

Focus on Enforcement

As an integral component of the Texas Board of Professional Engineers' responsibility to protect the health, safety and welfare of the public of Texas, the Compliance & Enforcement (C&E) division has made great changes in our interactions with complainants and respondents. We have already begun a number of projects designed to improve our processes, communication, and customer service.

To begin with, we are fine-tuning our internal processes to focus on reducing the cycle time for complaints and improving communications with everyone involved in the case – from the PE to the administrative law judge. With the addition of our new staff attorney, we are not only increasing our capacity to prosecute cases, we are also able to improve communication of legal information, both with the public and with the courts.

Also, in an attempt to improve customer service, we are developing an online complaint submittal process that will expedite filing a complaint, provide more immediate feedback to those who file complaints, and help simplify the process. While jurisdictional issues and sufficiency of evidence remain, our goal is to make the process more accessible.

The efforts of our fine investigative staff

have resulted in huge changes to our daily work – from converting paper case files to electronic documents, to reevaluating workflow processes. Our team understands the need to ask the hard questions and make the changes that need to be made.

Elsewhere in this newsletter you will find the summaries of Board actions taken against violators of the Engineering Practice Act (Act & Rules) since our last newsletter. We typically open and close over 700 enforcement cases per year, many of which are closed by obtaining voluntary compliance and agreement to terms. The Board has taken an increasingly hard line on violators, particularly repeat offenders, and this year we have seen action on a number of cases resulting in stiffer penalties, increased filings with the State Office of Administrative Hearings, and license revocation.

As Executive Director Kinney mentions in his article, several pieces of legislation were passed during the recent session that will have an impact on enforcement issues. HB 2284 more clearly defines the practice of engineering and architecture, and HB 3 clarifies enforcement authority over PEs involved in windstorm design. We anticipate that the changes to statutes and rules will help our efforts in the

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A Message from the Chairman



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

This last year has been a very eventful one for the Texas Board of Professional Engineers. In addition to significant process and communication improvements, of primary interest was the legislative session which saw several important bills passed related to engineering.

One of the most significant pieces of legislation passed is House Bill 2284, which addresses the long standing overlap of the practice of engineering and architecture. This bill helps more clearly define the scope of practice for both professions and provides a mechanism for engineers who have been practicing building design to continue to do so.

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Licensing Updates

We are hopeful that this legislation will lead to a new era of cooperation between the professions and between the Texas Board of Professional Engineers and the Texas Board of Architectural Examiners. [More information on HB 2284 can be found on page 10.]

During the First Called Special Session, House Bill 3 was passed which includes provisions clarifying the role of a PE in windstorm design. TBPE and Texas Department of Insurance staff have been working together closely on processes and rules to implement these changes. [More information on HB 3 can be found on page 7.]

Another piece of legislation moved the agency Sunset date to 2013. Periodically, every agency undergoes a Sunset review of their operations and processes to determine if they are meeting their mission. The review process has already begun, with the primary work to continue through 2012.

In addition, I would like to recognize James Nichols, P.E., who has recently stepped down as an Emeritus Member for the Board. Nichols has served the state and the profession as a board member, as a chairman, and as a liaison to NCEES (National Council of Examiners for Engineering and Surveying) for many years providing a wealth of wisdom and guidance to the board. Please join me in wishing him well.

Finally, this year two new members were appointed to the Board: Lamberto "Bobby" Balli, P.E., and Carry Baker, J.D., a public member. In addition, James Greer, P.E., was also re-appointed to the Board. Each brings a wealth of experience to the Board and it is an honor to serve the state and our profession with them.

There are many opportunities for the agency and the profession to continue to excel, and I am confident that TBPE will continue to efficiently and effectively serve the needs of the public and the state of Texas.

The Journey Toward Excellence

I am excited to report that the last year has seen many quality and process improvements at the agency, as well as some groundbreaking collaborative efforts with other agencies and organizations. In addition to reviewing what we have done in the past year, I would like to take this opportunity to look forward and share a few of the things that we are working on here for the year ahead.

The first item is the implementation of the provisions of HB 2284 (relating to engineers and architects) and HB 3 (relating to windstorm design) as you have read in Chairman Bennett's article. TBPE staff has been working very closely with the Texas Board of Architectural Examiners and the Texas Department of Insurance staff respectively to work through the legislative changes, develop rules and processes, and to communicate these changes to our stakeholders. Such collaborative efforts are critical to ensuring that these changes are implemented in the best manner possible, and I am looking forward to the continued cooperation with everyone involved.

In addition, we understand that our primary mission is to protect the public by licensing qualified engineers and enforcing the Engineering Practice Act. To make sure we are doing that in the most efficient and effective manner possible, the agency has undertaken our "Journey Toward Excellence" – a quality improvement program based on the Malcolm Baldrige criteria for performance excellence. We are looking at each and everything we do, from licensing applications, to enforcement processes, to our outreach and online capabilities, and making improvements. We are reviewing our agency strategic plan and metrics, making infrastructure improvements, and engaging and training our staff in the process. In fact, we have already been recognized for our initial efforts by the Quality Texas Foundation [see page 3].

This year, we have continued the emphasis on improving and strengthening the enforcement process at the agency. A key change at the Board has been the hiring of a staff attorney, Dewey E. Helmcamp III, J.D. He brings many years of experience to the Board and has already

been invaluable in enhancing our enforcement program. For example, we have filed 8 cases with the State Office of Administrative Hearings since August, and have secured several revocations and significant penalties for violations of the law and rules.

Our enforcement team is also reviewing and streamlining all of our internal and external processes with a focus on reducing the cycle time and improving communications for enforcement cases. For example, we are currently working on projects to allow complaints to be filed online, including evidence to be submitted electronically, and to have automated notifications sent as cases move through the process. We are also working to simplify and clarify case communication and board correspondence.

Some examples of the changes we have on the licensure side include the new online applica-

tion system, which allows applicants for licensure to submit their information and pay online. In addition, applicants can track the materials they have submitted, track their application through the review and approval process, and receive automated email notifications of their progress. This system has been a big hit since it was rolled out and we are planning to expand its features in the next year to include online submission of experience documents and reference statements.

We also recognize that the best way to serve our stakeholders is through open communication, and to get your input and feedback. To that end, we have been sending eNewsletters, we are utilizing social media channels (join our Face-

book group or follow us on Twitter, and we continue to provide our record setting outreach programs all over the state. We will be expanding our outreach opportunities also through webinars and sponsored events in the coming year. We have also created more ways for you to communicate with us, through various surveys and stakeholder opportunities. For example, you can provide feedback at any time from on our web survey at <http://engineers.texas.gov/feedback>.

