

TEXAS STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

P.E. NEWSLETTER



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Continuing Professional Competency

The Continuing Professional Competency Program (CPC) has experienced a successful first round. Since its implementation in September of 1995, the board has received positive feedback on the program, CPC Coordinator Debbie Rice said.

"Engineers appreciate that the program is well-structured and that they can participate on a voluntary basis," Rice added.

Monitoring Team committees have altered the program slightly since CPC's introduction in September.

The Reporting Committee decided during the October meeting to allow out of state

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CPC Coordinator
Debbie Rice said.**

licensed engineers participating in mandatory CPC programs to submit their state's CPC reporting form to the Texas board. The committee also made minor changes in the board's CPC reporting form which should make it easier to understand and complete.

The CPC Monitoring Team met in November to discuss the correspondence that has been received regarding CPC, to review the statistics from the reporting forms and to



The Reporting Committee of the CPC Monitoring Team from left to right: Joe Dennington, P.E., Chairman, Kenneth Maynard, P.E., Ken King, Debbie Rice, CPC Coordinator and D'Anna Stewart, Operations Staff.

approve the decision to make CPC information accessible on the Internet.

The Reporting Committee decided in the January meeting that 10% of CPC participants will be randomly selected and asked to provide documentation verifying their CPC activities. During the past six months, 4,700 engineers have registered to participate in CPC.

In addition, members of the Monitoring Team and the board staff have been giving talks to different groups regarding CPC. If an engineering group would like to have a speaker come and talk about CPC, please contact the board office.

A sample CPC log is available from the Texas Society of Professional Engineers. To receive a copy of the log contact TSPE, P.O. Box 2145, Austin, Texas 78768, (512) 472-9286. Registrants may also design their own log to track their CPC activities.

New Board Members Named

Governor George Bush appointed three new members to the board on January 17, 1995. Ernest D. (Dave) Dorchester, P.E., Edmundo R. Gonzalez Jr., P.E. and Danny R. Perkins will replace retiring members James K. Wilhelm, P.E., Earnest F. Gloyna, D.E., P.E. and John G. Farbes.

Mr. Dorchester is an electrical engineer retired from T.U. Electric. He graduated from the University of Texas at Austin with a Bachelor of Science in Electrical Engineering. He previously served on the board from 1987 through 1991. He has also served on the United States Committee on International Engineering Practice as a representative for the National Society of Professional Engineers. He has been an emeritus member of the National Council of Examiners for Engineering and Surveying and was awarded the Distinguished Service Award. He resides in Midland with his wife Mary.

Mr. Gonzalez is a civil engineer and owner of Gonzalez Engineering & Surveying, Inc. in Brownsville, Texas. He graduated with *continued on page 4*

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Board Members

Roxanne L. Pillar, P.E.
Board Chair - Ft. Worth

Linda Yee Chew, Esq.
Member - El Paso

Derrell E. Johnson, P.E.
Member - Ft. Worth

Jose I. Guerra, P.E.
Board Vice-Chair - Austin

E. D. (Dave) Dorchester, P.E.
Member - Midland

Hubert Oxford III
Member - Beaumont

C. H. (Herb) Treat, Ph.D., P.E.
Board Secretary - Austin

Edmundo R. Gonzalez, Jr., P.E.
Member - Brownsville

Danny R. Perkins
Member - Houston

Staff

John R. Speed, P.E.
Executive Director

Paul D. Cook
Director of Enforcement

Randi Warrington
Deputy Executive Director

Hali Ummel
Editor

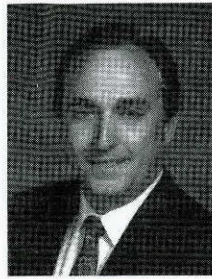
C. Walter May, Jr., P.E.
Director of Registration

For more information contact the board at:

P. O. Drawer 18329, Austin, TX 78760-8329 or 1917 IH 35 South, Austin, TX 78741. (512) 440-7723 (phone) (512) 442-1414 (fax)

NEWS from Executive Director

John R. Speed, P.E.



New Sealing Rule

On November 21, 1995, the board instituted a new sealing rule. It is printed on the next page along with a chart showing the appropriate sealing practices for various types of work. We suggest that this page be posted in the offices where sealing is conducted.

