In his winning essay, Mortensen stated he first knew he wanted to be an engineer when he was in high school. He explained, "The summer before my senior year in high school, I went to Engineering State at Utah State University. I was able to do hands on projects where I learned how exciting it is to solve real world problems through engineering."

He learned first hand about real world problems while living in Bolivia for a short time after his first semester of college. "I took two years off and moved to Bolivia," said Mortensen. "I lived in a city of 800,000 people, the 3rd largest city in the country. I knew when I went that I would need to boil the water before I could drink it. I was surprised to find out that we would often have very little water because the water system was very un-

reliable. The city water system usually only flowed for a few hours a week. Tanker trucks came around to sell water to those who could afford it. Those who couldn't had to wait until there was water in the pipes and then hurry to store as much as they could in barrels and buckets before the water quit flowing again. I realized how much better life can be with a reliable water system where the water is safe to drink. Being in Bolivia and seeing the need for infrastructure helped me decide to become an engineer to help provide the infrastructure to the public to improve our quality of life."



Lance Kinney, P.E., TBPE Deputy Executive Director

Mortensen returned to Utah and received his bachelor's degree from Utah State University. While pursuing his master's degree he worked at the water research laboratory. He built and tested a model of the Choke Canyon Dam outlet works operated by the City of Corpus Christi. The firm Freese and Nichols were the engineers that hired the laboratory for the project. Working on that project is how Mortensen became acquainted with the firm who later hired him and brought him to Texas. He has worked in the Austin office since 2003.

Mortensen noted that since his graduation he has been involved in many different types of projects. "I've worked on many dams that provide water and flood control to Texas, making them safer and more reliable. I have been involved with water and wastewater lines. I enjoy being an engineer and working on projects that maintain and improve our way of life."



Dustin Mortensen, P.E. was recognized at the Board meeting February 28, 2008, by the TBPE Board of Directors. He received a proclamation from Governor Rick Perry honoring his accomplishment. Pictured from the left are Jose Cardenas, P.E., TBPE Vice-Chair; Dale Beebe-Farrow, TBPE Executive Director; Mortensen and Govind Nadkarni, P.E., at the time TBPE Board Chairman.

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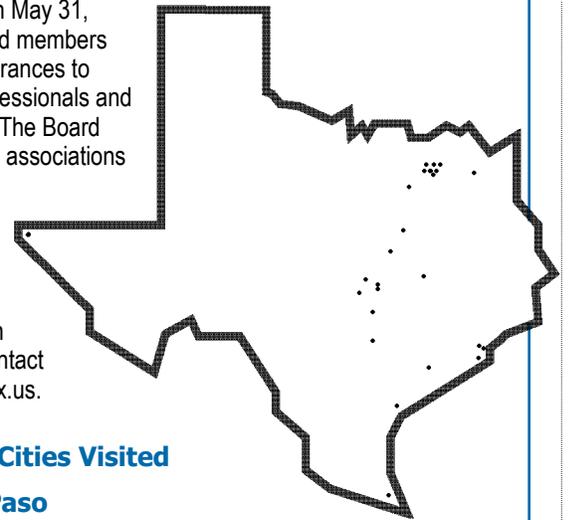


On May 3, 2008, during the Southern Zone Interim Meeting, TBPE Emeritus Member James R. Nichols, P.E. (right) was presented a Southern Zone Distinguished Service Award by NCEES. Also pictured is Govind Nadkarni, P.E. (left), Assistant Vice President of the NCEES Southern Zone and former TBPE Chairman.

TBPE Outreach Program – FY 2007

Continuing Education, Licensure, Ethics, Compliance & Enforcement

For the first 3 quarters of FY 2008 (September 1, 2007 through May 31, 2008), TBPE staff and Board members have made 96 public appearances to over 4,800 engineering professionals and students all over the state. The Board has visited with engineering associations and societies, companies, engineering students, and even K-12 classrooms. If you or your organization would like to schedule an outreach presentation, feel free to contact us at peboard@tbpe.state.tx.us.



Cities Visited

- | | | | |
|------------------------|----------------------|--------------------|-----------------|
| Arlington | El Paso | Lewisville | |
| Austin | Ft. Worth | Pasadena | Tilden |
| Brownsville | Horseshoe Bay | Plano | Tyler |
| Clifton | Houston | Round Rock | Victoria |
| College Station | Irving | San Antonio | Waco |
| Corpus Christi | Kerrville | Temple | Wylie |
| Dallas | Lake Jackson | | |