In closing, I would like to recognize the amazing staff here at TBPE. They work hard to provide excellent customer service, travel all over the state to give outreach presentations, implement the customer-focused changes, and they carry out the mission of the Board every day. As we continue to look for ways to improve what we do, we understand that the rewards come from the journey and we intend to continue make TBPE the best agency possible.

–Lance Kinney, P.E.



We are looking at each and everything we do, from licensing applications, to enforcement processes, to our outreach and online capabilities, and making improvements.

Representatives from TBPE receive recognition from Quality Texas Foundation at Quest for Excellence conference in Dallas, June 2011. Picture from left to right are TBPE Deputy Executive Director Priscilla Piphon, MPA, Lynn Tomaszewski, Quality Texas Chief Executive Officer and TBPE Executive Director Lance Kinney, P.E.



Texas Board of Professional Engineers is Recognized by Texas Quality Foundation

The Texas Board of Professional Engineers was recognized recently by the Quality Texas Foundation for demonstrating systematic approaches to organizational management. Quality Texas encourages use of the Baldrige Criteria for Performance Excellence and other methods that drive efficiency and effectiveness.

In early 2011, TBPE began the Journey Toward Excellence by recognizing the opportunities found in quality improvement and by beginning the progression that culminates in the Texas Award for Performance Excellence.

Following in the footsteps of such prestigious organizations as Freese and Nichols, who was recently awarded the Malcolm Baldrige National Quality award, TBPE has made a point of building process improvements into the agency's culture.

"I know that our people are capable of great things, because I have seen the commitment to excellence in all that they do" said Lance Kinney, P.E., TBPE Executive Director. "I look forward to this journey we have begun, and to the accomplishments we can achieve."

The Quality Texas Foundation is a non-profit 501(c) 3 corporation that evolved from a concept introduced by Governor Ann Richards in the early 1990s. Cooperative efforts between the Governor's office, the Texas Department of Commerce, and Texas businesses made it possible for the new Quality Texas Foundation to organize and deliver quality awareness seminars across the state. In the first two years, seminars were presented to 1,800 individuals representing more than 700 organizations.

The Quality Texas Foundation now administers the Texas Award for Performance Excellence as an independent non-profit corporation.

Horacio Castillo, Kingsville, Texas, Case Number: D-30996

Violation: It was alleged that Castillo signed and sealed WPI-2 forms that were submitted to TDI for 16 buildings on the campus of Raymondville High School, Raymondville, Texas, certifying that the re-roofing and/or the entire structures complied with cited windstorm codes. Subsequent inspections of the building by TDI found conditions that indicated the structures did not comply with the cited windstorm codes; thus, TDI determined the buildings were not eligible for windstorm and hail insurance. TDI requested that Castillo submit additional information and/or documentation to support his certification; however, Castillo did not respond to the TDI requests. Later, Castillo acknowledged that he should have performed calculations which he did not do prior to certifying the structures. Therefore, it appeared that the WPI-2 forms signed and sealed by Castillo were misleading and that he failed to perform standard and customary inspection and/or review services as a professional engineer indicating a lack of care and diligence.

Rules Violated: 137.57(b)(3), 137.63(b)(6)

Resolution: As a result of a formal hearing at the State Office of Administrative Hearings and based on Castillo's past history of disciplinary actions against him by the Board, the Board issued a Final Order to Castillo revoking his Texas engineer license.

Andrew Gonzales; San Antonio, Texas, Case Number: D-32671

Violation: It was alleged that Gonzales was incarcerated as a result of a felony conviction.
Statute/Rule Violated: Texas Occupations Code, Section 53.021(b) and Board Rule 139.43(a)

Enforcement News Disciplinary & Administrative Actions

In the last fiscal year, the Board formally approved the following enforcement case actions during TBPE meetings based upon applicable rules in effect at the time of the violation. The Enforcement Staff and the Board considered each case and the ensuing sanction in light of case specific, unique facts and circumstances.

Resolution: Revocation of his Texas engineer license as required by law.

Enrique Isidoro Tabak, Toronto, Canada, Case Number: D-32686

Violation: It was alleged that Tabak, who is no longer licensed in Texas as a professional engineer, signed and affixed his Texas engineer seal, when he had a current Texas engineer license, to design plans for a manufactured covering system constructed over a sport practice field in Texas and certified that the structure was designed and manufactured in a careful and diligent manner. This structure later collapsed during a severe storm event injuring several people. A review of the original design documents prepared by Tabak, indicated that several design aspects of the structure had not been thoroughly analyzed prior to manufacturing and construction and did not appear to be in compliance with various manufacturing, design and building codes. Therefore, it appears that, when licensed in Texas as a professional engineer, Tabak signed and sealed design plans that were not prepared in a careful and diligent manner and that his certification was misleading.

Rules Violated: 137.57(b)(3), 137.63(b)(6)

Resolution: Cease and desist from practicing engineering in Texas and from affixing his Texas engineer seal for any project in Texas until such time as he should become re-licensed in Texas as a professional engineer and a \$12,040.00 administrative penalty.

Manuel Flores; Los Fresnos, Texas, Case Number: D-31600

Violation: It was alleged that Flores signed and affixed his Texas engineer seal to canopy design plan sheets that contained insufficient design/specification information needed to confirm the design met minimum design loads required by the 2003 International Building Code and to construct the canopy. Therefore, these apparent deficient design plans created a misleading impression that the canopy would meet code, actions that could create an endangerment to the health, safety, and welfare to the public.

Rules Violated: 137.55(b), 137.57(b)(3), 137.63(b)(1), 137.63(b)(6)

Resolution: Two year suspension with final 18 months probated, a \$6,320.00 administrative penalty and completion of an engineering ethics course.

NOTE: Ethics course not completed, license suspended until May 19, 2013.

Christopher Glenn Goodman, P.E.; Nashville, Tennessee, Case Number: D-32869

Violation: It was alleged that during his Texas engineer license renewal process, Goodman certified that he had completed the required 15 hours of continuing education. However, after being selected to have his continuing education records audited which he did not promptly respond to; Goodman acknowledged that in fact he had not completed the required continuing education. Therefore, it appears that in

addition to his failure to promptly respond to a Board inquiry, Goodman failed to submit his continuing education records for audit and falsely certified that he had completed the required continuing education.

Rules Violated: 137.17(p)(2), 137.17(p)(3), 137.51(c), 137.63(a)
Resolution: Two year probated suspension, a \$3,900.00 administrative penalty and completion of an engineering ethics course.

Arturo S. Gaytan, P.E.; San Antonio, Texas, Case Number: D-31385

Violation: It was alleged that Mr. Gaytan signed and affixed his Texas engineer seal to a foundation repair plan that was not prepared by him nor was it prepared under his direct supervision. It was also alleged that he certified that the completed work complied with the repair plan; however, post repair inspections showed that some of the piers had not been installed to the plan specifications; thus, it appeared that his certification created a misleading impression indicating his work was not done in a careful and diligent manner.