The new rule emphasizes that the engineer is to clearly convey to the client or user the scope of the work performed and who performed it. It allows the signature and "P.E." designation to replace the seal on some unbound documents. Although it still requires all plan sheets (bound or unbound) to be sealed, bound documents need only be sealed on the title sheet. CADD seals and incomplete documents are covered in paragraphs (5) and (8).

Design/Build

Design/build on public works conducted by political subdivisions of the state has not been legal since a 1984 Attorney General's Opinion (JM-282). However, in the 74th legislature, Senate Bill 1 included a provision to allow school districts to utilize design/build under certain circumstances. A letter of intent from the author of that bill further clarified that engineering services must still be acquired based on the qualifications of the provider as prescribed in the Professional Services Procurement Act. The author also states that there can be no relationship between the designers and the contractor under any such design/build agreement. Any contract made in violation of the PSPA is voided by Section 2254.005 of the Government Code.

Proposed Changes to the Exam Format

Beginning in 1998 the format for the Chemical, Civil, Electrical, Industrial and Mechanical PE exam will change. The examination will be divided equally in testing the depth and breadth of knowledge. The breadth questions will cover the disciplines in general and the examinee will choose one of the subareas of the discipline for the depth portion. Instead of selecting questions from a larger group of questions, examinees will answer four general questions and four subarea questions; examinees will have no choice in the selection of those questions.

Plan Stamping

The board enforcement staff has been actively pursuing an increasing number of plan stamping cases; several have resulted in significant suspensions. All licensed engineers should understand the significance of Board Rule 131.138 (2) and refuse to seal work that has not been performed personally or under their responsible supervision.

TNRCC Agreement

In September, the board entered into a memorandum of agreement with the Texas Natural Resource Conservation Commission with regards to underground storage tanks. The agreement clearly delineates which activities in the assessment and remediation process are engineering and which are non-engineering. We would like to thank the following staff at TNRCC for helping to prepare such a significant document: Danny Lien, P.E., Anton Rozsypal, P.E., Chet Clark, Joe Woodard, and Dan Wittliff, P.E. These and others in the TNRCC have a very high commitment to technical excellence that will serve the public well in the years ahead. A copy of this agreement in the form of the board's policy advisory is available from Hali Ummel, the public information coordinator for the board.

New Discipline Examinations

The National Council of Examiners for Engineering and Surveying approved two new examinations, Building Architectural Engineering (BAE) and Ship Design Engineering (SDE). The respective technical societies will be conducting a professional activities and knowledge analysis to determine the specifications for the new examinations and to develop the examinations. It is anticipated that examinations will be offered in April of each year. The implementation date is not known at this time.

Internet

The board will have e-mail capability and a home page up by May 1996. You may contact Hali Ummel at the board office for more details.

Enforcement Matters

During the period July 1, 1995 through January 31, 1996, the Enforcement Division conducted 502 inquiries; 305 of those were resolved by achieving voluntary compliance. In addition, 14 Cease and Desist orders were signed by individuals found to be in violation of the Act.

Disciplinary Actions

Since publication of the August 1995 *Information Bulletin*, the following administrative actions have been taken:

Milton D. Bluhm of Victoria signed an Agreed Board Order for the suspension of his engineering license for plan stamping. Bluhm's three-year suspension may be probated after the first year contingent upon his successful completion of an ethics course at Texas Tech University within 1996. Bluhm will also need to provide the board a written plan of action describing how he will alter his activities to prevent further occurrence of the offenses for which he was charged.

James Harry Rowell of Carrollton signed a Consent Order for the suspension of his engineering license for plan stamping. Rowell also allowed an unlicensed individual to affix a rubber stamp replica of his signature to design plans and practiced in a field of engineering he is not competent to perform. Rowell's five-year suspension may be probated after three years contingent upon his successful completion of an ethics course at Texas Tech University within 1996.

Harry C. Harbin of Shreveport, Louisiana signed a Consent Order for the suspension of his engineering license for allowing a project's plans to be released to permitting officials without professional engineering authorization. Harbin's one-year suspension will be probated for the entire period contingent upon his successful completion of an ethics course at Texas Tech University within six months from the date the order was accepted by the board.

Michael McCarthy, P.E. of Sugar Land signed a Consent Order for the suspension of his engineering license for six months with the entire period probated. McCarthy was charged with failing to provide a copy of his engineer seal imprint after registration and failing to respond to the board's repeated request for a copy of the imprint.

Gwendolyn R. Jones P.E. of Houston signed a Consent Order for the suspension of her engineering license for six months with the entire period probated. Jones is charged with failing to provide a copy of her engineer seal imprint after registration and failing to respond to the board's repeated request for a copy of the imprint.

