

## Protecting the Public is Every Engineers' Job

**"The practice of engineering is an established and respected profession, and the ability and character of those who meet the State's requirements to become professional engineers are not in question. However, the work professional engineers do has a significant bearing on the safety and welfare of all Texans that justifies the continuing need for state regulation. For that regulation to be effective, the Texas Board of Professional Engineers must have the proper tools to deal with those who do not comply with established requirements and pose a risk to the public." —Summary of Results, Sunset Advisory Commission**

### A Message from the Chairman

As every professional engineer knows, the purpose of the Texas Engineering Practice Act and the mission of the Texas Board of Professional Engineers is to protect the public health, safety, and welfare. This Board does this by licensing qualified engineers and by enforcement of the laws and rules. In my time as a Board member and now as Chairman of TBPE, I have found that this agency does this exceptionally well, and



*Dr. Daniel O. Wong, Ph.D., P.E.  
Chairman*

this view has been echoed by the Legislature and the Sunset Advisory Commission. We now have over 59,000 licensed engineers and handle hundreds of cases each year in a timely and fair manner. Agency staff, Board, and Emeritus members travel all over the state giving ethics outreach presentations to engineers. The Board researches and develops policy advisory opinions to assist in clarifying the laws and practice of engineering. All of this and much, much more are how the Board helps to protect the public.

However, there is another key component that is critical for the public protection. One that isn't always obvious to the public, isn't talked about very often, and in many cases can be hidden in plain sight, especially when it is working at its best. What is it? YOU. The Texas Licensed Professional Engineer.

As noted in the quote above from the Sunset Advisory Commission in their review of TBPE, the capabilities of Texas engineers are not in question. TBPE verifies an engineer's competency to be licensed via the 3 E's — education, experience, and examination — and set requirements for continuing education so engineers can continue to learn and progress in their practice. But it is the actual competent, professional, and ethical practice of engineers on a daily basis that ensures the safety of the public.

In the same way, the Board has laws, rules, and enforcement procedures to make sure we can catch the technically or ethically challenged engineers and prevent those that are unlicensed and unqualified from offering or practicing engineering. In fact, the Board has demonstrated that it so trustworthy and effective with its

*Continued on pg 2*

*From the Executive Director*

Looking back, 2013 was a busy year with the agency Sunset Review and the Legislative Session (see page 10 for more information), and 2014 is turning out to be even busier here at the Board of process changes and improvements, quality initiatives, and implementation of the Criminal History Record Check (CHRC) requirement (page 3).

The staff here at TBPE is focused on providing the best service to the public and our licensees. Our award winning quality program, the Journey Toward Excellence, has allowed us to implement many customer focused processes, such as our application tracking system and our new Compliance & Enforcement database, along with our revised website design, social media presence, and ethics and licensing webinar programs. Activities such as these have kept our customer service ratings high and our customer feedback has been positive.

Part of our improvement process includes constant feedback and input from licensees, the public, and our advisory and stakeholder groups, and a focus on planning and coordination with an eye toward the

*Continued on pg 2*

**Criminal History Record Check**

3



**Enforcement**

4  
**NEWS**

**Disciplinary Actions by the Board**

**TBPE Journey Toward Excellence**



13

**C&E Process Improvement Program**

*Continued from Chairman*

compliance and enforcement efforts that the Legislature entrusted the Board with additional enforcement capabilities as recommended by the Sunset Commission, such as an increase to the maximum fines, the ability to issue cease and desist orders, and for immediate threats to public safety, emergency suspensions.

While the Board receives and processes hundreds of cases each year, it doesn't see every engineering design, it doesn't review every report, and it doesn't make the critical technical and ethical decisions on key infrastructure, building, and design projects on a daily basis. Instead, you – Texas licensed professional engineers – are the eyes and ears of the Board and are obligated to report any issues with the unsafe and unlawful practice of engineering to the Board. We rely on you to be professional, ethical, and technically competent and to recognize and report when others are not meeting their professional requirements.

Another important aspect of what we do is related to visibility – of engineering as a profession, of professional engineering licensure, and of the actions of the Board. If the public doesn't know what a professional engineer is and what they do, when an engineer is needed, or even that the Texas Board of Professional Engineers exists, then how can they know when to employ an engineer, what standards of practice to expect, or who to contact when there is a problem? If you think about it, when an engineer is doing their job well, their work is invisible. The public has an expectation for safety - bridges will stand, roads and buildings will be safe, power and water will be reliable and clean, cars and electronics will work whenever they are needed. They don't realize that behind everything they do and everything they touch every day, there are engineers. It is only

when there is a problem do people really think about it.

This sentiment is reinforced by President Emeritus of the National Academy of Engineering, Dr. Charles M. Vest. "Highlighting the importance that engineers play in shaping our society's future is critical to making progress toward the goal of greater public understanding of engineering. This requires greater effort from engineering programs, professional societies, industry, and others in the engineering community who want to promote a more dynamic image of the profession."

To continue to advance the profession and protect the public, I think we all need to make sure people know about all of the good things that engineers do and the high standards that professional engineers represent. Protecting the public health, safety, and welfare is the job of the Texas Board of Professional Engineers – and of ALL licensed professional engineers.

*Continued from Director*

future. TBPE has moved beyond the minimum legislative requirements to review and revise our strategic planning implementation on a yearly basis. The Board will continue the process this summer, and we value your input. We'll be sending out customer service surveys to a sample of our licensee and EIT population and you can volunteer your comments at <http://engineers.texas.gov/feedback>.

As a reflection of this hard work, I am proud to announce that the agency has been recognized for the third time in four years by the Quality Texas Foundation (<http://www.texas-quality.org/>) for the implementation of the national Baldrige Criteria for performance excellence (pg. 7). TBPE is the only state agency to have reached this level, and we are excited about this recognition and pledge to continue on our journey to improve all of our

processes and procedures and strive to be the best state agency in Texas and the nation.

However, the programs that we have put in place are not finished, and we are getting new mandates all the time that compete with resources. An example of this is the CHRC process that was part of our Sunset Bill (Senate Bill 204) from the 83rd Legislative Session (2013). Since we received this legislative mandate, the TBPE staff has spent a majority of our time and energy to develop and implement the CHRC process to be as simple and effective as possible. We have been working with the Department of Public Safety (DPS) and their sole vendor, MorphoTrust, to get the system up and running, and we are working with them every day to iron out the problems and issues as they occur. We realize that this requirement has put a burden on all licensees and we are committed to meeting this legislative requirement. In usual TBPE fashion – we will get this done.

In addition to these quality improvements and legislative requirements, the Board has also been instrumental in the implementation of several programs on a national and international front. Two examples are the development and launch of the delivery of the Fundamentals of Engineering exam via Computer Based Testing and taking a leading role in international licensure.

The Texas Board has been very involved in the move of the Fundamentals of Engineering (FE) exam from paper-and-pencil delivery to a Computer Based Testing (CBT) format (see page 3 for more information). This transition started in January 2014 and we are very excited about the benefits CBT brings for our young engineers, including more testing opportunities (from 2 days / year to 8 months of Monday through Friday testing), quicker grade turn-around (from 6-8 weeks to approximately one week), and the ability to take

the FE at any Pearson VUE testing location in Texas or anywhere in the U.S. The next step will be to work with NCEES on transitioning the Principles and Practice (PE) exams to CBT in the next few years.

On the international front, TBPE continues to lead the way with more opportunities for comity licensure with other countries through formal licensure agreements. The Board recognizes that the protection of public health and safety is paramount on all projects no matter where they are located and there are engineers practicing all over the world. Given the global nature of engineering practice, it is important that we be active participants in the process. Therefore, TBPE has entered into agreements that allow qualified Texas PEs to become licensed and practice in other countries, and for engineers from those countries to become licensed in Texas. In addition to our current agreements with Canada, Mexico, and Australia, TBPE has recently entered into an agreement with the Japan PE/FE Examiners Council (JPEC) and the Korean Professional Engineer Association (KPEA).

As you can see, we have indeed had a busy year behind us and are excited about the opportunities that lay ahead. On behalf of the staff here at TBPE, I want to thank you all for your hard work you do every day and we look forward to serving you and the public of the state of Texas in the coming year.



—Lance Kinney, P.E.

## Computer Based Tested Started in 2014

The engineering licensure exams have entered the digital age. For the past few years, the National Council of Examiners for Engineering and Surveying (NCEES) has been working towards moving the Fundamentals of Engineering (FE) exam to computer based testing (CBT). All of those efforts have paid off and on January 2, 2014, NCEES launched the FE via CBT.

The last paper and pencil FE exam was given in October 2013. Examinees should see advantages immediately as the exam is now available on a semi-continuous schedule instead of just two days per year. Exam grades will be available in most cases within a week, and exam security will be greatly enhanced. All exams are given at Pearson VUE testing centers.

Registration for the CBT FE is open now – just go to <http://cbt.ncees.org/> for more information and to schedule your exam. NCEES will next start work on migrating the Principles and Practice of Engineering (PE) exams to CBT as well with a launch date no sooner than 2015.