Rules Violated: 137.63(b)(6), 137.33(b) 137.57(b)(3)

Resolution: Two year probated suspension, a \$3,150.00 administrative penalty and completion of an engineering ethics course.

Ivan Hessbrook; San Antonio, Texas, Case Number: B-31062

Violation: It was alleged that Hessbrook created engineering plans for a Texas project and signed the name and affixed the engineer seal (which Hessbrook returned to the Board) of a Texas licensed professional engineer who was deceased. Board records showed that Hessbrook has never been licensed in Texas as a professional engineer; therefore, it appeared that his creation of engineering plans and use of the deceased professional engineers signed name

and engineer seal were unlawful.

Statute Sections Violated:

1001.004(c)(2)(A), 1001.301(a)

Resolution: Cease and desist from offering to perform or the actual performance of engineering services in Texas and from the representation that he can offer/provide engineering services to the public of Texas until such time as he becomes licensed in Texas as a professional engineer and a \$3,000.00 administrative penalty.

Victor S. Medina, P.E.; Corpus Christi, Texas, Case Number: D-32298;

Violation: It was alleged that Medina accepted compensation from a client to do an engineering inspection of the client's property and submit documentation to the Texas Department of Insurance (TDI) so the property could be covered by windstorm insurance. After 15 months, Medina decided not to perform the inspection and although he refunded his payment back to his client, it appeared that his lack of action indicated he was not a faithful agent or respectful to his client.

Rules Violations: 137.63(b)(4), 137.63(b)(5)

Resolution: One year probated suspension, a \$2,400.00 administrative penalty and completion of an engineering ethics course.

Gelinas & Associates, Inc.; Spicewood, Texas, Case Number: B-32319

Violation: It was alleged that this firm used the word "Engineers" in its firm logo which is a representation that it can offer or perform engineering services and that it prepared a proposed grading plan for a boat ramp extension project that constituted the practice of engineering. Board records did not show any Texas licensed professional engineers associated with this firm nor was it registered with the Board. In response to an inquiry

regarding these issues, Charles Gelinas acknowledged that the engineering services provided by his firm were not performed by a Texas licensed professional engineer. Therefore, the use of the word "Engineers" in the firm's logo and the engineering services performed and provided by this firm were unlawful.

Statutes/Rules Violations:

1001.004(c)(2)(C), 1001.301(b), 1001.405, 137.77(a), 137.77(d)

Resolution: Cease and desist from offering to perform or the actual performance of engineering services, from using the word "Engineers" in the firm's logo in Texas 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 \$2,400.00 administrative penalty.

Joe Acevedo; San Antonio, Texas, Case Number: E-32873

Violation: It was alleged that Acevedo prepared a fire sprinkler system document which required a Texas professional engineer seal and that he had a Texas engineer seal made which showed an individual's name with a Texas engineer license number that he affixed to the document, signed the person's name using an "Engineer" title and issued under his firm's title block. Board records show the neither Acevedo nor the person named on the engineer seal have ever been licensed in Texas as professional engineers; nor was Acevedo's firm registered with the Board. Therefore, it appears that Acevedo's preparation of the document and his use of a false Texas engineer seal and "Engineer" title constituted the unlicensed and unlawful practice of engineering.

Statutes/Rules Violations:

1001.004(c)(2)(A), 1001.301(a), 1001.405, 137.77(a)

Resolution: Cease and desist from offering to perform or the actual performance of engineering services, from using an engineer seal or any "Engineer" title in Texas until such time as he becomes licensed in Texas as a professional engineer his firm becomes registered with the Board and a \$2,240.00 administrative penalty.

Stephen H. Keown; Houston, Texas, Case Number: B-32462

Violation: It was alleged that Keown represented himself as a Texas licensed professional engineer by affixing a Texas engineer seal bearing his name on a technical review engineering report for a Texas project using the phrase "Retired, Previous P.E., Past P.E." Board records show that Keown's Texas engineer license expired on June 30, 1996, and became non-renewable on June 30, 1998. Therefore, the use of his Texas engineer seal, his use of the "P.E." designation and his practice of engineering for the above-mentioned project were unlawful.

Statutes/Rules Violations:

1001.004(c)(2)(A), 1001.004(c)(2)(B), 1001.004(c)(2)(C), 1001.301(a), 1001.401(c), 1001.405, 137.77(a), 137.77(d)

Resolution: Cease and desist from offering to perform or the actual performance of engineering services, from using the designation "P.E." and from affixing his Texas engineer seal on any and all documents in Texas until such time as he becomes re-licensed in Texas as a professional engineer and a \$2,200.00 administrative penalty.

Warren Van Simmons, P.E.; Tyler, Texas, Case Number: B-32531

Violation: It was alleged that Simmons identified himself as a Texas licensed professional engineer, practiced engineering and affixed his Texas engineer seal to an engineering design after his Texas engineer license

had expired and became non-renewable. Although Simmons because re-licensed in Texas as a professional engineer, it appears that his identification of being a Texas licensed professional engineer, practice of engineering and use of his Texas engineer seal for the above-mentioned project was unlawful.

Statute Section Violations:

1001.004, 1001.004(c)(2)(A), 1001.004(c)(2)(B), 1001.004(c)(2)(C), 1001.301(a), 1001.401(c)

Resolution: A \$2,200.00 administrative penalty.

Byron S. Smith; Huffman, Texas, Case Number: B-32379

Violation: It was alleged that Smith prepared an engineering design plan for a boathouse/pier project which he submitted to the city bearing a Texas engineer seal for a James Chronister to obtain a building permit. Board records showed that neither Smith nor Chronister (who was deceased) have ever been licensed in Texas as professional engineers nor was Smith's business registered with the Board. Therefore, it appeared that Smith's preparation of the engineering plan constituted the unlawful practice of engineering and he unlawfully provided engineering services.

Statute Sections Violated:

1001.1004(c)(2)(A), 1001.1004(c)(2)(C), 1001.301(a), 1001.405, 137.77(a), 137.77(d)

Resolution: Cease and desist from offering to perform or the actual performance of engineering services in Texas and from the representation that he can offer/provide engineering services to the public of Texas until such time as he becomes licensed in Texas as a professional engineer and his business is registered with the Board; and a \$2,080.00 administrative penalty.

Rickey Lee Hamm, P.E.; Rockport, Texas. Case Number: D-31275;

Violation: It was alleged that Hamm was hired to design and inspect a room addition to a residence and that he signed and affixed his Texas engineer seal to a document submitted to the city certifying that he was the engineer of record for the project and that the project would be inspected to ensure compliance with building and windstorm codes. Respondent acknowledged that he never inspected the site and just took the word of an associate that construction was compliant with pertinent codes. Subsequent inspections of the completed project by city officials found that the structural framing was not compliant with building and windstorm codes. It was also alleged that the client was unsuccessful in getting Hamm's assistance to resolve the matter. Thus, it appeared that Hamm's certification was misleading and that he did not conduct his engineering affairs in a respectful, honest, ethical or professional manner which indicated a lack of care and diligence.

