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INFORMATION BULLETIN

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CONTINUING PROFESSIONAL  
COMPETENCY (CPC)

The Board has adopted a voluntary Continuing Professional Competency (CPC) program for its registrants, to commence on September 1, 1995. Details of the program are currently being developed with the assistance of a CPC Advisory Council appointed by the Board. The Council is composed of two Board members and three registrants recommended by the Texas Society of Professional Engineers.

An element of the program will be a Monitoring Team (MT) to assist in monitoring and evaluating CPC compliance and effectiveness. The MT is chaired by Board Chairman, Derrell Johnson, P.E., and is composed of a representative from each participating technical society for a branch of engineering recognized by the Board. It is current policy that the CPC program be evaluated for six years, until August 2001, to enable the Board to make an informed recommendation regarding the future of CPC for engineers.

Public input has already been sought and received relative to the guidelines for the CPC program. Final approval of the following proposed guidelines is expected at the Board's April 1995 meeting.

**Proposed Guidelines:**

**(a) Continuing Professional Competency.**

The information set forth below is for the purpose of providing guidelines for continuing professional competency. The purpose of the continuing professional competency guidelines is to demonstrate a continuing level of competency among professional engineers. Every registrant who meets these continuing professional competency guidelines shall be noted in the roster as an active participant in the Texas State Board of Registration for Professional Engineers' voluntary Continuing Professional Competency (CPC) program.

**(b) Definitions.** Terms used in this section are defined as follows:

(1) Professional Development Hour (PDH) - A contact hour (nominal) of instruction or presentation. The common denominator for other units of credit.

(2) Continuing Education Unit (CEU) - Unit of credit customarily used for continuing education courses. One continuing education

unit equals 10 hours of class in approved continuing education course.

(3) College/Unit Semester/Quarter Hour - Credit for ABET approved course or other related college course approved in accordance with Section (e) of these guidelines.

(4) Course/Activity - Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's responsibilities or field of practice.

**(c) Requirements for participation.** Every registrant who participates in this program must obtain 15 PDH units during the annual renewal period. If a registrant exceeds the annual requirement in any renewal period, a maximum of 15 PDH units may be carried forward into the subsequent renewal period. PDH units may be for the following:

- (1) Documented self-study.\*
- (2) Successful completion of correspondence, televised, videotaped, audiotaped and other short course/tutorials.
- (3) Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions or conferences.
- (4) Successful completion of continuing education courses.
- (5) Successful completion of college courses.
- (6) Teaching or instructing in (2), (4) and (5), above.
- (7) Authoring published papers, articles, or books.
- (8) Active participation in professional or technical societies.
- (9) Patents.

\* All professional engineers are expected to participate in self-study related to their areas of responsibility or practice to maintain their professional competency.

**(d) Units.** The conversion of other units of credit to PDH units as follows:

- (1) 3 hours of documented self-study: 1 PDH
- (2) 1 Hour of professional development in course work, seminars, or professional or technical presentations made at meetings, conventions or conferences: 1 PDH
- (3) 1 Continuing Education Unit: 10 PDH
- (4) 1 College or unit semester hour: 45

PDH

(5) 1 College or unit quarter hour: 30 PDH  
(6) For teaching in (d)(3) through (d)(5), apply multiple of 2\*

(7) Each published paper, article or book: 10 PDH

(8) Active participation in professional and technical society (each organization): 2 PDH

(9) Each patent: 10 PDH

\*Teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time engineering faculty.

**(e) Determination of Credit.** The board of registration has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

(1) Credit for college or community college approved courses will be based upon course credit established by the college.

(2) Credit for qualifying seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program.

(3) Credit determination for activities (d)(7) and (d)(9) is the responsibility of the registrant (subject to review as required by the board).

(4) Credit for activity (d)(8), active participation in professional and technical societies (limited to 2 PDH per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDH credits are not earned until the end of each year of service.

(5) Credit for activity (d)(1) shall be limited to no more than 5 PDH per renewal period.

**(f) Recordkeeping.** The responsibility of maintaining records to be used to support credits claimed is the registrant's. Acceptable records may include, but are not limited to:

(1) A log showing identifying information such as the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, specifics of self-study, and PDH credits earned;

(2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; or

(3) Records as maintained by the National Professional Development Registry for Engineers (NPDRE) or similar repositories.

These records should be maintained by the registrant for a period of three years and copies may be requested by the board for verification purposes.

**(g) Non-Residents.** Registrants who are residents of jurisdictions other than Texas should meet any mandatory CPC requirements of their resident jurisdiction. The guidelines for Texas will be deemed as satisfied when non-resident registrants provide evidence of having met any mandatory requirements of their resident jurisdiction.