## Criminal History Record Check



Senate Bill 204 passed by the 83rd Texas Legislature modified the Texas Engineering Practice Act to require a one-time Criminal History Record Check (CHRC) for all renewals of active PE licenses and for all new PE license applications starting January 1, 2014. Process information and FAQ may be found here: <http://engineers.texas.gov/recordcheck>.

The fingerprint-based record check is done through the Texas Department of Public Safety and its vendor, MorphoTrust. There is a one-time processing fee. Applicants and licensees in Texas are able to make an appointment at a MorphoTrust location and submit the fingerprints electronically. Applicants and licensees outside of Texas will have their fingerprints taken on a standard FBI ink card at a local law enforcement agency and mail the card to MorphoTrust for processing

### Some of the most common questions we've gotten are:

#### If I've had a similar fingerprint based record check can I use that to meet this requirement?

No. The statute and the DPS system don't give us any options for using an existing criminal record check for TBPE purposes. For security reasons, requesting agencies are prohibited by law from sharing this information with each other. The agency code and applicant number are unique for this purpose and it'll have to be done again.

#### If I'm out of state where do I get the FBI fingerprint card (FD-258) to mail?

Out of state applicants use a fingerprint card and mail it to MorphoTrust in Illinois for processing. Local law enforcement agencies should be able to do the fingerprints and should have the FD-258 card. If you contact them and they don't have the card, we can mail one to you.

#### If I'm out of the country temporarily and will be gone until after my renewal date. Can I get an extension?

There are no provisions in the Act for extensions, but if you are not currently practicing in Texas, another option to consider is Inactive Status. In Inactive Status, you can renew without the CHRC and do it when you return and reactivate the license. If you choose that option, you can put your license into inactive status in the ECHO System, <http://engineers.texas.gov/echo> on our website.

**The CHRC is required for all active PE renewals during 2014. The process takes time – schedule your appointment now! Go to: <http://engineers.texas.gov/recordcheck>.**

### 6 Easy Steps for the Criminal History Record Check Process

Go to <http://engineers.texas.gov/recordcheck> to start.

1



Generate Fast Pass from TBPE

3



Have Fingerprints Taken at Morpho Trust or any Law Enforcement Agency

5



Provide Feedback (Optional)

2



Register and Pay at Identogo

4



Retain Evidence of Registration, Fingerprinting or Mailing of Fingerprint Card

6



Renew License Online With Evidence. You don't need to wait for the results.

**Bryan E. Martin; formerly of Corpus Christi, Texas; Case Number: D-33900**

**Violation:** On February 21, 2012, Martin pleaded guilty to one count of violation of 18 U.S. C. Section 2422(b), Enticement and encouragement of a Minor to Engage in Sexual Activity, and on May 30, 2012 was sentenced to a term of 120 months in a Federal Corrections Facility.

**Section/Rule Violated:** 139.43(a)

**Resolution:** Martin's Texas engineer's license was revoked effective November 29, 2012.

**Christopher Castillo; Monte Alto, Texas; Case Number: D-34686**

**Violation:** On September 13, 2012, Castillo pled guilty and was convicted of bribery of a public official, and was incarcerated for 48 months for that offense, a felony. Pursuant to Board Rule 139.43(a), the Board shall revoke the license of any licensee convicted of a felony and incarcerated as a result of that conviction.

**Section/Rule Violated:** 139.43(a).

**Resolution:** Castillo's Texas engineer's license was revoked effective August 29, 2013.

**Larry W. Brast; Sherman, Texas; Case Number: D-34613**

**Violation:** On March 28, 2013, Brast pled guilty and was convicted of Aggravated Sexual Assault of a Child, and on May 9, 2013, was incarcerated for 20 years for that offense, a felony. Pursuant to Board Rule 139.43(a), the Board shall revoke the license of any licensee convicted of a felony and incarcerated as a result of that conviction.

**Section/Rule Violated:** 139.43(a).

**Resolution:** Brast's Texas engineer's license was revoked effective August 29, 2013.

**Lawrence Fischer; Orlando, Florida; Case Number: D-34594**

**Violation:** Fischer was disciplined by another state in which he held an engineer license. Board Rule 137.65 authorizes the Board to take disciplinary action against a Texas licensed engineer if the acts in the

## 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.

other state which resulted in a disciplinary action would also violate the Texas Engineering Practice Act or Board rules if done in Texas. To resolve the Board's disciplinary action against him, Fischer agreed to the voluntary revocation of his Texas professional engineer license.

**Section/Rule Violated:** 137.65.

**Resolution:** Fischer's Texas engineer's license was revoked effective August 29, 2013.

**Larry W. Lang ; Indio, California; Case Number: D-33489**

**Violation:** Lang falsely certified that he had completed the required Continuing Education credits on his last license renewal. Following an audit in which he admitted to not have completed the Continuing Education requirement, he agreed to voluntarily surrender and revocation of his license to resolve the complaint.

**Section/Rule Violated:** 137.17(p)

**Resolution:** Lang's Texas engineer license revoked effective November 29, 2012.

**Manual Flores, P.E.; Los Fresnos, Texas; Case Number: D-34001**

**Violation:** Flores signed and affixed his Texas engineer seal to a certification that an entire re-roof project was eligible for insurance under the Texas Windstorm Insurance Association (TWIA) program when, in fact, the project did not include an entire re-roof, was not up to code provisions, and was not eligible for

certification or insurance by TWIA. Therefore, it was determined that Flores' actions were misleading and contrary to generally accepted engineering standards, and that he failed to perform this engineering assignment in a careful and diligent manner.

**Section/Rule Violated:** 137.57(b)(1) (2) and (3), and 137.63(b) (1) and (6).

**Resolution:** Probated revocation contingent upon successful completion of an engineering ethics Level II course.

**Don Anyanwu, PhD., P.E.; Dallas, Texas; Case Numbers: D-31880, D-31963 and B-31881**

**Violation:** Anyanwu signed and sealed an engineering plans for an addition to a retail store which did not meet code requirements as to wall and roof framing elements; he also designed and sealed numerous plans for a church including electrical, plumbing, mechanical, structural, and landscaping elements which did not conform to code requirements and failed city inspections; and he performed engineering work while his firm registration was lapsed. Therefore, it was determined that Anyanwu's actions were contrary to generally accepted engineering standards and that he failed to perform these engineering assignments in a careful and diligent manner.

**Section/Rule Violated:** 137.33(f), 137.55(b), 137.57(b) (3), 137.59 (a) and (b) and 137.63(b) (1) and (6),

137.77 (a) (d) and (e).

**Resolution:** Six year suspension effective May 23, 2013, with all but the first 12 months to be fully probated, a \$15,000.00 administrative penalty, and successful completion of an engineering ethics Level III course; also, after the active suspension is completed, Anyanwu will restrict his practice to mechanical engineering and will provide five completed projects to the Board for review every six months while he is on probation.

**Addendum:** Anyanwu failed to comply with all terms and conditions of the Order and on July 15, 2013, the Board lifted his probation and imposed the full six year suspension of his license based upon his failure to pay the administrative penalty.

**Michael F. Padula, P.E.; Key Largo, Florida; Case Number: D-33476**

**Violation:** Padula signed and sealed several windstorm inspection forms (WPI-2-BC-2) submitted to the Texas Department of Insurance (TDI). Padula was unable to provide all requested documentation on each residence to TDI in a timely manner, and thus TDI was unable to certify all of the subject properties as eligible for windstorm insurance from the Texas Windstorm Insurance Association. Therefore, it was determined that Padula signed and sealed engineering documents that may not have complied with existing codes and failed to fully document his engineering certification.

**Section/Rule Violated:** 137.57 (b) (3), 137.63 (b) (1), (4), (b) (5), and (b) (6)

**Resolution:** Three year probated suspension effective February 13, 2014 a \$2,000.00 administrative penalty, and successful completion of an engineering ethics course.

**Thomas W. Keiss, P.E.; Fort Worth, Texas; Case Number: D-33871**

**Violation:** Keiss signed and affixed his engineer seal to a letter certifying that a retaining wall "met all standards" for a local municipality. Almost immediately after construction of the retaining wall was completed, it began to fail with large cracks between stones and

separation of joints. Thus, Keiss failed to practice engineering in a careful and diligent manner and created a misleading impression as to the quality of the retaining wall.

**Section/Rule Violated:** 137.57(b) (3), 137.37(a), 137.63(a), and 137.63 (b) (5) and (6).

**Resolution:** Two year probated suspension, a \$5,200.00 administrative penalty, and successful completion of an engineering ethics Level I course.

**Addendum:** Keiss failed to comply with all terms and conditions of the Order and the Board lifted his probation and imposed the full two year suspension of his license.

**Ben L. Thomas, P.E.; Victoria, Texas; Case Number: D-33490**

**Violation:** Thomas signed and affixed his Texas engineer seal to plans for a small steel building that were incomplete or lacking in certain details and failed to include his firm registration and title block on the plans. Thomas thus failed to practice engineering in a careful and diligent manner.

**Section/Rule Violated:** 137.5 (a), 137.33(n), 137.55(a) and (b), 137.57(b) (3) and 137.63 (a), 137.63(b) (1) and (b) (6).

**Resolution:** Two year probated suspension, a \$3,900.00 administrative penalty, and successful completion of an engineering ethics Level I course.