Rules Violated: 137.57(b)(3); 137.63(a); 137.63(b)(5); 137.63(b)(6)

Resolution: Five year probated suspension, a \$2,000.00 administrative penalty and completion of TBPE's on-line ethics test and a correspondence engineering ethics course.

David Suckle; Sherman, Texas, Case Number: B-32500;

Violation: It was alleged that Suckle prepared engineering design plans for a project which he submitted to the city bearing a Texas engineer seal of James Gary Dennis, Texas engineer license number 66539, to obtain a building permit. Suckle acknowledged that he affixed Dennis' Texas engineer seal and signed Dennis' name on these engineering design plans. Board records show that Suckle has

never been licensed in Texas as a professional engineer nor was his business registered with the Board. Therefore, it appeared that Suckle's preparation of the engineering plan constituted the unlawful practice of engineering and he unlawfully provided engineering services.

Statute Sections Violated:

1001.004(c)(2)(A), 1001.301(a), 1001.405

Resolution: Cease and desist from offering to perform or the actual performance of engineering services in Texas and from the representation that he can offer/provide engineering services to the public of Texas until such time as he becomes licensed in Texas as a professional engineer and his business is registered with the Board; and a \$2,000.00 administrative penalty.

Chander Nangia, P.E.; Houston, Texas, Case Number: D-32026

Violation: It was alleged that Nangia placed a statement on engineering design documents for a Texas project that they were prepared by him and/or under his direct supervision, signed also affixed his seal to these documents. However, these engineering documents had been initially prepared by another individual who was not supervised by Nangia. Therefore, it appeared that Nangia signed and affixed his Texas engineer seal to engineering design documents that were not prepared by him nor under his direct supervision and that the above-mentioned statement created a misleading impression.

Rules Violated: 137.33(b), 137.57(b)

Resolution: One year probated suspension and a \$2,000.00 administrative penalty.

Ben Carroll; Schertz, Texas, Case Number: E-32304

Violation: It was alleged that Carroll identified himself as a

Texas licensed professional engineer by using the designation "P.E." after his name on correspondence he submitted to a Texas city. Board records show that Carroll has never been licensed in Texas as a professional engineer; therefore, his use of the designation "P.E." was unlawful.

Statutes Sections Violated:

1001.004(c)(2)(B), 1001.004(c)(2)(C), 1001.301(b), 1001.301(c)

Resolution: Cease and desist from offering to perform or the actual performance of engineering services and from using the designation "P.E." or any other representations that he is a professional engineer in Texas until such time as he becomes licensed in Texas as a professional engineer and a \$1,680.00 administrative penalty.

Iden Iram Trevino, P.E., Weslaco, Texas, Case Number: D-32236

Violation: Engineer seal was affixed to sets of engineering design plans for fire protection sprinkler systems which had several design aspects that did not comply with the 2003 International Fire Code, the 2003 International Building Code nor the 2002 edition of the NFPA 13. It was also alleged that Trevino issued these plans under a firm name that his records did not reflect an employee relationship. Therefore, it appeared that his engineering designs were not performed in conformance with generally accepted standards and procedures; that he failed to endeavor to meet the above-cited codes; that his actions showed a lack of care and diligence; and that he did not notify the Board.

Rules Violated: 137.55(b); 137.63(b)(1); 137.63(b)(6); 137.73(a)

Resolution: One year probated suspension (August 26, 2012 to August 26, 2013) and a \$1,500.00 administrative penalty.

Alvin Schneider; Baytown, Texas, Case Number: E-32463;

Violation: It was alleged that Schneider sent an email and his business card to a county official on whom he identified himself as a professional engineer by displaying the designation "P.E." after his name. Board records show that Schneider's Texas engineer license expired on September 30, 1992, and became non-renewable on September 30, 1994; therefore, his use of the designation "P.E." was an unlawful representation of being a Texas licensed professional engineer.

Statute Sections Violated:

1001.004(c)(2)(B), 1001.004(c)(2)(C), 1001.301(b), 1001.301(c)

Resolution: Cease and desist from any and all representations that he is a professional engineer in Texas and to eliminate the designation "P.E." after his name on any and all documents issued in Texas and a \$1,500.00 administrative penalty.

Ernest Hedgcoth, P.E.; Fort Worth, Texas, Case Number: D-32098

Violation: It was alleged that after inspecting two columns as part of a construction project, Hedgcoth signed and affixed his Texas engineer seal to a Special Inspection Certificate which appeared to certify all the columns were inspected. Therefore, it appeared that Hedgcoth's certification was misleading based on his failure to state that his inspection certificate was intended to certify only the two columns he inspected.

Rule Violated: 137.57(b)(3)

Resolution: One year probated suspension, a \$1,300.00 administrative penalty and completion of an engineering ethics course.

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New Legislation for Windstorm Roster (HB 3)

Governor Perry called the Texas Legislature into a special session in June of this year and one of the specific issues he asked the legislators to address was the Texas Windstorm Insurance Assistance program administered by the Texas Department of Insurance (TDI). House Bill 3 by Representative Smithee was passed, signed by the Governor, and became effective September 28, 2011.

Among other things related to the Windstorm program, HB 3 modified the Windstorm Inspector Program, which is handled by TDI. Under the previous TDI statute and rules, any Texas licensed professional engineer could apply to be an appointed windstorm inspector. HB 3 changed the process to require TBPE to establish a roster of engineers who are qualified to do design for buildings in high wind areas, which is a defined geographical area along the coast of Texas. TDI will only appoint Windstorm Inspectors who are on this list. The new roster is a voluntary list which engineers may apply to be on which will be the basis for qualification for TDI appointment as a windstorm inspector.

It is important to note that application and inclusion on the new roster that TBPE will develop does NOT automatically make the PE an appointed windstorm inspector, nor does it affect any current listing by TDI as a windstorm inspector. TDI is in the process of revising the windstorm inspector appointment process and will use the TBPE roster as one of the requirements for re-appointment or new appointments as a windstorm inspector. TDI will include a transi-

tion period to allow Texas licensed engineers currently appointed time to go through the new process.

HB 3 requires that the Board adopt rules related to the roster by December 1, 2011, and TBPE staff worked in consultation with TDI staff to craft the process and the language in compliance with the new law. Rule 137.19 was adopted by the Board at its meeting on November 17 and became effective December 11, 2011. Beginning early 2012, the Board will be accepting applications from engineers who want to be on the TBPE roster. TDI will also be proposing rules during 2012 to complete the revised windstorm inspector appointment process.