**(h) Reporting.** Reporting of CPC activities will be made during the license renewal process. Verification of a registrant's CPC records will not be required for the license renewal process, but the board of registration may ask to review such verification.

### **MONITORING TEAM (MT) FOR CONTINUING PROFESSIONAL COMPETENCY**

A Monitoring Team (MT) has been established by the Board as mentioned briefly in the previous article. Its objectives are to develop procedures for monitoring CPC during the present voluntary phase of the CPC program; and evaluate the results on a continuing basis, so that if and when CPC becomes a mandatory requirement for license renewal in Texas a well-tested CPC plan will be available for implementation.

Each participating technical organization has nominated and will support a representative on the MT for at least six years. Serving one-to-three-year staggered terms, each individual is expected to maintain communication with their sponsoring organizations and their engineering discipline, and to aid in monitoring their discipline's participation in CPC.

In summary, the MT tasks will be to integrate the participation of technical and professional societies into the process of competency evaluation; become fully acquainted with the voluntary CPC guidelines established by the Board; develop a unified form for summarizing annual reporting of CPC by each engineer participating in the voluntary program, and submit the form through the Advisory Council for Board approval. Further, the MT will develop a cost-effective method for auditing compliance with CPC requirements; review a sample of reporting forms submitted by registrants to ascertain problem areas; and prepare an annual report to the Advisory Council. MT members should serve as a liaison for their respective society to keep its members advised as to how CPC requirements can be met, and report to the Advisory Council suggestions received from their society.

The Board has selected the following MT members: Cecil Allen, P.E. Civil; Joe Dennington, P.E. Mining/Mineral; Douglas B. Price, P.E. Chemical; Mark Cutright, Petroleum; Robert V. Avant, Jr. P.E.

Agricultural; Walter Evans, P.E. Mechanical; James E. Hoffmann, P.E. Metallurgical; Michael Crowley, P.E. Fire Protection; Davis L. Ford, Ph.D. P.E. Environmental; Kenneth Maynard, P.E. Industrial; Stephen F. Lucy, P.E. Structural; Otto M. Friedrich, Jr. Ph.D. P.E. Electrical; Baxter Williams, P.E. Control Systems; and Ken King, CEC-Texas. The Board is fortunate to have these individuals who are willing to contribute their time for the betterment of the engineering profession.

### **NEW MEMBERS APPOINTED TO BOARD**

Dr. C. H. (Herb) Treat, P.E. was appointed to the Board on February 21, 1994, replacing Dr. James Chang, P.E. whose term expired. Dr. Treat holds BS and MS degrees in civil and mechanical engineering, respectively, from Purdue University, and a Ph.D. degree from the University of New Mexico. He is a special consultant with Rimkus Consulting Group, Inc. in Austin.

Mr. Hubert Oxford III, Managing Partner in the law firm of Benckenstein & Oxford; L.L.P. Beaumont, was appointed to the Board on February 14, 1994, replacing Mr. Karl Hubert whose term expired. Mr. Oxford holds a BS degree in mechanical engineering from Texas A&M University and an LLB degree from the University of Texas at Austin.

Mr. Jose I. Guerra, P.E. of Austin, was appointed to the Board on June 1, 1994, to replace Mr. Jose I. Novoa, P.E. whose term expired. Mr. Guerra received his BS degree in architectural engineering from the University of Texas at Austin, and is the President/CEO of Jose I. Guerra, Inc./ Consulting Structural Engineers.

Mr. John G. Farbes was appointed to the Board on August 12, 1994, replacing Mr. James G. Abbee who resigned. Mr. Farbes holds a BBA degree from the University of Oklahoma, and is employed as Manager of Business Development at Lone Star Gas Company in Richardson.

### **NEW RULE ADOPTED REGARDING EXAMINATION IRREGULARITIES**

**Rule 131.106**, entitled 'Examination Irregularities' was adopted to establish the procedures and consequences the Board will exercise as a means of protecting the integrity of the examinations when an examination has been compromised.

'(a) Cheating on Examinations will not be tolerated. Examination proctors who conclusively observe that an examinee is giving or receiving assistance, compromising the integrity of the examination or participating in any other form of cheating during an examination shall require the examinee to surrender all examination materials. The examinee involved shall leave the room and shall not be permitted to return. Evidence of cheating found after the examination shall also be a cause for action. The executive director

shall be informed of such instances of suspected cheating at the earliest possible opportunity and will determine appropriate action. The results of all examinations where the executive director has determined that cheating has occurred will be disallowed.

