

Texas Board of Professional Engineers

**Professional Practice &
Ethics Update**

for the

OTC 2009 Ethics Breakfast

May 5, 2006

C. W. Clark, P.E.

Director of Compliance & Enforcement

Agenda

- What's New at the Board
- Rule Changes/Reminders
- Ethics and Code of Conduct



What's New

New Chairman

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

Vice Chancellor and
Dean of Engineering,
Texas A&M



What's New

New Board Members

Gary Raba,
D.Eng., P.E.

Vice-Chairman
Raba-Kistner
San Antonio



What's New

New Board Members

Elvira Reyna

Ex-Member of Texas
House of
Representatives
Little Elm, TX



Four Year Rule Review

- Required review of all Board rules
- 62 Rules with Changes
- Most are Minor / Administrative
- Proposed August 2008
- Adopted November 2008
- Published in Texas Register (Dec 12 Issue)
- Effective date was **December 21, 2008**
- Revised Law & Rules – Online NOW!



Four Year Rule Review

(12/21/08)

- Substantive Rule Packages:
 - PDH for K-12 or higher education outreach
 - Up to 3 hours for presentations
 - E-Week
 - Schools / Universities
 - NCEES Council Record for inter-state licensure

Four Year Rule Review

(12/21/08)

- Revision of international licensure rules
 - Clarified Requirements
 - Added AUSFTA (similar to NAFTA)
 - Temporary License
- Release of case documents
 - Clarified when enforcement documents can be released
- References for Additional Branch requests

Four Year Rule Review

(12/21/08)

- 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

Firm Number Identification Rules

- 137.77 Firm Registration Compliance
 - (h) “All engineering documents released, issued, or submitted by or for a registered engineering firm, including preliminary documents, must clearly indicate the firm name and registration number.”

Firm Number Identification Rules

- §137.33 Sealing Procedures
 - (n) “All engineering documents released, issued, or submitted by a licensee, including preliminary documents, shall clearly indicate the firm name and registration number of the engineering firm by which the engineer is employed.
 - (1) If the engineer is employed by a local, State, or Federal Government agency, then only the name of the agency shall be required.
 - (2) If the engineer is exempt from sealing a document under subsection (m) of this section, but elects to seal a document, then only the name of the employer shall be required.”

Adopted Board Rules

(Previous Adoptions)

- Electronic Seal and Signature
 - Electronic Signatures Now Allowed
- Waiver - Former Texas License Holder
- Experience Before Degree
 - Limited to 2 years
- Emergency Temporary License
 - Applications accepted until March 31, 2009
 - ~90 received
 - 180 day duration
 - Hurricane Ike - FEMA designated counties



Government Advisory Committee

- Improve communication with gov't agencies / organizations and the Board
- Advisory in nature (last mtg 3/27)
- Examples:
 - TxDOT, TCEQ and other State Agencies
 - Cities / Counties
 - School Districts





Update on NCEES

- Southern Zone elects Govind Nadkarni, P.E. (TX) as zone Assistant Vice President
- Engineering Education Task Force (BS + 30)
- Computer Based Testing Task Force
- Structural I and II exams are being combined for 16 hr exam by 2011
- Civil/Structural replaces stand alone Structural I
- Construction Engineering Module – April 2008

NCEES Update (cont)

Software Engineering

- “Emerging Technology” – New Field of Engineering
- ABET Programs / Recognized Body of Knowledge
- Needs PE Exam
- Licensing Exam Consortium– NSPE, IEEE, NCEES, Other States
- Working on 10 states for exam development
- NSPE, IEEE endorsed



More Board Updates

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



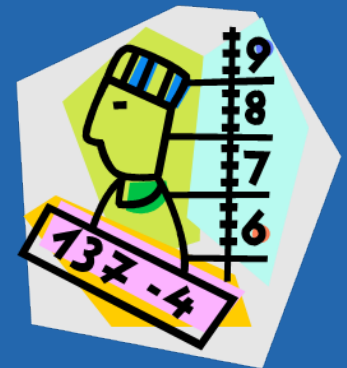
Reminders

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



Reminders

- **Criminal Convictions**
 - All New Licensees
 - Required to Report with in 30 days and attest to such on Renewal
 - Board will Review Incidents
 - Severity
 - Recidivism
 - Relevant to Engineering
 - Other Factors