TBPE has established a webpage (see the link below) containing information about the statute, the new rule and the associated procedures. There is information on the application process and answers to many frequently asked questions that have been received since the law became effective. The process for application to be on the roster will include submittal of evidence of competence in specific technical subject areas related to design in high wind areas, which can be based on education, experience, or examinations. Applicants will also complete a competency verification which will assure familiarity with appropriate windstorm building codes and standards.

For a copy of the new rules, a list of frequently asked questions, and other information regarding implementation of HB 3, please visit: <http://engineers.texas.gov/windstorm.html>.

ENGINEERING FIRMS Assessed 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.

Building Inspection Services, Inc.; Arlington, Texas; assessed a \$750.00 administrative penalty.

Sitework Engineering, L.L.C.; El Paso, Texas; assessed a \$500.00 administrative penalty.

Alliance Geotechnical Group of Austin, Inc.; Elgin, Texas; assessed a \$500.00 administrative penalty.

Foundation Inspections, L.P.; Dallas, Texas; assessed a \$500.00 administrative penalty.

Cadick Corporation; Garland, Texas; assessed a \$500.00 administrative penalty.

CSD Engineering Group, Inc.; Houston, Texas; assessed a \$500.00 administrative penalty.

Geotek, Inc., dba TECOM Engineering; Corpus Christi, Texas; assessed a \$100.00 administrative penalty.

Licensing NEWS

Well, it's time again for me to update you on all the things the agency has been doing regarding licensing. First, and most obvious, we made it through another legislative session. As you will see in other articles about the Legislative session, there were a few bills that directly affect licensing in Texas. Petroleum engineers, engineers involved in building design and structural designers in windstorm areas were specifically addressed. Since the session, we have been working through all of the issues by talking to stakeholders and other agencies to develop rules and procedures.

Our collaborative efforts with the Texas Board of Architectural Examiners regarding implementation of HB 2284 and with the Texas Department of Insurance regarding implementation of HB 3 have been focused on helping to communicate the changed requirements to all affected engineers. For each change to the Act, we have developed webpages where we have tried to address the common concerns and questions. We are also planning focused outreach events for the same purpose. The complete implementation of HB 3 and the development of the required roster will be a major project for licensing staff for the next year. But while some of these changes are significant, they won't directly effect licensing or renewal processes for most of our 55,000 licensed Texas PEs. Go to our website to see the latest on our legislative implementation.

The second big thing in licensing this year was actually a continuation of efforts from last year. We implemented an online application process, which allows us to accept the form and fee online. Even in the initial six months of implementation we've seen approximately 50% usage increase of the online application versus the paper version. The next stage will include being able to submit



*David Howell, P.E., TBPE
Director of Licensing*

even more of the required documents electronically. While it may be a while before we have a completely paperless system, we want to use technology to make the process as efficient as possible.

We also made some changes to the way exam registration fees are handled. Last year, NCEES implemented the national Examinee Management System (EMS), but our agency retained the function of fee collection to make sure the new system proved to be reliable before our applicants' money was involved. After two successful exam registration cycles, we are now allowing the collection of exam fees through the EMS. This will streamline the process even further for our examinees.

The new two-day Structural Engineering exam was launched in April. The exam is broken down into a Lateral Forces component and Vertical Forces component. We had people register for one or the other and some that took both. An examinee must receive "acceptable results" on both components to pass the exam. Based on the numbers we've seen so far, this is a pretty tough exam. There are 7 Texas PEs who have passed the complete exam (both days) so far. We have the numbers posted on our website.

Speaking of the website, this is a good place for my normal plug for our online license and registration management system, ECHO. You can update information for your license or firm registration or renew them there. Whether you do it in ECHO or the old fashioned way by mail, please keep your information current. We have increased our use

of email communication to share what's going on with the Board as well as to get your input. It was extremely useful during the legislative session and will be as we go forward. We can definitely serve our customers better with more communication.

Lastly, just a reminder, did you know that a single-employee engi-

neering company is considered a Sole Practitioner under our rules whether it is incorporated or not? All single-employee engineering firms pay a reduced renewal amount.

As always, please give us your questions or ideas for changes to improve efficiency of our processes. Email us at licensing@engineers.texas.gov.

During the February 17, 2011 Regular Quarterly Board Meeting, Shannon McClendon and Jose Cardenas, P.E. were honored for their service to the Board.



Pictured from left to right are Daniel Wong, Ph.D., P.E.; Carry Baker; James Greer, P.E.; Elvira Reyna; Jose F. Cardenas, P.E.; Shannon McClendon; Gary W. Raba, D. Eng., P.E.; Lamberto (Bobby) Balli, P.E. and Edward L. Summers, Ph.D.

2011 Distinguished Engineer of the Foundation

TBPE Executive Director Lance Kinney, P.E. was recognized on June 22, 2011, as the 2011 Distinguished Engineer of the Foundation by the Texas Engineering Foundation Board of Trustees. The award is bestowed by the Board of Trustees upon a person in recognition of distinguished service in the technical advancement or the professional development of engineering or both.

Kinney has been with the Board for over nine years and is responsible for all agency programs and activities, including legislative, rules, budget, and policy issues. Kinney represents the Board at statewide and national functions. Prior to working at the Board, he worked in the semiconductor industry for 11 years.

Pictured above is Elbert W. Link, P.E., F.NSPE, Chair, Texas Engineering Foundation and Lance Kinney, P.E.



Employee Recognition



Left:

TBPE Recognized Employees

Three times a year, a TBPE employee is recognized for exemplary service to the Board. Recently recognized employees pictured in clockwise order from left are Debbie Trevino, program administrator; Misti Schumate, CTPM, CTCM, purchaser; and Mason Schoolfield, programmer, ISO.

Right:

Four new smiling faces recently joined the staff at TBPE. Pictured in clockwise order from bottom left are: Iris Castro, licensing specialist; Deverett Morrow, network specialist; Dewey E. Helmcamp III, J.D., staff attorney; and Ruschelle Robinson, receptionist.



New Legislation for Engineer/Architect Overlap

The Texas Legislature met during the regular called session January 11 through May 30, 2011, where the esteemed members considered over 10,000 bills and resolutions. At the end of the session, over 5,500 bills had become law, and one of the most significant for the Board of Professional Engineers is House Bill 2284 by representative Hardcastle.

HB 2284 changes both the Texas Engineering Practice Act and the Texas Architect Practice Act to define what activities constitute engineering and what activities constitute architecture, as well as defining the overlap of the two. The new legislation was the culmination of several years of discussion between leadership in the professions of architecture and engineering about what distinguishes the practice of one profession from the other.

In addition, an engineer who has been practicing architecture, as defined in the Texas Architect Practice Act prior to HB 2284, may apply to TBAE to be included on a list that allows said engineer to continue that practice. The process for application includes submittal of three projects which will be reviewed by a committee. The deadline for the submittal is December 31, 2011. As of the end of October, two engineers have been placed on the list which can be viewed at the TBAE or TBPE websites.