**David A. Baggs, P.E.; Hitchcock, Texas; Case Number: D-33173 and D-33366**

**Violation:** In these two related cases, Baggs submitted a Windstorm Certification form (WPI-2) to the Texas Department of Insurance (TDI) certifying that siding repairs to the subject property met applicable International Building Code (IBC) standards and that the property was eligible for windstorm insurance through the Texas Windstorm Insurance Association. Subsequent TDI audit and inspection revealed that the siding was not installed properly and thus did not meet IBC requirements.

**Section/Rule Violated:** 137.57 (b) (3),

137.63(b) (1) and 137(b) (6).

**Resolution:** One year probated suspension, a \$3,250.00 administrative penalty, and successful completion of an engineering ethics course.

**Carl Mattern, Jr. P.E.; Houston, Texas; Case Number: D-33367**

**Violation:** In three instances, Mattern submitted Windstorm Certification forms (WPI-2) to the Texas Department of Insurance (TDI) certifying that certain additions to the subject properties met applicable International Building Code (IBC) standards and that each property was eligible for windstorm insurance through the Texas Windstorm Insurance Association. Subsequent TDI audit and inspection revealed that the additions to each residence did not meet IBC requirements.

**Section/Rule Violated:** 137.57 (b) (3), 137.63(b) (1) and 137(b) (6).

**Resolution:** One year probated suspension, a \$3,250.00 administrative penalty, and successful completion of an engineering ethics course.

**David L. Michaelsen, P.E.; Corpus Christi, Texas; Case Number: D-33364**

**Violation:** Michaelsen submitted a Windstorm Certification form (WPI-2) to the Texas Department of Insurance (TDI) certifying an entire re-roof met Southern Building Code standards and thus the subject property was eligible for windstorm insurance through the Texas Windstorm Insurance Association (TWIA). Subsequent TDI audit revealed that the re-roof did not meet all required standards and was not eligible for insurance through TWIA.

**Section/Rule Violated:** 137.57 (b) (3), 137.63 (b) (1) and (137.63 (b) (6).

**Resolution:** One year probated suspension, successful completion of an engineering ethics course, and installation of a code compliant, insurable new roof on the subject property.

**Charles O. Mbeche, P.E.; Tomball, Texas; Case Number: D-33368**

**Violation:** Mbeche signed and

affixed his Texas engineer seal to a certification that a structure met applicable building codes and was eligible for insurance under the Texas Windstorm Insurance Association (TWIA) program when the project was not up to code provisions and was not eligible for certification or insurance by TWIA. Therefore, it was determined that Mbeche's actions were misleading and contrary to generally accepted engineering standards, and that he failed to perform this engineering assignment in a careful and diligent manner.

**Section/Rule Violated:** 137.57(b)(3) and 137.63(b)(1) and (6).

**Resolution:** One year probated suspension, a \$1,950.00 administrative penalty, and successful completion of an engineering ethics Level I course.

**Nikoloy Nikolov, P.E.; Houston, Texas; Case Number: D-33735**

**Violation:** While still employed by one engineering firm, Nikolov, who had given notice of his intent to leave that firm, engaged in contact with another engineering firm in a manner that created the perception, if not the reality, of a conflict of interest. Therefore, it was determined that Nikolov did not act as a faithful agent to his employer.

**Section/Rule Violated:** 137.57(c) and (d), 137.63(a) and 137.63(b) (5).

**Resolution:** One year probated suspension, a \$2,000.00 administrative penalty, and successful completion of an engineering ethics Level I course.

**Masoud Khoshnoudi, P.E.; Irving, Texas; Case Number: D-33510**

**Violation:** Khoshnoudi signed and affixed his engineer seal to slab and retaining wall plans that were submitted to building officials under an unlicensed firm's title block. Therefore, it was determined that Khoshnoudi created a misleading impression that the firm was entitled to perform engineering services when it was not.

**Section/Rule Violated:** 1001.405, 137.57(b) (3), 137.51(d), 137.71 and 137.77(a) and (d).

**Resolution:** One year probated suspension, a \$1,980.00 administrative penalty, and successful completion of an engineering ethics Level I course.

**Calvin J. Morgan, P.E.; Wimberly, Texas; Case Number: D-33856**

**Violation:** Morgan signed a building permit submittal package that contained plans that bore the name of an engineering firm that was not Morgan's last firm of registration and which were not sealed. In addition, the plans were not marked as preliminary or otherwise use restricted. Therefore, it was determined that Morgan's actions created a misleading impression and demonstrated a lack of care and diligence in the practice of engineering.

**Section/Rule Violated:** 137.33 (e), 137.57(b) (3), and 137.63(b) (6).

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

**Stephen P. Maslan, P.E.; Kansas City, Missouri; Case Number: D-34118**

**Violation:** Maslan was disciplined by another state in which he held an engineer license. Board Rule 137.65 authorizes the Board to take disciplinary action against a Texas licensed engineer if the acts in the other state which resulted in a disciplinary action would also violate the Texas Engineering Practice Act or Board rules if done in Texas.

**Section/Rule Violated:** 137.65.

**Resolution:** One year probated suspension, a \$1,710.00 administrative penalty, and successful completion of an engineering ethics Level I course.

**Steven E. Williams, P.E.; Houston, Texas; Case Number: D-34248**

**Violation:** Williams was disciplined by another state in which he held an engineer license. Board Rule 137.65 authorizes the Board to take disciplinary action against a Texas licensed engineer if the acts in the other state which resulted in a dis-

ciplinary action would also violate the Texas Engineering Practice Act or Board rules if done in Texas.

**Section/Rule Violated:** 137.65(b).

**Resolution:** One year probated suspension, a \$650.00 administrative penalty, and successful completion of an engineering ethics Level I course.

**Curtis Dumas, P.E.; Houston, Texas; Case Number: D-33703**

**Violation:** Dumas signed and affixed his Texas engineer seal to certifications that several structures met applicable building codes and were eligible for insurance under the Texas Windstorm Insurance Association (TWIA) program when the projects and properties did not meet all code provisions and thus were not eligible for certification or insurance by TWIA. Therefore, it was determined that Dumas' actions were misleading and contrary to generally accepted engineering standards, and that he failed to perform these engineering assignments in a careful and diligent manner.

**Section/Rule Violated:** 137.57(b) (3) and 137.63(b) (1) and (6).

**Resolution:** One year probated suspension added to an existing three year probated suspension thus extending the probated suspension by one year to May 23, 2016, and a \$1,500.00 administrative penalty.

**C. Scott Parker, P.E.; San Antonio, Texas; Case Numbers: D-33660**

**Violation:** Parker provided an engineering report concerning a foundation which contained misleading and or incorrect statements of engineering fact. Therefore, it was determined that Parker's certification was misleading and/or created a misleading impression, and that his actions were not careful or diligent.

**Section/Rule Violated:** 137.57(b) (3), and 137.63(b) (6).

**Resolution:** One year probated suspension added to an existing two year probated suspension thus extending the probated suspension by one year to May 24, 2015, and a \$1,000.00 administrative penalty.

**Joseph W. Steede, Jr.; Richardson, Texas; Case Number: D-33992**

**Violation:** Steede signed and affixed his Texas engineer seal to certifications that several structures met applicable building codes and were eligible for insurance under the Texas Windstorm Insurance Association (TWIA) program when the projects and properties did not meet all code provisions and thus were not eligible for certification or insurance by TWIA. Therefore, it was determined that Steede's actions were misleading and contrary to generally accepted engineering standards, and that he failed to perform these engineering assignments in a careful and diligent manner.

**Section/Rule Violated:** 137.57(b) (3) and 137.63(b)(1) and (6).

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

**Edward D. Hill, P.E.; Midlothian, Texas; Case Number: D-33949**

**Violation:** On or about January 2011, plans were submitted to the City of Dallas, Texas, bearing Hill's Texas professional engineer seal, except for one page which was unsigned, unsealed, and undated. Hill, while denying knowledge of the plans or the submission to the City of Dallas, did acknowledge that his seal was kept in a CAD contractor's computer, and thus, may have been used without his knowledge or consent.

**Section/Rule Violated:** 137.33(d) and (e), 137.57 (b) (3) and 137.63 (b) (6).

**Resolution:** Formal Reprimand and a \$1,950 administrative penalty.

**Michael C. Rothmann, P.E.; Port Lavaca, Texas; Case Number: D-33365**

**Violation:** Rothmann submitted a Windstorm Certification form (WP1-2) to the Texas Department of Insurance (TDI) certifying that a certain property met applicable International Building Code (IBC)

standards and that the property was eligible for windstorm insurance through the Texas Windstorm Insurance Association. Subsequent TDI audit and inspection revealed that the property did not meet IBC requirements.

**Section/Rule Violated:** 137.57 (b) (3), 137.63(b) (1) and 137(b) (6).

**Resolution:** Formal Reprimand, \$1,950.00 administrative penalty and successful completion of an engineering ethics course.

**Ty J. Hagen, P.E.; St. Paul, Minnesota; Case Number: D-33726**

**Violation:** Hagen was disciplined for being disciplined by another state in which he was licensed for acts which if done in Texas would also constitute a violation of the Act or Board rules; specifically, practicing engineering while his license was expired.

