

Texas Board of Professional Engineers

Professional Practice & Board Update

**Lance Kinney, P.E.
Interim Executive Director**



Texas Board of Professional Engineers
2010

Agenda

- What's New at the Board
- Rules & Reminders
- Ethics Cases



81st Legislative Session

- HB 2649 Passed – Modified TEPA
 - Un-Exemptions
 - Design or Inspection to Comply with Windstorm
 - Design for Residential Slabs on Expansive Soils
 - Engineering Title Allowed
 - Use of Fire Engineer for Fire Apparatus Operators in Cities with 1M or more population



81st Legislative Session

- HB 2649 Passed – Modified TEPA
– Additional Certifications
 - 1001.401 (e) A license holder shall not be required to provide or hold any additional certification, other than a license issued under this chapter, to seal an engineering plan, specification, plat, or report.



Reminders

- **Areas of Competency**
 - PE can only practice in areas where competent
 - Branch listed on website
 - Listing does not restrict practice
 - Verify current listing
 - Education / Exam / Experience



Government Advisory Committee

- Improve communication with gov't agencies / organizations and the Board
- Advisory in nature
- Examples:
 - Cities / Counties
 - School Districts
 - TxDOT
 - TCEQ



Firm Name & Number

- Firm name / number on engineering work
 - PE required to include registered firm name / # on designs
 - Firms required to include name/# on released work
 - Connects PE to Legal Engineering Firm
 - Can be:
 - Title Block
 - Seal Block
 - Stamp
 - Handwritten
 - Education Period: Warning 2009 / Effective 2010
 - FAQ on Website / Newsletter / Outreach
 - Exemption for Governmental Organizations



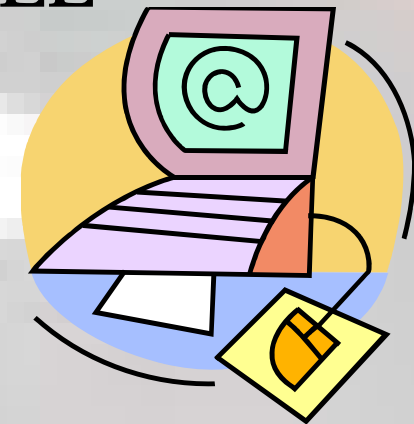
Update on NCEES

- Southern Zone elects Govind Nadkarni, P.E. (TX) as zone Vice President
 - BS + 30 / Engineering Education Task Force
 - Computer Based Testing Task Force
 - Structural I and II exams are being combined for 16 hr exam April 2011
 - Electrical PE Exams Split – 3 Sections
- Software Engineering



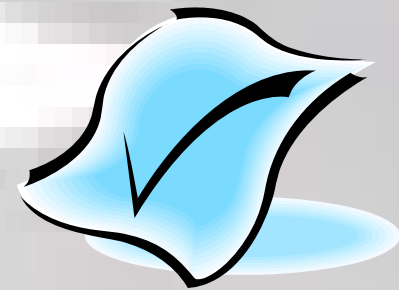
More Board Updates

- Broadcasting of Board Meetings
- eNewsletter
- ECHO System
 - Online Transactions are FREE
 - Renewals (PE / Firm)
 - Personal Info Updates
 - CEP Log



Reminders

- **Continuing Education**
 - Audits Ongoing
 - Keep Documentation
 - Be prepared to substantiate your 15 hours
 - Enforcement Cases
 - Suggested Sanction: \$2,500



Outreach

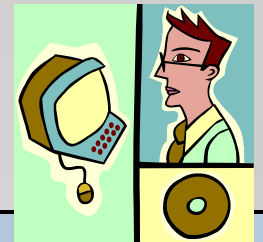
| FY | Attendees | Presentations |
|------|-----------|---------------|
| 2007 | 5,965 | 108 |
| 2008 | 5,739 | 100 |
| 2009 | 6,928 | 120 |

- Includes K-12
- E-Week



Filing a Complaint

- Violations are determined by the Board's Law & Rules (Refer to Table in §139.35(b)-(e)).
- Complaint Form against a PE is online – Detailed email or letter is also acceptable.
- Complaint and Evidence: Who?, What?, When?, Where?, How? and if possible, Why?
- Include names, addresses, and phone numbers of those who know about the complaint issue.



Filing a Complaint (cont.)

- Put Complaint & evidence in an envelope or box and send to the Board. Scanned & emailed documents are also acceptable.
- Anonymous complaints are processed identically and need the same information.
 - Do not include your name or other identifying information in the complaint.
 - Remember, anonymous means we don't know who you are or how to contact you, so provide all possible evidence with your complaint.