Reminders

- **Providing Reference Statements**
 - Experience is a vital component of licensure
 - Board relies on PE references
 - Give fair, honest, accurate evaluations
 - PE needs to know applicant
 - Do not give ‘buddy’ references
 - Do not retaliate



Reminders

- **Providing Reference Statements**
 - PE is not required to provide a reference
 - Do not provide reference if not comfortable with applicant
 - “Cold Calls”
 - Not familiar with work
 - Reference Form
 - Review SER - edit if necessary!

Reminders

- **Only Work in 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

Reminders

- **Purpose of Seal**
 - Seal represents work done by the PE or directly supervised by the PE
 - Represents that design is correct (meets all codes, calculations performed, etc.)
 - Reported cases of incomplete, incorrect, non-compliant designs
 - Don't assume that the reviewing authority will "catch it in review."

Outreach

FY	Attendees	Presentations
2007	5,965	108
2008	5,739	100

- Includes K-12
- e-Week
- Introduce a Girl to Engineering Day



Compliance & Enforcement Statistics

- FYs 2007-2008
 - 1519 Cases Opened
 - 759 Opened by Staff
 - 763 Opened at Request of Public
 - 1522 Cases Closed
 - 923 Voluntary Compliance
 - 114 Disciplinary Actions
 - 175 Dismissed / No Violation



C & E Statistics



- **FYs 2007-2008**
 - **Cases Opened**
 - 515 - Unlicensed Practice
 - 313 - Corporate Name
 - 170 - Cases against PE's
(Disciplinary Cases)
 - 54 - Illegal Use of Title

Filing a Complaint

- Violations are determined by the Board's Law & Rules (Refer to Table in §139.35(b)-(e)).
- Complaint Form (specific to a PE) is online – Detailed email or letter is also acceptable.
- Complaint and Evidence should answer the questions: 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; but,
 - 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.



Ethics and Code of Conduct

Engineer is the District Engineer for a Municipal Utility District (MUD) and he also performs engineering on projects in the MUD for the developer.

Is this a Conflict of Interest?

Ethics and Code of Conduct

- According to the Board of Professional Engineers, YES, if the following conditions are met:
 - Action was taken in an Open Meeting of the MUD Board of Directors with the consent of the developer or another party who might create the conflict.
 - A written developer reimbursement agreement between the MUD & the Developer which recognizes the MUD's Engineer

(NOTE: See TBPE's Policy Advisory Opinions, EAOR#22)

Ethics and Code of Conduct

- Professional Engineer gives notice that he is leaving a consulting engineering firm and during his last week there:
 - He sends to his personal email address copies of his/the firm's contact list. Ethical?
 - During normal work hours calls his current project client contact and informs him that he is leaving but will be doing similar projects with his new firm. Ethical?
 - Sends copies of his engineering project drawings to his home computer. Ethical?

Ethics and Code of Conduct

- Newly hired engineer is brought a set of unsealed drawings by his supervisor and is instructed to sign and seal them since they are late with the project.
 - Should he sign and seal?
 - Under what conditions could he?

Ethics and Code of Conduct

- Light poles have been falling at school district athletic fields across the US. The poles were manufactured by a firm which no longer exists. Apparently a mathematical miscalculation by the design engineer or engineers.
 - Should the Engineer of Record hold some liability for not validating the specification?
 - What about the School District or City?

Contact TBPE

- 1917 IH-35 South
- Austin, TX 78741
- Phone: 512-440-7723
- FAX: 512-440-5715
- Web: <http://www.tbpe.state.tx.us>
- email: peboard@tbpe.state.tx.us