**Section/Rule Violated:** 137.7 (a) and 137.37 (2).

**Resolution:** Formal Reprimand and successful completion of an engineering ethics course.

**Brian C. Schaller, P.E.; O'Fallon, Missouri; Case Number: D-34197**

**Violation:** Schaller accepted a sanction from the state of Kansas for deviations from standard engineering practices in the preparation of plan for the renovation/remodel of a high school. Therefore, it was determined that Schaller was disciplined by another state for conduct which, if it had occurred in Texas, would have been a violation of the Board's rules, and thus subjected Schaller to discipline by the Board.

**Section/Rule Violated:** 137.65(b).

**Resolution:** Formal Reprimand and an engineering ethics Level I course.

**Michael A. Robinson, P.E.; Lakeland, Florida; Case Number: D-34198**

**Violation:** Robinson was disciplined by another state in which he held an engineer license. Board Rule 137.65 authorizes the Board to take disciplinary action against a Texas licensed engineer if the acts in the other state which resulted in a disciplinary action would also violate

the Texas Engineering Practice Act or Board rules if done in Texas.

**Section/Rule Violated:** 137.65(b).

**Resolution:** Formal Reprimand of his Texas engineer license.

**Chander P. Nangia, P.E.; Houston, Texas; Case Number: D-34182**

**Violation:** Nangia was disciplined by other states in which he held an engineer license. Board Rule 137.65 authorizes the Board to take disciplinary action against a Texas licensed engineer if the acts in the other state(s) which resulted in a disciplinary action would also violate the Texas Engineering Practice Act or Board rules if done in Texas.

**Section/Rule Violated:** 137.65(b).

**Resolution:** Nangia's immediate cessation of the practice of engineering in Texas and agreement not to renew his Texas engineer license for two years after which it will be cancelled for non-renewal.

**Paul C. Grimes, R.A.; Bensenville, Illinois; Case Number: B-33562**

**Violation:** Grimes, a Registered Architect, performed engineering services in Texas through his preparation and submission of a structural verification and analysis of an antenna mount and RRU supports for a telephone cell tower. Therefore, it was determined that Grimes practiced engineering in Texas without a license.

**Section/Rule Violated:** 1001.004(c) (2) (A), 1001.301 (a) (b) and (c) and 1001.405 and rules 137.77(a) and 137.77(d).

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

**ODJ Engineering, LP; Wellington, Texas; Case Number: B-33759**

**Violation:** This business entity continued to represent the ability to offer and provide consulting engineering services to the public of Texas and actually provided engineering services during a period when it did not have a current firm registration.

# Baldrige and the TBPE Journey *Toward Excellence*



Since 1987, the Malcolm Baldrige Award for Performance Excellence has been the ultimate achievement for demonstrating excellence in organizations in the United States. The Baldrige Award is achieved by demonstrating continuous and sustained improvement over time utilizing a specific set of organizational quality criteria. Awarded through the National Institute of Science and Technology (NIST) and recently renamed the Baldrige Performance Excellence Award, the purpose of the award is to promote excellence and continuous improvement within American public and private sectors.

Many states have developed their own versions of the Baldrige Award as a way to begin the journey towards the national award. The Texas version is the Texas Award for Performance Excellence (TAPE), administered through the nonprofit Quality Texas Foundation. This is where the Texas Board of Professional Engineers began its journey.

In its quest for continuous improvement in its operations, TBPE kicked off the Journey Toward Excellence in 2010. This comprehensive program encompasses all aspects and operations of the agency and seeks to provide the highest quality services and customer service to the public and its licensees, and to make TBPE the premier state agency in Texas. TBPE began the initial phases of the Quality Texas Foundation program in 2011 and was recognized for the Texas Award for performance Excellence at the Engagement Level, the first of the four levels of the state award program. In 2012, TBPE applied for and was recognized at the second (Commitment) level. We have utilized the feedback to assign project teams to work on continuous improvement projects and assigned staff to become certified examiners for the process. We've made numerous improvements, including some you may have seen already (website changes, online processing improvements, webinars) and some that are internal.

The real goal is to continue to invest resources wisely and continue to demonstrate quality, excellence, and results for the citizens of the state of Texas.

During 2012-2013, TBPE also underwent an extensive Sunset Advisory Commission review which included feedback on agency operations and direction that supported and validated the agency quality initiatives. With the implementation of the Sunset recommendations nearly complete, the agency applied for the Progress Level of the TAPE Award in early 2014 and is proud to be recognized for high quality operations and performance for the third time in four years – the only state agency to have achieved this level of recognition. Read the official press release at: <http://engineers.texas.gov/news.htm>.

But the journey is not over – TBPE will continue to work and improve and hopes to apply for the final TAPE Award as early as 2015 (see figure below).

In order to continue to improve, TBPE has been seeking input and guidance from other successful and recognized organizations. In 2010, Texas engineering firm Freese and Nichols was awarded the National Baldrige Award – the first engineering firm in the country to do so. Former chairman of the TBPE, Jim Nichols, P.E., encouraged TBPE executive director Lance Kinney, P.E., to continue to pursue the Baldrige and invited him to visit their Fort Worth office to share their experience in the ongoing pursuit of excellence. President Bob Pence, P.E., and his experienced staff hosted TBPE team members in a day of learning about their continuous improvement culture. As Pence told the TBPE team, “We believe that everyone should embrace these principles and that we all benefit if other engineering firms get on board.”

While Texas has produced more Baldrige winners than any other state, there has yet to be a state agency that has won the award. TBPE is one of the two state agencies in Texas that have ever applied for the state level program. While recognition of hard work is important, the changes and improvements made along the journey are the key to success.

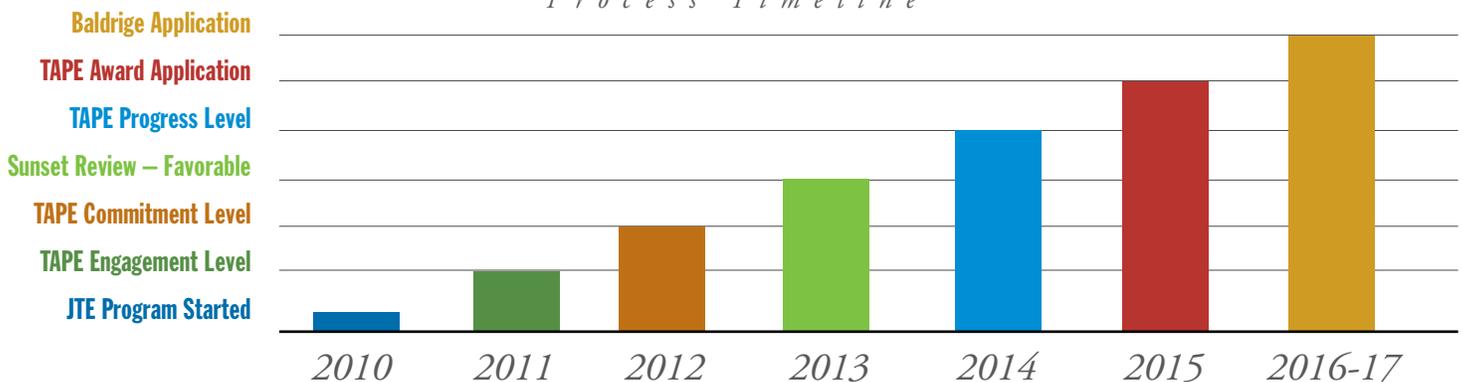
The Baldrige Award considers seven categories, called the Criteria for Performance Excellence which provides a foundation on which an organization builds success.

These criteria include: leadership; strategic planning, customer focus; measurement, analysis, and knowledge management; workforce focus; operations focus; and results.

The criteria are not prescriptive but instead focus on the broad drivers of success and interrelated core values and concepts, from management by data to visionary leadership and customer-driven excellence. Creativity and innovation are the hallmarks of this award that helps an organization align resources, improve communication, become more productive, and achieve strategic goals.

To receive the Baldrige Award, an organization must have a role-model organizational management system that ensures continuous improvement in the delivery of products and/or services, demonstrates efficient and effective operations, and provides a way of engaging and responding to customers and other stakeholders.

Process Timeline



## Reappointed and Newly Appointed BOARD MEMBERS



*Pictured from left to right are reappointed and newly appointed TBPE Board Members Elvira Reyna; Kyle Womack, P.E.; Sina K. Nejad, P.E., P.Eng. and Board chair Daniel O. Wong, Ph.D., P.E. Note: TBPE Board Treasurer Edward L. Summers, Ph.D., was also reappointed but is not shown in the photograph.*

In April, 2013, Governor Rick Perry named **Daniel Wong**, Ph.D., P.E. of Sugarland chair of the Texas Board of Professional Engineers. He reappointed two members to the Board; **Elvira Reyna** from Little Elm and **Edward L. Summers**, Ph.D. from Austin. Perry appointed two new members to the board; **Sina K. Nejad**, P.E., P.Eng from Beaumont and **Kyle Womack**, P.E. from Horseshoe Bay.