'(b) If the executive director determines that an examinee has cheated, the examinee will be barred from taking any examination in Texas for a period of two years. Any application for registration pending or approved for examination will be automatically proposed for rejection and will be evaluated or re-evaluated on that basis. Any examination taken and passed in another state during the two-year period will not be acceptable for registration purposes in Texas. Any subsequent examinations administered to the examinee will be given at the site and time determined by the executive director.

'(c) A registered professional engineer suspected of cheating shall be charged with violating §131.156(a)(2) of this title (relating to Responsibility to the Engineering Profession) and will be subject to the associated processes and penalties.'

### **RULE CHANGES**

Since publication of the January 1994 Bulletin, the following rules have been amended: 131.54, 131.81, 131.91, 131.92, 131.93, 131.101, 131.103, 131.112, 131.138, 131.152, 131.156, and 131.171. Applicants for registration should pay particular attention to Rules 131.54 through 131.112 prior to submitting their application for processing by the Board.

**RULE 131.54:** 'General Application Information.' was amended in subsection "(b)" to read: 'Applications for registration may be submitted at anytime and will be subject to §131.101(g)(2) of this title (relating to Engineering Examinations Required for Registration as a Professional Engineer).'

Subsection "(d)" was replaced by the following: "Certain items must be submitted for an application to be considered complete. The executive director may accept an incomplete application pending receipt of documents from third-party sources over which the applicant has no control. Such documents may include transcripts and verifications from other states. Reference statements must be included with the application. For an application to be considered complete, it must include the following: Paragraphs (1)-(2) no change. "(3) official transcript(s) of degree(s) in accordance with §131.93 of this title (relating to Transcripts); 'Paragraph (4) no change. '(5) official documentation from the appropriate examining board verifying that the applicant has passed the fundamentals of engineering examination;

Subsection "(e)" now reads as follows: "The board may request additional information or the executive director may recommend the applicant provide additional information. If an applicant declines to provide additional information for an accepted application as

recommended by the executive director, the application will be referred for board consideration with documentation of such declination. If, after notification in writing, the applicant fails to provide any part of the required information for a complete application within the time specified by the executive director, the application will be referred to the board to be not approved as an incomplete application. Withholding information, misrepresentation, or untrue statements on the application for registration or supplemental experience documents may be cause for rejection of the application.

**RULE 131.81:** 'Experience Evaluation.' was amended in paragraph "(12)" by deleting in the first sentence the phrase "except those who are applying under the Act, §21."

**RULE 131.91:** 'Educational Requirements for Registration.' was amended in subsection "(b)(1)" to specifically refer to "a bachelor of engineering technology curriculum."

**RULE 131.92:** 'Foreign Degrees.' was amended in subsection "(a)(2)" to delete reference to ABET counterpart organizations in Australia, Canada, Ireland, New Zealand and the United Kingdom, and now reads: 'Applicants having degrees accredited by the Canadian Accreditation Board that are published in the ABET annual report may apply under the Act, §12(a)(1).'

Subsection "(b)" was amended by adding the following sentence: 'Applicants covered by subsection (a)(1) of this section may request exemption from the requirement for evaluation of the foreign degree(s) from a commercial evaluation service by submitting other substantiating evidence and documentary proof that the degree(s) meets the requirements of §131.91(a)(3) of this title (relating to Educational Requirements for Registration) which is satisfactory to the executive director.'

**RULE 131.93:** 'Transcripts.' was amended so that the first sentence now reads: 'An official transcript bearing the seal of the institution involved must be provided to the board for each school from which an engineering degree or 15 or more semester hours of credit in engineering science or mathematics are claimed on an application, regardless of the section of the Act under which application is being made.'

**RULE 131.101:** 'Engineering Examinations Required for Registration as a Professional Engineer.' was amended in subsection "(a)(3)" which now reads: 'Individuals who appear to meet the educational requirements for registration and who have not passed the fundamentals of engineering examination while in college may apply to the board to take the examination in Austin or at other sites designated by the board. The individual may schedule and take the examination at any time provided the examination policy is followed and the appropriate fee for each examination is paid.'

Subsection "(g)(2)" was amended by deleting the reference to §21 of the Act at the end of the third sentence, and by substituting the following

two sentences for the previous last sentence: 'Applicants for registration who are approved for examination at least four weeks prior to the examination deadline as described in subsection (c) of this section, shall be scheduled for the next available principles and practice of engineering examination. Applicants approved after that time frame shall be scheduled for the second available principles and practice of engineering examination, but at their discretion may take the first available examination provided that their examination application is received by the board prior to the established deadline date.'