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TEXAS ENGINEERING SEALING RULE

§131.138. Engineers' Seals. The purpose of the engineer's seal is to assure the user of the engineering product that the work has been performed by the professional engineer named and to delineate the scope of the engineer's work. The board strongly encourages the engineer to utilize the designation "P.E." on all correspondence and in conjunction with all engineering performed. The seal shall be used as noted in this section and in other board rules. Physical seals of two different sizes will be acceptable: a pocket seal (the size commercially designated as 1-5/8-inch seal) or desk seal (commercially designated as a two-inch seal) to be of the design shown below. Computer-generated seals may be of a reduced size provided that the engineer's name and number are clearly legible.

(1) All seals obtained and used by license holders may contain any given name or initial combination, except for nicknames, at their discretion, provided the surname appears on the seal and in the usual written signature.

(2) Engineers shall only seal work done by them or performed under their responsible supervision, except as provided in paragraph (10) of this section concerning standards.

(3) It shall be misconduct to knowingly sign or seal any engineering document or product if its use or implementation may endanger the health, safety, or welfare of the public.

(4) It shall be unlawful for a license holder whose license has expired, or has been revoked or suspended to sign or affix a seal on any engineering document or product.

(5) All seals obtained and used by license holders shall be capable of leaving a permanent ink or impression representation on the engineering work, or shall be capable of placing a computer-generated repre-

sentation in a computer file containing the engineering work. If not accompanied by an original signature and date, computer-generated seals shall be accompanied by the following text or similar wording: "The seal appearing on this document was authorized by (Example: Leslie H. Doe, P.E. 0112) on (date). Alteration of a sealed document without proper notification to the responsible engineer is an offense under the Texas Engineering Practice Act."

(6) Preprinting of blank forms with an engineer's seal, or the use of decal or other seal replicas is prohibited.

(7) Engineers shall take reasonable steps to insure the security of their physical or computer-generated seals at all times. In the event of loss of a seal, the registrant will immediately upon learning of such loss communicate in writing all facts relative to the loss to the executive director of the board.

(8) Engineers shall affix an unobscured seal, original signature, and date of signature to the originals of all documents containing the final version of any engineering work as outlined in paragraph (9) before such work is released from their control. Non-final documents released from their control shall identify the purpose of the document, the engineer(s) of record and the engineer license number(s), and the release date by placing the following text or similar wording instead of a seal: "This document is released for the purpose of (Examples: interim review, mark-up, drafting) under the authority of (Example: Leslie H. Doe, P.E. 0112) on (date). It is not to be used for (Examples: construction, bidding, permit) purposes." The use of signature reproductions, such as rubber stamps, or computer generated or other facsimiles shall not be permitted in lieu of actual signatures.

(9) The engineer shall sign, seal and date the original title sheet of bound engineering reports, specifi-

cations, details, calculations or estimates, and each original sheet of plans or drawings regardless of size or binding. All other engineering work, including but not limited to research reports, opinions, recommendations, evaluations, addenda, documents produced for litigation, and engineering software shall bear the engineer's printed name, date, signature and the designation "P.E." or other terms allowed under the Act, §1.2; a seal may be added on such work as needed or at the engineer's discretion. Electronic correspondence of this type shall be followed by a hard copy containing the engineer's printed name, date, signature and the designation "P.E." or other terms allowed under the Act, §1.2.

(10) Work performed by more than one engineer shall be sealed in a manner such that all engineering can be clearly attributed to the responsible engineer or engineers. Licensed employees of the state, its political subdivisions, or other public entities are responsible for sealing their original engineering work; however, such licensed employees engaged in review and evaluation for compliance with applicable law or regulation of engineering work submitted by others, or in the preparation of general planning documents, a proposal for decision in a contested case or any similar position statement resulting from a compliance review, need not seal the review reports, planning documents, proposals for decision, or position statement. When an engineer elects to use standards or general guideline specifications, those items shall be clearly labeled as such, shall bear the identity of the publishing entity, and shall be:

- (A) individually sealed by the engineer; or
- (B) specified on an integral design/title/contents sheet that bears the engineer's seal, signature, and date with a statement authorizing its use.