**Daniel Wong** is CEO of Tolunay-Wong Engineers. He is a member of American Society of Civil Engineers, Texas Society of Professional Engineers and University of Houston Civil Engineering Advisory Board, past president of the Asian American Architects and Engineers Association, and a past board member of the Houston Council of Engineering Companies. Wong received a bachelor's degree, a master's degree in civil engineering and a doctorate of civil engineering from the University of Houston. He will serve as chair of the board for a term to expire at the pleasure of the governor.

**Sina Nejad** is president of Sigma Engineers Inc. He is a member of the

National and Texas societies of Professional Engineers, American Society of Civil Engineers and American Concrete Institute, a charter member of the Structural Engineering Institute, a founding member of the Architectural Engineering Institute, and president of the Sabine Chapter of the Texas Society of Professional Engineers. Nejad received a bachelor's degree and a master's degree in engineering from Lamar University. He was appointed for a term to expire September 26, 2019.

**Kyle Womack** is a licensed professional engineer and vice president of business expansion at Parkhill, Smith and Cooper Inc. He is a member and former director of the National Society of Professional Engineers, member and past president of the Texas Society of Professional Engineers, and a member and past board member of the Texas Council of Engineering Companies. He is past president of the American Society of Civil Engineers West Texas Chapter and Texas Society of Professional Engineers Permian Basin Chapter, and a past member of the American Council of Engineering Companies Senior Executive Institute. Womack received

a bachelor's degree from Texas Tech University. He was appointed for a term to expire September 26, 2017.

**Elvira Reyna** is a native Texan and a former State Representative for District 101 in Mesquite. She was the first Hispanic Republican of either gender elected to the House. Reyna served on many committees, including Chair of the Local and Consent Calendar Committee, Higher Education, Criminal Jurisprudence, Public Safety, International Relations, and Environmental Regulation. Her legislative activities include Member/Executive Board Nominating Committee for the National Conference of State Legislators, Chair of the Republican Caucus Higher Education Task Force, member of the American Legislative Exchange Council, and member of the Steering Committee for the House Research Organization. She was awarded "Woman of the Month" by the National Center for Policy Analysis and "Legislator of the Year" by the Combined Law Enforcement Association of Texas (CLEAT), in the 78th Legislative Session. Reyna was reappointed to a

term to expire September 26, 2019.

**Edward L. Summers**, Ph.D. is a Professor of Accounting, Emeritus member of University of Texas at Austin and a retired Certified Public Accountant and Professor from the McCombs School of Business. He received his B.A. and B.S. from Rice University in Chemical Engineering and his M.B.A. and Ph.D. from the University of Texas at Austin. His teaching interests focused on managerial accounting and information technology; his research, on multidisciplinary professional partnerships. He is the author of dozens of papers and books and is the recipient of numerous awards and honors. He has been recognized for his professional contributions through such awards as the Distinguished Faculty Award, University of Texas PhD Students in Business, the Presidential Citation and the Accounting Educator of the Year by the Texas Society of Certified Public Accountants. Dr. Summers was reappointed to a term to expire September 26, 2017.

## Sockalingam (Sam) Kannappan Elected NCEES Southern Zone Secretary/ Treasurer



*Sam Kannappan, P.E. (second from right) with officials of NCEES Southern Zone August 23, 2013. Pictured from left to right are Daniel "Dan" Turner, Ph.D., P.E., P.L.S., Alabama Board; Teresa Helmlinger-Ratcliff, Ph.D., P.E., North Carolina Board; Kannappan and Theodore "Ted" Sack, P.L.S., Oklahoma Board.*

## NCEES honors Texas Professional Engineer Lance Kinney for Service

Lance Kinney, P.E., Executive Director of the Texas Board of Professional Engineers, has been awarded the NCEES Meritorious Service Award for his dedicated service to the engineering profession. Kinney received the honor at the 92nd NCEES annual meeting, held August 21–24, 2013, in San Antonio, Texas.

The National Council of Examiners for Engineering and Surveying is a nonprofit organization made up of engineering and surveying licensing boards from all U.S. states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

Executive Director Kinney joined the Texas Board of Professional Engineers staff in 2002 and has served as its executive director since 2010.

During this time, he has been committed to improving board practices, advancing the engineering profession, and promoting cooperation with other licensing boards. Under his leadership, the board instituted the Journey Toward Excellence improvement initiative in 2010 and was recognized by the Quality Texas Foundation in 2011, 2012 and 2014 for its commitment to quality. He has overseen a number of licensing process improvements, including advancements in automation and online services. He has also worked closely with the board to develop licensure agreements with Canada, Australia, Mexico, and Japan.

A strong supporter of advancing licensure, Kinney developed an outreach team that makes hundreds of presentations to professional engineers, students, and societies in Texas each year. Kinney's service to NCEES also includes an active involvement with the transition to computer-based testing for NCEES exams. He was a member of the CBT Task Force from 2007 to 2011 and chaired the CBT Implementation Task Force from 2011 to 2013. He has also been active in the Software Engineering Examination Consortium to work toward the development of the NCEES PE Software Engineering exam, first administered in April 2013.



## Employee Recognition

### TBPE Recognized Employees

Several times each year, employees are recognized for exemplary service to the Board. Recently recognized employees pictured from left to right are Shannon Velazquez, Licensing Specialist; Rick Valdes, Investigator; and Heather Thomas, Licensing Specialist.



Continued from pg 6

**Section/Rule Violated:** 1001.405, 137.77(a), (d) and (e).

**Resolution:** A \$500.00 administrative penalty.

**Rey Engineering, Inc.; El Paso; Case Number: B-33736**

**Violation:** This business entity continued to represent the ability to offer and provide consulting engineering services to the public of Texas and actually provided engineering services during a period when it did not have a current firm registration.

**Section/Rule Violated:** 1001.405, 137.77(a), (d) and (e).

**Resolution:** A \$500.00 administrative penalty.

**John A. Avolio, Jr.; San Antonio, Texas; Case Number E-34776**

**Violation:** Avolio, on behalf of his company Delta-AEC, L.L.C., submitted an engineering proposal letter using the designation "P.E." after his name, and including, in his firm's title block, the word "engineering" when Avolio is not nor has he ever been a licensed professional engineer nor is his firm Delta-AEC, L.L.C. registered with the Board as an engineering firm.

**Section/Rule Violated:** Section 1001.004 (c) (2) (A) and (C), and 1001.301 (a), (b), and (c).

**Resolution:** Cease and Desist, and a \$1,950.00 administrative penalty.

**Babbs Engineering Consultants, Inc.; Fort Worth, Texas; Case Number: B-34205**

**Violation:** The firm's registration expired on December 31, 2012. During the expired period, the firm offered to perform engineering services to the public of Texas. Therefore, it was determined that Babbs Engineering Consultants did offer to provide engineering services to the public of Texas during a period when it did not have a current firm registration.

**Section/Rule Violated:** 1001.405, 137.77 (a) (d) and (e).

**Resolution:** \$100.00 administrative penalty.

# Legislation Update

## 83rd Legislative Session

The 83rd Texas Legislature passed two bills related to the TBPE that the agency has implemented. Senate Bill 204 was the agency Sunset bill and House Bill 1685 was the Sunset bill for the Self-Directed, Semi-Independent (SDSI) program. As required by the bills, the agency has developed and adopted rules and fully implemented the necessary processes and procedures.

*The primary changes made by the two bills were:*

### SB 204

- Continued the Texas Engineering Practice Act and agency operations until 2025.
- Increased maximum penalty from \$3,000 to \$5,000 per violation per day.
  - o Rule change adopted November 2013
- Provided for enforcement capability including:
  - o Summary suspension orders for imminent threat to public safety.
  - o Cease-and-desist authority for unlicensed practice.
  - o Rule changes adopted November 2013
- Changed the application fee structure to defer \$200 professional fee until licensure is conferred.
  - o Process implemented August 1, 2013.
  - o TBPE staff communicated these changes in the eNewsletter and on the website in forms and instruction pages.
- Required criminal history record checks for all new licensees and all current licensees.
  - o Rule changes were adopted at the November 2013 Board Meeting
  - o TBPE staff worked with the Texas Department of Public Safety to develop procedures
  - o An online process was developed by the TBPE Staff for in-state and out of state licensees which included instructions, self-populating forms, sample fingerprint cards and frequently asked question pages.
  - o The state contracted vendor (MorphoTrust) began allowing fingerprint submittal October 1, 2013
  - o TBPE staff has communicated new requirements and procedures to PEs and Engineering Firms through email updates, eNewsletters, webinars and a postal mailing to those without email addresses on file
  - o A survey was setup by the TBPE staff to gain feedback from the record check process. The staff is actively working through any customer service issues with MorphoTrust.



### HB 1685

- Recodified the SDSI program from Article 8930 of Vernon's Texas Civil Statutes and created Chapter 472 of the Texas Government Code.
  - o Rule changes adopted November 2013
- Generalized the SDSI program to cover all agencies with this status and set forth more comprehensive reporting requirements.
  - o First annual report submitted November 2013

# Continuing Education

**A**s a requirement of licensure, professional engineers with active licenses must obtain 15 hours of continuing education. One of these hours must be on the subject of professional ethics. This requirement applies to all licensees regardless of age, area of practice, or industry. So what counts towards this education requirement? Continuing education activities should be relevant to the practice of a technical profession and may include educational, technical, ethical, or managerial content.