**RULE 131.103:** 'Engineer-in-Training.' was amended by substituting the word "bachelor's" for the term "four-year."

**RULE 131.112:** 'Approved Applications.' was amended in its preamble by adding "§21" to §12(a)(1) and (2) of the Act under which applications for registration are made.

**RULE 131.138:** 'Engineers' Seals.' was amended in paragraph "(5)" by adding the following sentence: 'A CADDSEAL may be of a reduced size, but the name and registration number shall be clearly legible on all copies. Paragraph "(9)" was amended by adding the following as the second sentence: "The initial sheet, title sheet, or table of contents sheet of a bound volume of engineering drawings shall contain the seal conforming to the size as stated in this section.'

**RULE 131.152:** 'Independent Professional Judgment.' was amended in subsection "(f)" to read: "The engineer shall not solicit or accept, directly or indirectly, any engineering contract or employment from a governmental body, agency or department in which a person in the engineer's organization serves as a member or employee in a position to influence the award of the contract."

Subsection "(g)" was amended to read: "Registrants may actively participate in elective and appointive public service in keeping with each registrant's personal conviction. When in such public service as a member or employee of a governmental body, agency, or department, the engineer shall not participate, directly or indirectly, in deliberations or actions with respect to services offered or provided by him, his associates, or his organization to such governmental body, agency, or department."

**RULE 131.156:** 'Responsibility to the Engineering Profession.' was amended in subsection "(a)(12)" by adding the terms "any fraud, gross negligence, incompetency, misconduct," between the words "expose" and "unethical."

**RULE 131.171:** 'General.' (relating to complaints) was amended in subsection "(a)" to read: "Complaints alleging violations of the Act or board rules must be made in good faith and be accompanied by sufficient information or factual evidence for the executive director to establish probable cause. If the executive director does not find probable cause, he shall be authorized to dismiss the allegation without further action. The board is not responsible for proving the basis of a complaint."

## EXAMINATION DATES

The Principles and Practice of Engineering examinations and the Fundamentals of Engineering examinations are conducted respectively on consecutive Fridays and Saturdays. The 1995 schedule includes April 7 and 8. The deadline for applying to take these exams was February 17. October 27 and 28 are the next exam dates, with an application deadline of September 15. In 1996, the first exams will be held on April 19 and 20, with an application deadline of February 29.

## DISCIPLINARY ACTIONS

Since publication of the January 1994 Bulletin, the following administrative actions have been taken:

Mr. Clarence L. Littlefield, P.E. by consent order was issued a formal reprimand for failure to seal, sign and date design plans issued to a state agency.

Mr. Robert Collins Holt, P.E. by consent order was issued a formal reprimand for sealing plans after his license had expired.

Mr. R. T. Abrahamson, P.E. by consent order was issued a formal reprimand for failure to seal, sign, and date plans issued to a client.

Mr. Raul Pedro Flores, by consent order, for numerous sealing infractions and practicing on an expired license, had his license suspended for one year, probated, contingent upon successfully completing the correspondence course in professionalism and ethics within six months. Mr. Flores did not complete the course within the specified time and his license was suspended without probation for six months.

Mr. Gaylord W. Carlock, P.E. by agreed order was issued a formal reprimand for errors and omissions inconsistent with competent structural engineering; for inadequate design; and for practicing in a discipline outside his area of expertise. Mr. Carlock was also required to successfully complete the course in professionalism and ethics, and discontinue the practice of structural engineering until he has successfully passed the Structural I Principles and Practice examination.

Mr. Michael Earl Havens, P.E. by consent order, for submitting electrical designs that were not within code requirement; were not complete; and contained numerous drafting errors, had his license suspended for one year, probated, contingent upon successfully completing the professionalism and ethics course.

Mr. Carl Glaser, P.E. by consent order was issued a formal reprimand for the use of a decal replica of his engineer seal. He was also required to successfully complete the professionalism and ethics course.

Mr. John Roy Millett, P.E. by agreed Board order was issued a formal reprimand for not placing his name, P.E. designation, date, registration number, and the intended purpose on a set of structural engineering plans.

Mr. Eduardo Alfredo Alvarado, by consent

order had his certificate of registration revoked for knowingly accepting an erroneously issued certificate from the Board, without having taken and passed the two required engineering examinations.

Mr. Nathaniel Haggerty, Jr. P.E. by agreed board order was issued a formal reprimand for sealing certain design plans while his license was expired.