EXAMPLES

TYPE OF PRODUCT	SEALING PROCEDURE
Final plan sheets showing details, layouts, diagrams or pictorial descriptions, bound or unbound	Seal, sign, and date each sheet containing engineering
Reports, specifications or other bound documents	Seal, sign, and date title sheet
Short, unbound engineering opinions, reports, etc.	Signature (with P.E. designation), date; seal optional
CADD or computer files not containing the record copy, for future use or modification by client	Place suggested statement found in paragraph (8) of Rule 131.138
CADD or computer files containing the record copy, for future use by client for reproduction only	Place suggested statement found in paragraph (5) of Rule 131.138
Reports or plans submitted to permitting entities for initial review	Place suggested statement found in paragraph (8) of Rule 131.138
Reports or plans submitted to permitting entities for final approval	Sign, seal and date each sheet containing engineering for plans; seal, sign, and date title sheets for reports
"As-builts"	Sign, seal and date all alterations supervised and approved by the engineer named
Software, manuals or other reproduced/published products	Signature (with P.E. designation) and date on original text, seal optional; or place seal and suggested statement found in paragraph (5) of Rule 131.138.
Master file plans for chemical plants, power plants or other industrial applications	Sign, seal and date each plan sheet of new work on separate pages prior to placement of that information onto master file plans; no seal or signature necessary on master file plans

Enforcement *continued*

Valid Cease & Desist Orders

Issued from 7/1/95 to 12/31/95

Mike Dunavant - Shreveport, LA
 Jerry M. Ivey - Shreveport, LA
 James E. King - Houston
 Mark Linroth - Midland
 Dr. J.S. Mandke - San Antonio
 Jerry M. Morgan - Wichita Falls
 Homer Purtle, Jr. - Shreveport, LA
 W. Frank Stephenson - Wallis
 Thomas J. Tanke - Dallas and Ipswich, MA
 Tony C. Williams - San Antonio
 Louis Zinck - Texas City

Board Members *continued*

a Bachelor of Science in Civil Engineering from Kansas State University. He serves as president of Brownsville's United Way Board and president of the Food Bank in the Rio Grande Valley. He resides in Brownsville with his wife Peggy.

Mr. Perkins is principal owner of ESC Polytech Consultants, Inc. in Houston, Texas. He graduated with a Bachelor of Arts in Public Affairs and Master of Science in Transportation Planning and Management from Texas Southern University. In 1995, Mayor Bob Lanier selected him to serve as a commissioner on the City of Houston Building and Standards Commission. He resides in Houston with his wife Melanie and their two children Danielle and Danny Jr.

License Renewal

Engineers must renew their license annually if they wish to continue to practice professional engineering. Renewal dates are staggered into quarters so that approximately one-fourth of the state's licensees will renew every three months. Regardless of whether a renewal notice is received, each licensee is still responsible for license renewal. Additional fees will be charged to engineers who renew late. Engineers who renew one day to 90 days after the deadline will incur a \$20 penalty fee. Engineers who renew for more than 90 days but less than one year after their license expires will incur another \$20 penalty fee.

Many engineers received letters this past January concerning the lapse of their license. It contained a cease and desist notice which reminds engineers to cease the practice of professional engineering until such time as their license is current. Renewal notices are sent out 30-45 days prior to the license expiration dates listed below.

License Expiration Dates

March 31
 June 30
 September 30
 December 31

Board Meeting Dates

April 17-18, 1996 - Austin
 June 18, 1996 - Richardson
 October 16-17, 1996 - Austin

Registration & Examinations

From July 1, 1995 to December 31, 1995, the Board licensed 384 people applying under the residency portion of the Law. This number includes persons passing the October 1995 Principles and Practice of Engineering (PE) examination. The pass rate in Texas was 35% on the PE Exam and 77% on the Fundamentals of Engineering examination.

Exam Dates

Principles & Practice Exam	Fundamentals Exam
April 19, 1996	April 20, 1996
October 25, 1996	October 26, 1996
April 18, 1997	April 19, 1997
October 31, 1997	November 1, 1997

Comings and Goings

Hali Ummel recently joined the board staff in August of 1995 as the public information coordinator. She functions as journalist and graphic designer for the board's programs. She also edits the *P.E. Newsletter*.

The Texas State Board of Registration for Professional Engineers is a state agency that licenses engineers, enforces the Texas Engineering Practice Act and regulates the practice of engineering in Texas. Currently there are 47,000 licensed engineers practicing in 23 disciplines throughout Texas.

P.E. NEWSLETTER

TEXAS STATE BOARD OF REGISTRATION
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