*15 Hours of CEP are required per year. One hour must be in ethics. Here are some examples of activities that will count:*

- 1) Webinars or live classes on technical subjects, software, job safety, management.
- 2) Vendor training on products or processes (Lunch and Learns)
- 3) Attending and/or Presenting at Technical conferences (Paper presentations, Power Points)
- 4) Self-study of previous subjects including ethics. There is a five hour limit per renewal on credit for self-study.
- 5) Give a presentation to students, judge science fairs and other outreach to schools. There is a 3 hour limit per renewal for this activity.
- 6) Participate as an officer, committee or board member for a technical society. There is a 5 hour limit on credit for this activity.
- 7) Attend one of the free TBPE webinars held every quarter approximately one month prior to the deadline.

There are other activities listed in the continuing education rule 137.17, available on our website [http://engineers.texas.gov/CEP\\_Info.htm](http://engineers.texas.gov/CEP_Info.htm). Education activities are counted on an “hour for hour” basis. In other words, one hour of activity earns one hour of continuing education credit. **The Board does not pre-approve any courses.** We leave it up to the individual Professional Engineer to select courses and activities that are relevant to his or her practice and enhance professional development and skill. Use the continuing education requirement as an opportunity to learn about your area of practice or to learn a new skill or technology.

**You are required to keep three years of documentation of your continuing education.** You collect the education on the basis of your renewal year. For example, if your license is due for renewal March 31, 2014, you need to have 15 hours of education credit between April 1, 2013 and March 31, 2014. If you earn more than 15 hours in that period, you may carry the excess hours into the next renewal period. There is a 14 hour limit on carrying forward. Ethics-related training may not be carried forward from a previous year. The best documentation of a class, webinar or other activity is a completion certificate. The certificate should have the date, subject and duration of the activity. If you don't have a certificate, collect back up information such as e-mails, receipt, agendas or sign-in sheets. **Do not send in your documentation unless we ask you specifically for it in an audit.** *We conduct random audits on licensees on a regular basis.*

# Policy Advisory Opinions

The Texas Board of Professional Engineers was established in 1937 as a result of the New London School disaster. The legislature created this agency to insure that only qualified individuals would perform the engineering for public projects. In 1937, there were only a few recognized branches of engineering (e.g. civil, structural, mechanical, electrical). Now, there are 27 recognized branches of engineering listed in the Texas Engineering Practice Act (TEPA).

The TEPA is written as a blueprint for agency operations and general engineering practice, but does not attempt to address specific engineering practice issues for all of the possible branches of engineering or for all engineering activities. It is not always clear to practicing engineers or the public when a certain service or activity requires the expertise of a Texas licensed engineer. To help address these concerns as well as to address situations not specifically covered in the TEPA or the Board Rules, the 78th Legislature (2003) empowered the TBPE to develop Policy Advisory Opinions.

## From the TEPA:

*§ 1001.601. Board Advisory Opinions*

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

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

Anyone can request that the Board provide an advisory opinion (interpretation) of the TEPA. All requests are presented to a committee of the Board. The committee discusses the request and determines if the existing language in the TEPA can be used to provide an answer to the requestor. If that is so, the committee will draft a response.

If the existing statutory language does not address the request, then staff may be directed to research the issue further. This may include consultation with experts in the field or meetings with stakeholder groups to provide input to the committee. After the issue is thoroughly researched and discussed, then the committee will draft a policy advisory opinion or a response.

All policy advisory responses drafted by the committee are presented to the full Board for approval at a regularly scheduled public meeting of the Board. Please visit our policy advisory section of our website at <http://engineers.texas.gov/policy.htm> for current final and currently open policy advisory opinion requests.

# Engineers WEEK

## DiscoverE



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## Engineers Week – eWeek – is now DiscoverE

You may know it as National Engineers Week or E-week, but the activities and events promoting engineering are now called DiscoverE. ([www.discovere.org](http://www.discovere.org)) DiscoverE helps expand community and educational outreach by providing resources and programs and promoting positive visibility within the engineering and technology communities, including college students and the public-at-large. Promoting engineering is a year-round endeavor, but there are usually a number of events focused in and around February each year. Many engineering organizations sponsor events, activities, and school visits to promote the practice of engineering and to encourage young people to consider engineering as a career choice. TBPE is an active participant in DiscoverE and E-week events and we encourage you to join in and help out in any way you can. Just a reminder - PEs that participate in educational activities can claim up to 3 hours of continuing education activity credit. Let's get out there and show the public who we are and what engineers can do!



*Pictured is an eWeek event held recently entitled "Expanding Your Horizons". The Society of Women Engineers (SWE) participated in the event that was put on by The American Association of University Women (AAUW), for about 400 middle schools girls at Northbrook Middle School in Houston. Pictured on far left is Sam Kannappan P.E., TBPE Board Member, who attended as an outreach program coordinator for the Board along with volunteers from the AAUW and SWE.*



*On February 20, 2014, TBPE staff members volunteered to judge exhibits at the 2014 Austin Energy Regional Science Festival. The Austin Energy Regional Science Festival is one of Texas' largest regional science fairs with almost 3,000 students from 3rd through 12th grade. It encourages and rewards innovative student research and provides scientists, engineers and other professionals a chance to volunteer in the community. Pictured from left to right are David Howell, P.E., TBPE Deputy Executive Director; Lance Kinney, P.E., TBPE Executive Director and C.W. Clark, P.E., TBPE Director of Compliance & Enforcement.*

Calendar Year  
**2013**

**171 outreach events  
to 14,491 people**

## Webinars

In March 2013, TBPE launched its Ethics Webinar Program. The ethics presentation provided an up-to-date overview of agency activities, case studies, and a review of professional ethics topics.

The first webinar had an overwhelming response, filling up quickly with attendees from all over Texas and the world. Another webinar was quickly scheduled for later in the same day which filled up as well. Since the initial webinar, three additional days of webinars were held which coincided with the P.E. renewal quarters. Each event was well attended.

On March 26, 2014, a student webinar was held. Entitled "You have questions, we have answers", the event focused specifically on the steps to licensure and the benefits of licensure for the engineer and for the public. Over 300 students registered for the event.

The plan is to continue the webinars in the coming year, with one set of ethics webinars during each of the PE renewal months. The future scheduled dates for 2014 ethics webinars are June 5, 2014, September 11, 2014 and December 4, 2014. Registration for each webinar opens one month prior to the scheduled date. An additional student webinar will be held in the fall. Registration information for all webinars is posted at <http://engineers.texas.gov/webinars.html>.

The Board uses hosted webinar software that allows a maximum of 1,000 attendees for each webinar and they fill up quickly. An individual email confirmation will be sent to each registrant with instructions. Make sure to keep the emails as the specific link is unique for each attendee. If registering for a group with one connection, please provide a sign in sheet to attendees to keep for continuing education documentation purposes.

**Future scheduled dates for 2014 ethics webinars are  
June 5, 2014, September 11, 2014 and December 4, 2014**

## C&E Process Improvement Project

The Compliance & Enforcement (C&E) division's responsibilities include receiving and processing complaints against licensed professional engineers as well as against unlicensed individuals who are allegedly in violation of the agency's statute and/or Board rules.

During the investigative process, documents are received from the complainant and then distributed to various channels for review. Previously, records were kept in a paper format until the case was closed at which point all supporting documentation was scanned and stored in a document repository.

This all changed when TBPE staff initiated the C & E Process Improvement Project in February 2012. This project utilized existing agency staff to analyze current processes and implement changes in regard to the way evidence is received, distributed, and then retained according to the agency retention policy.

The primary goal of this project is to improve efficiency, allow better tracking of cases, and improve customer service to the complainants and respondents.

The model for this project is the existing online PE application and tracking system that was developed approximately 2 years ago.

*At this time, the following steps have been implemented as a result of this project:*

- Immediate conversion of paper documents to digital format upon receipt;
- Organization and storage of evidence received electronically;
- Internal Case Management and Tracking; and
- Custom reporting of assignments, workload, and statuses.

*Future phases of this project will allow the following improvements:*

- Accept complaints from public online;
- Track complaints online;
- Proactive case management notifications;
- Automated correspondence from staff to complainants and respondents.

Keep an eye on the TBPE website for the public case tracking improvements as they are available.