Mr. Max Melvin Martin, by consent order had his certificate of registration revoked for a felony conviction with incarceration.

Mr. Thomas H. Eikel, P.E. by consent order, for sealing plans not prepared under his direct supervision; not performing adequate review of plans; and not notifying previous engineer of his engagement and changes made, had his license suspended for two years, probated, contingent upon his successfully completing the course in professionalism and ethics.

Mr. McO Johnson, P.E. by final order of the Board, based upon the decision rendered by the State Office of Administrative Hearings, had his license suspended for six months for not affixing his seal, signature and date to design plans submitted to a state agency for permitting.

## INJUNCTIVE MATTERS

Since publication of the last Bulletin, four injunctive suits for various violations of the Texas Engineering Practice Act have been resolved in the Board's favor against the following parties in district court:

Tops Engineering Corporation, Plano; Portfolio Analytics and Engineering Technology Corporation, Houston; Mr. Gary L. Ragsdale, Humble; and Mr. Eugene Wier, Houston.

## 1995 ROSTER OF ENGINEERS

The biennial Roster of Engineers is scheduled for publication and distribution as soon as possible after the March 1, 1995, cutoff date. This year the roster will be divided into two

sections: the first will consist of active registrants; and the second will list all registrants whose licenses have expired, but which are renewable under certain provisions of the law.

## PROFESSIONAL DEVELOPMENT PROGRAM PROGRESSES

The Professional Development Program initiated by the Board in 1989, has progressed in activity according to information from the Murdough Center for Engineering Professionalism at Texas Tech University, which conducts the program for the Board. With the advice and assistance of the Texas deans of engineering and industry leaders, the Board has sponsored the development of instructional materials, short courses and workshops for engineering faculty in Texas schools.

Over 40 workshops, seminars and presentations on ethics have been presented to over 1,000 engineers. During the past two years, the Board sponsored 11 Ethics Workshops for engineering faculty in Texas, presented by 21 engineers and ethicists from industry (Texas Instruments, General Dynamics, Bell Helicopter) and universities (Texas Tech, UT/Austin, Texas A&M, MIT University of California/Irvine, Western Michigan University, Chapman University). Over 200 engineering faculty in Texas attended. These faculty in turn convey the importance of professionalism and ethics to tens of thousands of students each year.

The Education Advisory Committee is comprised of the respective deans of the Texas schools offering engineering degrees, and three non educators. The Industry Advisory Committee consists of the following members: Joseph J. Beal, P.E., Chairman, Austin; William G. Burnett, P.E. Austin; Dan D. Clinton, P.E. Houston; E. D. "Dave" Dorchester, P.E. Midland; Col. Joseph G. Graf, P.E., Fort Worth; Nathelyne A. Kennedy, P.E. Houston; Ramon F. Miguez, P.E. Dallas; Robert Navarro, P.E.

El Paso; Robert L. Nichols, P.E. Fort Worth; Jose I. Novoa, P.E., Dallas; Ricardo R. Salinas, P.E. McAllen; Jimmie A. Schindewolf, P.E. Houston; Carl M. Skooglund, Dallas; and Albert A. Smith, P.E. Amarillo.

A Professionalism and Ethics correspondence course is frequently ordered by the Board as a part of disciplinary actions taken against registrants for various violations of the law or Board rules.

## STAFF PERSONNEL CHANGES

Mr. John R. Speed, P.E. employed by the Board as Deputy Executive Director since January 1, 1994, will succeed Mr. Charles E. Nemir, P.E. as the Executive Director on June 1, 1995.

Mr. Paul D. Cook has been promoted to the position of Supervising Investigator, replacing Mr. Ronald Hall who retired on July 31, 1994, after serving nearly 16 years as a valued member of the Board staff. Mr. Cook originally joined the enforcement staff in December 1985 and currently has over 21 years of investigative experience.

Mr. Clifton A. Bond was hired on October 24, 1994, as the replacement investigator. Clif retired from the U.S. Air Force and brings to the staff nearly 10 years of investigative experience as a Special Agent, Air Force Office of Special Investigations.

Ms. D'Anna Stewart has joined the Board and is working in the administrative support department.

Ms. Marilyn Aunspaugh resigned her position in the registration department on July 15, 1994.

## 1995 BOARD MEETINGS

The Board met on January 11, 1995 in Austin and is scheduled to meet again in Austin on April 19-20. A June 14 meeting is scheduled in South Padre Island, and the October 18-19 meeting is scheduled for Austin.

**TEXAS STATE BOARD OF REGISTRATION  
FOR PROFESSIONAL ENGINEERS**

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