Engineering Ethics

Case Files

CONFIDENTIAL



From the Case Files

- Based on TBPE Enforcement Cases 2006-2008
- Names and Situations Changed
- All in Newsletter / on Website
- Focus on Ethical / Practice Issues



From the Case Files

- **Good News:**
 - No Major Design Failures

- **What This Means:**
 - Technical Competency
 - Process Works



From the Case Files

- **Not So Good News:**
 - Ethical Violations
 - Administrative Violations
- **What This Means:**
 - Revisit Ethical Obligations
 - Familiarity with Rules
 - Monitoring Practice



From the Case Files

- **Scenarios**
 - **Focus on Violations of the Act/Rules**
 - **Emphasis on Ethical Component**
 - **Case-by-Case Basis**
 - **Broad View of Cases**
 - **Don't Focus on Sanctions**



From the Case Files

Galveston, TX

- Roofing / Re-Roofing Projects
- Windstorm Certification
- WPI-2 Forms Submitted to TDI
- Did Not Comply with Code

- *Engineer must meet all applicable codes*



From the Case Files

Related Violations:

- Protection of Health, Safety, Welfare
- Misleading (Deceitful, Fraudulent)
- Incompetence or Gross Negligence
- Contrary to Generally Accepted Eng. Standards / Procedures
- Honest and Ethical Professional Activities



From the Case Files

Houston, TX

- Fire Sprinkler Design
- Elementary School
- Didn't Meeting Fire Codes
 - Missing Items on Design
 - Blanket Reference to General Codes
- TBPE Used Technical Experts to Evaluate
 - State Fire Marshall's Office



From the Case Files

- PE is responsible for following codes.
- PE is responsible for knowing which codes apply:
 - Building Code
 - Fire Codes
 - Electrical Codes
 - Local Codes / Ordinances
 - State Codes / Regulations
 - Federal Codes / Regulations



Governmental Advisory Committee

From the Case Files

Galveston, TX

- Similar to 1st Case (TDI Windstorm)
- Not Registered Firm
- TDI request for documentation
- Didn't Respond
 - *TDI Revoked – Qualified Inspector*
 - *Reported to TBPE*
- Didn't Respond to TBPE
 - *TBPE Added Charge – Failure to Answer Inquiries and Cooperate with Investigation*



From the Case Files

- Original Consent Order: \$3,750
- Didn't Respond to Board
 - *Sent to State Office of Administrative Hearings (SOAH)*
- Did Not Appear
 - *Default Order: 2 yr Suspension / \$8,100*
- Didn't Pay
 - *Sent to AG Office*
- **Lien Put on Property / House**



From the Case Files

Midland, TX

- Design for Shopping Center
- PE Seals Structural, Electrical, Plumbing Design Sheets
- Licensed in Mechanical Engineering
- TBPE Inquired about Competency
- Experience as Aerospace Engineer
- “Learned building design from books and acquaintances.”



From the Case Files

- TBPE Requested Other Designs
- Used Technical Experts to Evaluate
- Determined Not Competent to Practice in Structural, Electrical, or Plumbing



From the Case Files

- ***Practice Only in Area of Competency***
- PE License does not allow you to do whatever you want.
- Competency is Demonstrated by:
 - *Additional Formal Education*
 - *Additional Engineering Practice Under PE*
 - *NCEES Examination*
- Competency is **NOT** Demonstrated by:
 - *Reading it on the Internet*
 - *Staying in a Holiday Inn Express TM*
 - *Reading about something in a book*
 - *Asking a friend...*



From the Case Files

Dallas, TX

- Design for a Medical Clinic
- PE Sealed Mechanical, Electrical, and Structural Design Sheets
- Title Block: “ABC Architectural Services”
- IBC Violations in Construction
- PE Didn't Work for Architectural Firm
- PE Didn't Include Firm Name/Number
- *TBPE Investigated: Codes & Firm Reg.*



From the Case Files

- TBPE Contacted PE
- PE Story #1:
 - Did Designs and Sent to Architect
 - Didn't Sign / Seal Designs
- PE Story #2:
 - Did NOT Do Design Work
 - Signed / Sealed Designs “as a favor to get them permitted”



From the Case Files

- “Plan Stamping”
 - *Signing / Sealing Work Not Performed by PE or Under Direct Supervision*



From the Case Files

Austin, TX

- Two Landfill Permits
- Filled Out Incorrectly...
- Text Copied from Other Permit Applications
 - For Different Sites
 - By Different Engineers
- *Plagiarism*



From the Case Files

- *Misleading / Deceitful / Fraudulent*
- *Not Supported by Modeling / Calculations*
- *Failed to Meet Codes*
- *Did Not Consider Environmental Impact*
- *Endangered Public Health & Safety*



From the Case Files

Everywhere, TX

- PE Doesn't Renew On Time
- PE Continues to Sign & Seal Designs
- **Violation:** *Practicing on an Expired License*
 - *1 yr Probated Suspension / \$500.00*
- Pay attention to Renewals
- Look Up PE's on Website
 - Your Own Staff
 - Subcontractors
 - Other PE's



From the Case Files

Everywhere, TX

- Design Submitted to City for Review
- Problems w/Design, PE Contacted
- PE Didn't Perform Design
- Seal Was Fraudulently Applied

- *Failure to Protect Your Seal*

External Theft

Internal Usage

Blanket Authorization

Network Files



From the Case Files

Houston, TX

- Report Prepared, Signed & Sealed by PE
- Another Report Prepared, Signed & Sealed by Same PE
- PE Numbers Don't Match
- Certificate on Wall Doesn't Match Seal #1 or #2
- In Fact, PE isn't a PE at all!!!
- Check the TBPE Website
- *Unlicensed Practice*



Questions and Answers



Texas Board of Professional Engineers
2010

Contact TBPE

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