Finally, the bill abolishes the Joint Advisory Committee and provides for a task force to continue to work on any remaining grey areas of practice between the professions.

The staff of TBPE has worked together with the Texas Board of Architectural Examiners (TBAE) staff to communicate to our licensees and to develop a clear and consistent message about the changes to law. The message, intended to clarify the new requirements, has been well-received. The two agencies have collaborated and shared authorship in an effort to reach the public through a variety of means such as agency websites, mass emails to practitioners, and joint outreach presentations.

For a list of frequently asked questions, please visit: <http://engineers.texas.gov/overlap.html>.

HB 2284 changes both the Texas Engineering Practice Act and the Texas Architect Practice Act to define what activities constitute engineering and what activities constitute architecture, as well as defining the overlap of the two.



FE, FS Exams Begin Transition to Computer-Based Testing

The National Council for Examiners of Engineers and Surveyors (NCEES) has begun the process of converting the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams to a computer based format.

The decision followed a prolonged task force research study. This transition will allow greater scheduling flexibility for examinees, more uniformity in testing conditions, and enhanced security for exam content.

The exams will be administered by Pearson VUE, a global leader in computer-based testing, and delivered through their owned-and-operated network of Pearson Professional Centers, as well as other select locations as determined by NCEES.

Currently, the plan is for the FE and FS exams to be offered in a paper-and-pencil format for the last time in October 2013. The computer-based exams will be offered in early 2014. The PE and PS exams, which engineering and surveying candidates are required to take after completing work experience requirements, will continue to be paper-and-pencil exams. An NCEES task force, chaired by TBPE Executive Director Lance Kinney, P.E., has been charged with researching the future conversion of the PE and PS exams.

Timeline for implementation of computer-based administration of FE and FS exams

June to August 2011

- The FE and FS content reviews develop exam specifications

August 2011 to August 2012

- The FE and FS content reviews completed.
- Exam item banks assessed, item-writing sessions held.
- State licensure boards ensure legislative authority
- Policies will be presented for adoption at the 2012 NCEES annual meeting.

August 2012 to August 2013

- Questions developed

October 2013

- Paper-and-pencil FE and FS exams offered for the last time.

January 2014

- The FE and FS exams administered electronically for the first time.

Continued from pg 1

long term and will result in fewer violations specific to these areas of practice.

In addition to our other duties, C&E is also tasked with receiving and responding to formal requests for policy advisory opinions for scenarios not explicitly answered by the Act & Rules. I would like to encourage any of you who need interpretations or have scenarios needing clarification, to please contact any of our team members and we will make every effort to get you the correct answer in a timely manner.

We are fine-tuning our internal processes to focus on reducing the cycle time for complaints and improving communications to and from everyone.

Enforcing the Act & Rules is what the C&E division is charged to do, and we are focused on doing it the best and most efficient way possible. We encourage the public and the licensed community to contact us at any time, via our website, telephone, mail, email, or facsimile for assistance in rule interpretation, filing a complaint, or with suggestions as to how we might be able to perform our charges better.



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

TBPE Outreach Program Continuing Education, Licensure, Ethics, Compliance & Enforcement

For fiscal year 2011 (September 1, 2010 through August 31, 2011), TBPE staff and Board members made over 153 public appearances to nearly 9,000 engineering professionals and students all over the state. The Board and staff 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 via our web form at: <http://engineers.texas.gov/presentation>.

Outreach Program Attendees



Continued from page 6

Vera Green, P.E.; Galveston, Texas, Case Number: D-32444

Violation: It was alleged that Green submitted a WPI-2 form to TDI for windstorm insurance coverage inspections that reflected the wrong exposure category for the structure inspected. Further, it was alleged that Green submitted WPI-2 forms to TDI for roofing projects on two other structures certifying that the installed roof systems complied with cited windstorm codes; however, TDI subsequently found that the roof systems as constructed did not meet the cited codes. Therefore, it appeared that the above-mentioned WPI-2 forms submitted by Green were misleading, that she failed to endeavor to meet the cited codes and that she was not acting as a faithful agent or respectful of her clients.

Rules Violated: 137.57(b)(3), 137.63(b)(1), 137.63(b)(4), 137.63(b)(5)

Resolution: One year probated suspension, a \$1,240.00 administrative penalty and completion of an engineering ethics course

Laurence Legaspi Laserna, P.E.; Beaumont, , Case Number: D-32445;

Violation: It was alleged that Laserna signed and affixed his Texas engineer seal to WPI-2 Forms submitted to the Texas Department of Insurance (TDI) for 13 re-roofing projects certifying that the completed construction complied with windstorm codes. Inspections of the projects performed by TDI inspectors disclosed numerous construction issues that did not appear to comply with the cited windstorm codes; therefore, Laserna was asked to provide TDI with additional information/documentation to substantiate his certifications. However, Laserna failed to provide the

requested information; thus, it appeared that his certifications were misleading.

Rule Violated: 137.57(b)(3)

Resolution: One year probated suspension, a \$1,100.00 administrative penalty and completion of an engineering ethics course.

Nigel Matthew Henry Ottwa Brown, P.E.; Dallas, Texas, Case Number: D-32991;

Violation: It was alleged that Brown signed and affixed his Texas engineer seal to engineering plans for several projects during a period when his Texas engineer license was expired and his firm registration was inactive, due to the expired status of his engineer license since he was the only Texas licensed professional engineer in his firm. Therefore, it appears that Brown practiced engineering and affixed his seal to engineering documents when his Texas engineer license was expired and while his firm did not have an active firm registration.

Statutes/Rules Violated: 1001.405, 137.37(2), 137.77(a), 137.77(d), 137.77(e)

Resolution: Formal reprimand and a \$975.00 administrative penalty.

Fadi (Fred) Souhail Dally, P.E.; Missouri City, Texas, Case Number: D-32340

Violation: It was alleged that Dally signed and affixed his Texas engineer seal to engineering plans for a Texas project on May 11, 2010; however, Board records show that his Texas engineer license expired on December 31, 2009, and was not renewed until June 21, 2010. It was also alleged that Dally issued these plans under a firm name that his records did not reflect an employee relationship and which was not registered with the Board. Therefore, it appeared that he practiced engineering for the Texas project

and used his Texas engineer seal during a period when his Texas engineer license was in an expired status; that he did not notify the Board of an employer change within 30 days of that change; and that he provided engineering services for a firm that was not registered with the Board.