**The primary goal of this project is to improve efficiency, allow better tracking of cases, and improve customer service to the complainants and respondents.**

## In Memoriam

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

Charles D. Adams Jr., P.E.; Corpus Christi, TX  
 Raymond Omavoube Agbanobi, P.E.; Houston, TX  
 Francisco Ramon Aleman, P.E.; Miami FL  
 Gernot Dietmar Appelt, P.E.; Parker, CO  
 Hugh David Arant, P.E.; Dallas, TX  
 Douglas Gale Ashcraft, P.E.; Midland, TX  
 Lauren Nicole Augustin, P.E.; Corpus Christi, TX  
 Brian Keith Bage, P.E.; La Grange, TX  
 R. F. Bailey Jr., P.E.; Midland, TX  
 Kenneth Baker, P.E.; Dallas, TX  
 John Alfred Barrett, P.E.; Spring, TX  
 Charles Wesley Beck II, P.E.; Richardson, TX  
 Eric Baker Becker III, P.E.; Austin, TX  
 Charles Patrick Bell, P.E.; San Antonio, TX  
 John R. Birdwell, P.E.; College Station, TX  
 John Russell Bisson, P.E.; Tomball, TX  
 Jack Boggan, P.E.; Bellville, TX  
 Charles A. Bollfrass, P.E.; Spring, TX  
 Michael Jefferson Boone, P.E.; Houston, TX  
 R. M. Boone, P.E.; Midland, TX  
 Bobby J. Boswell, P.E.; Gorman, TX  
 R. H. Boyett Jr., P.E.; Dripping Springs, TX  
 M. J. Breaux, P.E.; Woodville, TX  
 Lindy Ray Bryant, P.E.; Forest, VA  
 Joaquin R. Bustamante, P.E.; El Paso, TX  
 Bruce Adam Butscher, P.E.; Salado, TX  
 Robert Spurgin Buzard, P.E.; Irving, TX  
 Ronald L. Bynes, P.E.; Missouri City, TX  
 James E. Byrn, P.E.; San Marcos, TX

W. A. Carey, P.E.; Houston, TX  
 Gary Quinton Carmichael, P.E.; Athens, TX  
 Jimmie Joe Cathey, P.E.; Lexington KY  
 Ning-Haw Chang, P.E.; Houston, TX  
 Dan Michael Chilcutt, P.E.; San Antonio, TX  
 W. T. Chisholm, P.E.; Red Oak, TX  
 Kaya Cibildak, P.E.; San Antonio, TX  
 Sam J. Clinton, P.E.; Houston, TX  
 Kenneth H. Cole, P.E.; Dallas, TX  
 John Ray Collins Jr., P.E.; Houston, TX  
 Harold E. Consbruck, P.E.; Gainesville FL  
 Edward L. Cope, P.E.; Fairlawn, OH  
 Charles Edward Corgey, P.E.; Jasper, TX  
 William Gene Corley, P.E.; Skokie, IL  
 Lynn W. Cox, P.E.; Amarillo, TX  
 Harry Michael Coyle Jr., P.E.; Fair Oaks Ranch, TX  
 Philip Charles Crouse, P.E.; Dallas, TX  
 Robert H. Cunningham Jr., P.E.; Katy, TX  
 Corbitt Orvell Dalrymple, P.E.; San Antonio, TX  
 Kelly Scott Dame, P.E.; Las Vegas, NV  
 Martin J. Davidson, P.E.; Dallas, TX  
 Gary Alan Dawson, P.E.; Lubbock, TX  
 Thomas Owen Debord, P.E.; Houston, TX  
 Raymond Depwe, P.E.; Port Arthur, TX  
 Arwin A. Dougal, P.E.; Austin, TX  
 Daniel Richard Driver, P.E.; Shawnee, KS  
 Harold J. Dunlevy, P.E.; Austin, TX  
 James William Dyer, P.E.; Mcallen, TX  
 Verde H. Eargle, P.E.; The Woodlands, TX  
 Allan Richard Emerson, P.E.; Dallas, TX  
 Berry R. English, P.E.; Fredericksburg VA  
 Andres Escamilla, P.E.; San Antonio, TX  
 Angel Rolando Escobar, P.E.; Corpus Christi, TX  
 G. B. Evans, P.E.; Midland, TX  
 Kenneth Ray Evans, P.E.; Houston, TX  
 Boyce Farrar Jr., P.E.; Dallas, TX  
 James E. Faulkner, P.E.; Montgomery, TX  
 Billy P. Flowers, P.E.; Arlington, TX  
 Daniel F. Flowers, P.E.; Houston, TX  
 H. Edward Foelker, P.E.; Corpus Christi, TX  
 Marc F. Fontaine, P.E.; Houston, TX  
 Jack Gerald Foote, P.E.; Flower Mound, TX  
 John Owen Foster, P.E.; Katy, TX  
 Stanley C. Frank, P.E.; Houston, TX  
 Paul D. Friemel, P.E.; Boerne, TX  
 Edward Beaty Fulbright, P.E.; Dallas, TX  
 James Michael Gatewood, P.E.; Texas City, TX  
 James Keith Gill, P.E.; Hacienda Heights, CA  
 Charles Louis Goerner, P.E.; Smithville, TX  
 Richard Gonzalez, P.E.; Arden Hills, MN  
 W. A. Goodwyn, P.E.; Plano, TX  
 Manjeri Krishnaswami Gopalan, P.E.; Plano, TX  
 Lynwood Wayne Gordon, P.E.; Baton Rouge, LA  
 John W. Grant, P.E.; Tyler, TX  
 Raymond Franklin Gray Jr., P.E.; Midland, TX  
 David Byron Griffith, P.E.; Victoria, TX  
 Richard H. Groene, P.E.; Garland, TX  
 H. J. Gruy, P.E.; Houston, TX  
 Jose M. Guerrero, P.E.; Galveston, TX  
 Ronald Carl Gularte, P.E.; Severna Park, MD  
 Arti A. Gupta, P.E.; Sugar Land, TX  
 John Gutierrez, P.E.; Houston, TX  
 William F. Guyton, P.E.; Austin, TX  
 Clovis Roland Haden Ph.D., P.E.; College Station, TX  
 Richard V. Hall, P.E.; Texarkana, AR  
 J. Preston Halstead, P.E.; Albany, NY  
 Freelin Darrell Hamilton, P.E.; Tyler, TX  
 Joe L. Haney, P.E.; Mexia, TX  
 Edward R. Hanna, P.E.; Texarkana, TX  
 Lawrence E. Hans, P.E.; San Antonio, TX

John Alfred Hardey Sr., P.E.; Spring, TX  
 Richard Lee Harris, P.E.; Austin, TX  
 Timothy Donald Hassett, P.E.; Calhan, CO  
 A. J. Hays Jr., P.E.; Kingsbury, TX  
 Albert Lee Head III, P.E.; Sanger, TX  
 Randall Ray Heisch, P.E.; Georgetown, TX  
 Harvey F. Hill Jr., P.E.; Houston, TX  
 Bruce Daniel Hinkle, P.E.; Odessa, TX  
 Jack P. Holman, P.E.; Richardson, TX  
 Frederick R. Holste, P.E.; Houston, TX  
 Robert Charles Hopkins, P.E.; Houston, TX  
 S. W. Howell, P.E.; Odessa, TX  
 John W. Hudnall III, P.E.; Arlington, TX  
 Nicholas Wito Hurta, P.E.; Corpus Christi, TX  
 James B. Hutchison Jr., P.E.; Paris, TX  
 Charles E. Jacobs, P.E.; Corpus Christi, TX  
 Frederick Lee Keller, P.E.; Boerne, TX  
 Howard L. Kelley, P.E.; Dallas, TX  
 Erle E. Kellogg, P.E.; Irving, TX  
 Robert C. Kiefer, P.E.; Tomball, TX  
 William Robert King, P.E.; Austin, TX  
 Robert Allen Kirkland, P.E.; Devers, TX  
 John Allan Knittel, P.E.; Medina, OH  
 G. R. Lawrence, P.E.; Greenwich, CT  
 Charles Wright Leske, P.E.; San Antonio, TX  
 William Joseph Lwallen, P.E.; Odessa, TX  
 James Maclinden Light, P.E.; Kerrville, TX  
 Edwin Ellis Lilley, P.E.; College Station, TX  
 Charles Allan Lindsey, P.E.; Owasso, OK  
 Robert James Linnander, P.E.; Nazareth, PA  
 William Mccain Lively III, P.E.; College Station, TX  
 J. M. Lockridge, P.E.; Tyler, TX  
 Leroy David Loy Jr., P.E.; Harrisburg, PA  
 Kenneth E. Mahaffey, P.E.; San Antonio, TX  
 Joe Angel Marks Jr., P.E.; Laguna Vista, TX  
 John R. Massey, P.E.; Houston, TX  
 Paul Francis McBride Jr., P.E.; Houston, TX  
 Danny Keith McCook, P.E.; Ft. Worth, TX  
 C. O. McCrory III, P.E.; Collierville, TN  
 Benjamin F. McCullough, P.E.; Austin, TX  
 Glen Marshall McFarlin, P.E.; Blanco, TX  
 George William McGee, P.E.; Charlotte, NC  
 Robert Kenneth McGrath, P.E.; Jackson, MS  
 James A. McKenzie, P.E.; Ft. Worth, TX  
 Sam C. McKenzie Jr., P.E.; Austin, TX  
 James Calvin McLane Jr., P.E.; League City, TX  
 James O. McWhorter, P.E.; Flint, TX  
 Norman W. Meador, P.E.; Richardson, TX  
 Kirby T. Meyer, P.E.; Austin, TX  
 Daniel Leslie Mills, P.E.; Houston, TX  
 George P. Mitchell, P.E.; The Woodlands, TX  
 Mo Mohitpour, P.E.; White Rock, BC  
 Jack Auldin Moll, P.E.; Hutchinson, KS  
 William Clair Monday Ph.D., P.E.; Blue Springs, MO  
 Charles Carroll Morrow, P.E.; Katy, TX  
 Joe Clifton Moseley II, P.E.; Rockport, TX  
 George O. Muller, P.E.; Arlington, TX  
 Bert Murphy, P.E.; Roswell, NM  
 Paul Joseph Nagler, P.E.; Dallas, TX  
 Daniel Ven Neal, P.E.; Plano, TX  
 B. A. Newman, P.E.; Houston, TX  
 J. Louis Odle, P.E.; Kerrville, TX  
 David Garry Owen, P.E.; Katy, TX  
 Charles Robert Page, P.E.; Leawood, KS  
 Robert Paul Paleschic, P.E.; Leesville, LA  
 Mark William Pangburn, P.E.; Henryville, IN  
 David William Parr, P.E.; Austin, TX  
 Chandu A. Patel, P.E.; Katy, TX  
 Warren Daniel Pekar, P.E.; League City, TX  
 George Walter Peppel, P.E.; Corsicana, TX