Statutes/Rules Violated:

1001.401(c); 1001.405; 137.37(2); 137.5(a); 137.77(a); 137.77(d)

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

Mark Donohue, P.E.; Lewisville, Texas, Case Number: D-32715

Violation: It was alleged that Donohue signed and affixed his Texas engineer seal to engineering plans during a period when his Texas engineer license was expired and his firm registration was inactive, due to the expired status of his engineer license since he was the only Texas licensed professional engineer in his firm. Therefore, it appears that Donohue practiced engineering and affixed his seal to engineering documents when his Texas engineer license was expired and while his firm did not have an active firm registration.

Statutes/Rules Violated: 1001.401(c), 1001.405, 137.37(2), 137.77(a), 137.77(d), 137.77(e)

Resolution: Formal reprimand and a \$530.00 administrative penalty.

Salah Al-Deen Yousef, P.E.; Overland Park, Kansas, Case Number: D-32299

Violation: It was alleged that Yousef signed and affixed his Texas engineer seal to engineering plans for a Texas project on April 28, 2010; however, Board records show that his Texas engineer license expired on June 30, 2009, and was not renewed until June 24, 2010. Therefore, it appeared that he practiced engineering

for the Texas project and used his Texas engineer seal during a period when his Texas engineer license was in an expired status.

Statutes/Rules Violated:

1001.401(c); 137.37(2); 137.7(a)

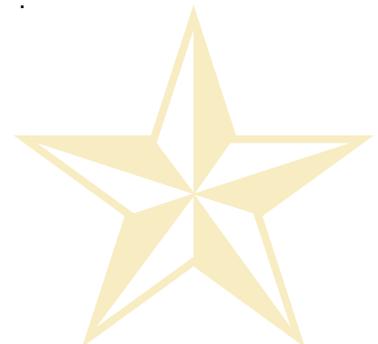
Resolution: One year probated suspension, a \$500.00 administrative penalty and completion of an engineering ethics course.

Leonel Ruiz, P.E.; Cedar Creek, Texas, Case Number: D-32301

Violation: It was alleged that Ruiz was hired as a part-time employee of a firm that was registered with the Board; but, which no longer had a full-time employee that was a Texas licensed professional engineer and that in his capacity as a part-time employee, Ruiz signed and sealed engineering documents issued by the firm. Therefore, it appeared that Ruiz was involved in a relationship with a firm that no longer qualified for firm registration which resulted in the firm providing engineering services without having a valid firm registration and that he failed to prevent the association of his name and engineer seal with this firm when he should have known that it did not have a full-time Texas licensed professional engineer on staff.

Rule Violated: 137.51(d)

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



NCEES Southern Zone Meeting

The National Council of Examiners for Engineering and Surveying (NCEES) held its annual Southern Zone meeting in Austin, Texas last April. Representatives from sixteen states came to the Lone Star State where TBPE hosted the conference. The Southern Zone meetings are a chance for regional voting on recommendations to NCEES for important issues such as computer-based testing and licensing requirements. The TBPE Austin staff assisted in showing the NCEES leadership southern hospitality Texas style!



In Memoriam

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

Harry E. Bovay, Jr., P.E.; Houston, TX
 Kenneth K. Mercer, P.E.; Houston, TX
 Frank N. Baldwin, Jr., P.E.; Houston, TX
 W. B. Phillips, P.E.; Houston, TX
 S. S. Hall, Jr., P.E.; Lake Charles, LA
 Jack L. Anderson, P.E.; Stephenville, TX
 D. P. McDuff, P.E.; Manor, TX
 J. B. Harrell, Jr., P.E.; Abilene, TX
 Craig B. Kennedy, P.E.; San Antonio, TX
 Price T. Smith, P.E.; Pampa, TX
 F. Tuck Focht, P.E.; Kenney, TX
 Billy A. Hardie, P.E.; Ft. Worth, TX
 Geo L. Aubrey, P.E.; Washington, DC
 Jack H. Hamilton, P.E.; Dallas, TX
 William J. Foran, P.E.; Amarillo, TX
 W. M. Parr, P.E.; Amarillo, TX
 Eugene V. Forsythe, P.E.; Mexia, TX
 M. Lynn Chapman, P.E.; Sulphur Springs, TX
 Richard D. Vaughan, P.E.; Ormond Beach, FL
 W. C. Cornell, P.E.; Dallas, TX
 Bobby D. Holmes, P.E.; Weatherford, TX
 David M. Olive, P.E.; Houston, TX
 J. R. Harbaugh, P.E.; Spring, TX
 John L. Dannelley, P.E.; Amarillo, TX
 G. W. Staples, P.E.; Ft. Worth, TX
 John V. Hilliard, Jr., P.E.; Alice, TX
 James T. Bonner, P.E.; Ft. Worth, TX
 Harry A. Wall, Jr., P.E.; Austin, TX
 Francis B. Kieren, P.E.; San Antonio, TX
 Harvey O. Mohr, P.E.; Houston, TX
 E C Culton, P.E.; Ft. Worth, TX
 George A. Tuttle, Jr., P.E.; Lewisville, TX
 Douglas Bynum, Jr., P.E.; Montgomery, TX
 Romeo H. Freer, Jr., P.E.; Naples, FL
 Gilbert C. Schutzka, P.E.; Houston, TX
 Victor M. Larrumbide, P.E.; San Antonio, TX
 Howard K. McMichael, P.E.; McKinney, TX
 H. G. Rice, P.E.; Tennessee Colony, TX
 Guy Priestley, P.E.; Richards, TX
 Mark Shepherd, Jr., P.E.; Quitman, TX
 Keys A. Curry, Jr., P.E.; Houston, TX
 Raymond A. Mitchell, P.E.; Palacios, TX
 Clifford H. Ownby, P.E.; Houston, TX
 Robert Lee Scott, P.E.; Arlington, TX
 Donald A. Decker, P.E.; Arlington, TX
 J. T. Acuff, P.E.; Green Valley, AZ
 Jesse C Holloway, P.E.; Greenville, TX
 Donald K. Judd, P.E.; Midland, TX
 Richard G. Shanks, P.E.; Spring, TX
 Joseph E. Wheeler, Jr., P.E.; Houston, TX
 Dan S. Petty, P.E.; Dallas, TX
 W. H. Nichols, P.E.; Houston, TX
 A. W. Augustson, P.E.; Ft. Worth, TX
 Fred Houlton Moates, Sr., P.E.; Eatonton, GA
 Richard Clayton Kerr, P.E.; Edina, MN
 Eldridge Eugene Davis, Jr., P.E.; Houston, TX
 Charles Waitus Floyd, P.E.; Ransom Canyon, TX
 Eleusipo Labrada, P.E.; Houston, TX
 Charles Edward Lanford, Jr., P.E.; Lago Vista, TX
 Arnaldo Manuel Guerra, P.E.; Harlingen, TX
 Joseph Lee Sicinski, P.E.; Spring, TX
 Daniel William Ruth, P.E.; Allen, TX
 Charles Carleton Lasalle, P.E.; Abilene, TX
 John William Parsley, P.E.; Galveston, TX
 Ronald Jerome Miska, P.E.; Plano, TX
 Merrill Robert Good, P.E.; San Antonio, TX
 Donald Gene Dressler, P.E.; Gravois Mills, MO
 David Joe Runnels, P.E.; Orange, TX
 Ranjit Lal Bandyopadhyay, P.E.; Martinez, GA
 Thomas Henry Clark, P.E.; Nashville, TN
 James Bryan Robinson, P.E.; Fayetteville, AR
 Robert Ray Jester, P.E.; Humble, TX
 Roy Farrar Moore, Jr., P.E.; Houston, TX
 Nicholas George Cristy, P.E.; Ballston Spa, NY
 Charles Eugene Allison, P.E.; Friendswood, TX
 David Michael Balk, P.E.; Virginia Beach, VA
 Ronald Raymond Gentry, P.E.; Austin, TX
 Bernard William Sandner, P.E.; Houston, TX
 Lynwood G. Weiss, Jr., P.E.; Goliad, TX
 Alvin Bradley Groves, P.E.; San Antonio, TX
 Richard Forrest Glascock, II, P.E.; Murfreesboro, TN
 William Winborne Hope, P.E.; Benton, AR
 Larry Edward Fitchhorn, P.E.; Norcross, GA
 Harvey Hsi-Hsien Chu, P.E.; Houston, TX
 Stanley James Campbell, P.E.; Central, LA
 David Matthews Laura, P.E.; Spring, TX
 Robert Lewis Millard, II, P.E.; Flower Mound, TX
 Douglas Albert Garnett, P.E.; The Woodlands, TX
 Jack Norman Whitmire, P.E.; Victoria, TX
 Robert Frank Harris, P.E.; Austin, TX
 Richard Alan Mueller, P.E.; Spring, TX
 Ivan Leon Carwell, Jr., P.E.; Richardson, TX
 Theodore James Moody, P.E.; Plano, TX
 David Jackson Hatch, P.E.; Plano, TX
 Richard Allen Pearce, P.E.; Charlotte, NC
 Prafulla Pillai, P.E.; Houston, TX
 Richard Alan Henry, P.E.; Huntsville, TX
 Scott Robert Triphahn, P.E.; Hoffman Estates, IL
 Richard George Vaughan, P.E.; Albuquerque, NM
 Timothy Stewart Cooke, P.E.; Ottawa, ON
 David Max Beene, P.E.; Albuquerque, NM
 Henry John Hignett, P.E.; Golden, CO
 Scott M Freye, P.E.; Verona, WI
 Brett L. Walker, P.E.; Pflugerville, TX

Board Rule Updates

The following are summaries of significant rule changes that were adopted by the Board during the last year. Please refer to the TBPE web site at <http://engineers.texas.gov/downloads.htm> to view or download complete copies of the current law and rules.

Rule	Description and Effective Date
§131.15	This amendment changes the frequency of the General Issues Committee meetings to an as-needed basis. Effective December 19, 2010
§133.25	Provides clarification that the rule applies to engineering professors who teach classes at colleges and universities in Texas as their primary employment. Effective December 19, 2010
§133.27	Modifies the requirements for Temporary License applicants from Canada based on the signed Mutual Recognition Agreement between the TBPE and Engineers Canada. The requirements for applicants from Canada are the same as those in the current rule for applicants from Australia. Effective March 10, 2011
§137.5	This amendment modifies the list of required notifications to include the requirement to notify the TBPE of any legal name change. It also removed the requirement to present a reason for an employment change. Effective September 13, 2011.
§137.9	This amendment modifies the existing rule language to be consistent with the current requirements in Texas Education Code §57.491 which requires a licensing agency such as the TBPE to deny a renewal of a license if the license holder is reported as delinquent by the Texas Guaranteed Student Loan Corporation.. Effective September 13, 2011.
§133.27	Clarifies the number of reference statements required for an international temporary license. Effective September 13, 2011.
§133.61	This amendment allows a contracted exam administration company to collect exam registration fees and handle fee refunds and transfers for the National Council of Examiners for Engineering and Surveying exams. Effective September 13, 2011.
§133.67	Amends the current rule, requiring that people taking the National Council of Examiners for Engineering and Surveying Structural Principles and Practice of Engineering (PE) exam must receive an "acceptable result" for both components of the two-day exam within four exam administrations. Effective September 13, 2011.
§133.73	Amendment clarifies how examinees who fail the exams are notified, clarifies the grading verification options available, and states that acceptable results must be received for both components of the Structural PE exam for the exam to be considered passed. Effective September 13, 2011.
§131.15	This amendment removes the requirement for the Joint Advisory Committee with the Texas Board of Architectural Examiners pursuant to the changes made to the Texas Engineering Practice Act by House Bill 2284 in the 82nd Regular Legislative Session. Effective December 11, 2011.
§137.19	This new rule implements changes made to the Texas Engineering Practice Act by House Bill 3 in the 82nd First Called Special Legislative Session, requiring the Board to establish a roster of Professional Engineers who are qualified to perform engineering services related to the design of structures in windstorm areas. Effective December 11, 2011.
§137.51	This amendment adds clarity and specificity to when the board expects written responses from board requests, aligning with agency practice of twenty-one days. Effective December 11, 2011.
§139.35	Provides clarifications and changes to the sanction tables in existing rules. Effective December 11, 2011.

CONGRATS TO ENGINEERS LICENSED OVER 50 YEARS

Each year the Board acknowledges individuals who have maintained their P.E. license for over 50 years by mailing them an honorary certificate and a letter from Governor Rick Perry. This year's certificates were mailed out December 15, 2011. If you have been licensed over 50 years and did not receive a certificate, please send us an email to info@engineers.texas.gov. We will get one out to you.

Additionally, the complete listing is located on our web site at: <http://engineers.texas.gov/50>.





Texas Board of Professional Engineers
Engineering For A Better Texas

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New Look for TBPE

You may have noticed that TBPE and Engineering Express are sporting a new look. As you read through the newsletter you will notice that there are lots of changes happening with the agency, and what better way to illustrate improvements than a new look and feel. We have a new logo as well as our domain name and we will be changing our website in the coming months to be more user friendly among other changes. So keep looking for service enhancements from TBPE and good things to come, and we will keep you posted. In the meantime, visit <http://engineers.texas.gov> and keep your email updated with us for continuing news and information.

We want to hear from you!

In our ongoing commitment to improving agency services, TBPE is asking for your feedback. Drop us an email, pick up the phone, or go online to the customer service survey that takes about five minutes to fill out. It can be found at <http://engineers.texas.gov/feedback>.

Please note that our website address recently changed: <http://engineers.texas.gov> The site is the same for now but we will be changing it in the coming months to be more user friendly.