Ray A. Pinnell Jr., P.E.; San Antonio, TX  
 William Steven Poage, P.E.; Georgetown, TX  
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 Milton R. Rose, P.E.; Austin, TX  
 Robert Jerry Ross, P.E.; Wichita Falls, TX  
 Charles Mac Rothwell, P.E.; Las Cruces, NM  
 F. J. Saldana, P.E.; Laredo, TX  
 Clark Harvey Scherer Jr., P.E.; Gulfport, FL  
 Powell A. Scheumack, P.E.; Houston, TX  
 Frederick Charles Schmitt, P.E.; West Chester, PA  
 Max P. Schreiner, P.E.; Plano, TX  
 Oscar W. Schuchart, P.E.; Shavano Park, TX  
 Eugene Merten Sengelmann, P.E.; Pearland, TX  
 C. Douglas Shallenberger Jr., P.E.; Tualatin, OR  
 George F. Sheets Jr., P.E.; Cathedral City, CA  
 Walter Ransom Siler, P.E.; Houston, TX  
 Henry J. Simiele, P.E.; Dallas, TX  
 J. M. Sisk, P.E.; Houston, TX  
 Alfred E. Smith, P.E.; Port Neches, TX  
 William A. Smith, P.E.; Borger, TX  
 Charles A. Sorber, P.E.; Austin, TX  
 Paul F. Sprehe, P.E.; Oklahoma City, OK  
 Fred M. Springer, P.E.; Santa Fe, NM  
 Max Statman, P.E.; Longview, TX  
 Warren B. Steed, P.E.; Liberty, TX  
 James Robert Stein, P.E.; Harker Heights, TX  
 Loren H. Stiles, P.E.; Dallas, TX  
 James F. Stuart Jr., P.E.; Grand Saline, TX  
 John Russell Summerfield, P.E.; Houston, TX  
 James L. Sutton, P.E.; Albuquerque NM  
 Jack R. Taylor, P.E.; Norman, OK  
 George Butte Thurston, P.E.; Austin, TX  
 Chas O. Tilbury Jr., P.E.; Pearland, TX  
 Lee Jefferson Timaeus, P.E.; Port Neches, TX  
 James Wm. Tucker Jr., P.E.; Houston, TX  
 Ralph W. Vertrees, P.E.; Austin, TX  
 Vernon Glenn Vetter, P.E.; Glendale, AZ  
 Britton T. Vincent Jr., P.E.; Dallas, TX  
 Richard C. Vogtsberger, P.E.; Wichita Falls, TX  
 Arnold William Waeltz Jr., P.E.; Round Rock, TX  
 Donald L. Wafer, P.E.; Albany, TX  
 James D. Wallace, P.E.; Lancaster, TX  
 Joseph Daniel Walther, P.E.; Austin, TX  
 Michael Volney Ward, P.E.; San Antonio, TX  
 Sam L. Warrington, P.E.; Austin, TX  
 Richard G. Watts Jr., P.E.; Hideaway, TX  
 Richard Weingardt, P.E.; Denver, CO  
 David I. Wilhelm, P.E.; Houston, TX  
 Michael Bruce Williams, P.E.; Caldwell, TX  
 T. F. Williams Jr., P.E.; Houston, TX  
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 Ralph Edwin Wolfram, P.E.; Lake St. Louis, MO  
 Dennis Ralph Womack, P.E.; Eustace, TX  
 Richard C. B. Wright, P.E.; Lubbock, TX  
 R. D. Yeates, P.E.; Midland, TX  
 John Dustin Zimmerman, P.E.; Arlington, TX

# Board Rule Updates

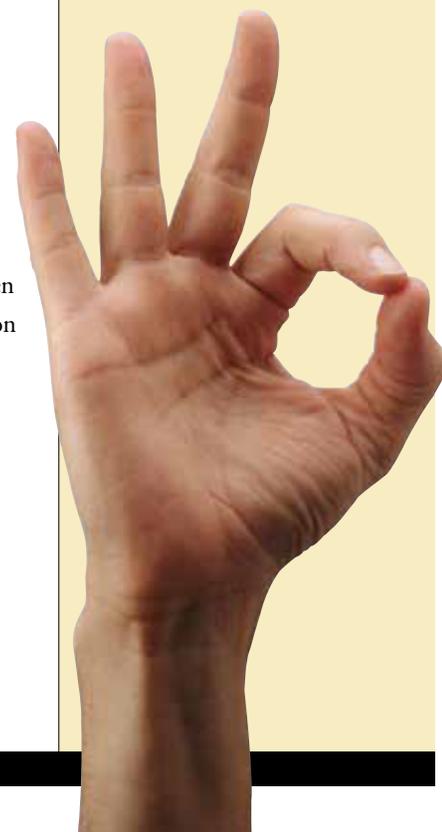
The following are summaries of significant rule changes that were adopted by the Board during the last year.

Rule #	Change summary and date effective
139.35	Modifies maximum administrative penalty. December 17, 2013
139.31	Adds emergency suspension as an additional enforcement action in response to violation of the act. December 17, 2013
137.13	Modifies requirements for returning to active status to require criminal history record check requirement. December 17, 2013
137.7	Modifies requirements for P.E. license renewal to require criminal history record check requirement. December 17, 2013
133.89	Modifies requirements for processing administratively withdrawn applications to require criminal history record check requirement. December 17, 2013
133.81	Modifies requirements regarding license application to expedite military spouse applicants as required by statute. December 17, 2013
133.81, 133.87, 133.97	Amendments reflect statute changes which require the Board to collect the \$280 PE Application Fee in two separate transactions; \$80 when applying and \$200 after passing the exam. December 17, 2013
133.27	Modifies application requirements for applicants for temporary license for engineers currently licensed outside the U.S. to include new criminal history record check requirement. December 17, 2013
133.23	Modifies application requirements for former license holders to include new criminal history record check requirement. December 17, 2013
133.21, 133.25, 131.61, 133.65, 133.69, 133.71, 133.73, 133.75	Modifies application requirements to include new criminal history record check required by statute starting January 1, 2014. December 17, 2013
131.63	Modifies location of SDSI Act in legislation. December 17, 2013
131.35	The proposed amendment to §131.35(d) changes the maximum amount of financial assistance from \$900 per fiscal year per employee to \$1500. September 29, 2013
137.5	Rule change addresses the situation when a licensed holder is sanctioned by another state's engineering board. It places the requirement that the licensee notify the TBPE Board within 30 days. June 13, 2013
137.65	Change adds clarification to this rule because of existing authority to discipline Texas license holders under Board Rule 137.65 for being disciplined in another state; therefore, it has the authority to discipline Texas license holders who perform engineering services in another state even if that other state does not or cannot act on that Texas license holder; so long as the act or omission would be a violation of the Texas Act and Rules if it had occurred in Texas. December 25, 2012
137.37	Rule change adds using a licensed professional engineer's seal without authorization to the sealing misconduct rule. December 25, 2012
137.31	Rule change clarifies the seal requirements and only limits the size of the seal to a maximum size of two inches, rather than two specific sizes. December 25, 2012
137.7	This rule change prevents any license holder who has an unpaid administrative penalty (or who has failed to comply with any other condition of a Consent Order, Agreed Board Order, or Final Board Order) from renewing his or her license until the penalty is paid or the condition is met. December 25, 2012

## 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. If you have been licensed over 50 years and did not receive a certificate, please send us an email to [info@engineers.texas.gov](mailto:info@engineers.texas.gov).

Additionally, the complete listing of all engineers licensed over 50 years is available on our web site at: <http://engineers.texas.gov/50>.





Texas Board of Professional Engineers  
*Engineering For A Better Texas*

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**Dewey Helmcamp III, JD**  
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**Dorothy Gonzales**  
Executive Assistant

**Suzanne Retiz, PHR**  
Human Resources Specialist

Important  
DATES

*Board Meeting Dates*

May 20-21, 2014

August 27-28, 2014

November 19-20, 2014

*Future Webinar Dates*

June 5, 2014

September 11, 2014

December 4, 2014

**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>.**