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A Message from the Chairman of the Board

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

I would like to take this opportunity to mention some of the important events that have occurred since our last newsletter. Foremost, I am pleased to announce that Mr. Lance Kinney, P.E., has been appointed Executive Director of TBPE. Lance, who served as interim director since October, previously held the position of Deputy Executive Director. I am sure you join me in thanking him for his leadership during the transition and in congratulating him on his promotion. Lance brings a wealth of experience to this important position and we are confident that he will represent and serve the state of Texas state well.

I also wish all the best to Dale Beebe Farrow, P.E., who announced her retirement in October 2009. She leaves behind a legacy of improvements and programs that have enhanced engineering licensure in Texas and the Board appreciates her hard work and dedication. To me personally, it was a distinct pleasure to have had the opportunity to work with her.

The Board continues to focus on issues important to engineers in Texas. Enforcement and licensure issues are at the forefront of what we do with Board Committees and staff, reviewing policies, sanctions and looking for ways to more effectively license competent engineers. The Texas Board continues to maintain a leadership role at the National Council of Examiners for Engineering and Surveying (NCEES) including Board Member Govind Nadkarni, P.E., being elected to the board of directors.

In difficult economic times, licensure of individuals and engineering firms seem to rise, and we have certainly seen that trend continue this past year. The Board continues to prepare for the upcoming legislative session and we will keep you informed of any issues impacting professional engineering licensure and practice as they develop.

In closing, it is an honor to be chairman of the Texas Board of Professional Engineers, and I look forward to continuing to work with my fellow Board members and our staff to fulfill the Board's important mission of protecting the health, safety, and welfare of the citizens of Texas.



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

INSIDE STORIES

- Disciplinary Actions by the Board 3
- Tribute to former Board Chairman Dave Dorchester..... 7
- Board Rule Updates 9
- Director of Licensing Report 10
- Distinguished Engineer of the Foundation Award Recipients..... 11

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A Word from the Executive Director

By Lance Kinney, P.E.

Looking back over the last year, there have been several changes here at the Board. The most notable is that Dale Beebe Farrow announced her retirement and I have been fortunate to be named as the new executive director. Dale will be greatly missed by all, and I owe a personal debt of gratitude to her as a mentor and friend and for providing such an inspiring example for our agency.

The agency has implemented some great programs this last year and there are more in the works. The staff continues to focus on customer service and have made improvements to our application process including automated notifications and a web-based tracking system for new applicants. We are working toward a completely online application system and hope to roll out important improvements in the next year.

Our outreach program has exceeded expectations, with Board and staff members speaking to over 9,000 participants at over 150 events. We are working to add webinars in the upcoming year to be able to reach even more of our constituents. We are also one of a handful of state agencies that have begun to use social media to reach out to our customers via our Facebook and Twitter accounts and an RSS news feed.

The Board also continues to focus on other issues important to our mission. We are taking a hard look at all of our major functions and processes with an eye to making TBPE a model state agency. We are reviewing our enforcement sanctions, licensure and exam processes, and continue

to work with other agencies, engineering organizations, and other state engineering boards to share best practices and opportunities to improve.

Finally, as we head into the upcoming legislative session, the Board continues to focus much effort on the Joint Advisory Committee on the Practice of Engineering and Architecture (JAC). This group and its subcommittee have met several times



Lance Kinney, P.E.

in the last year to discuss issues concerning the overlap of practice between the two professions. The Board and staff have entered into these negotiations with an open mind and I still have hope that an equitable resolution can be found.

However, in light of many confusing and contrary announcements concerning this issue, I believe it is important to clarify that the Board continues to maintain that the Texas Engineering Practice Act (TEPA), as written, allows engineers with the proper qualifications and experience to design buildings. While there may be individuals and organizations that disagree, it is important to understand that the Board supports professional engineers that practice building design.

As you can see, we are all working hard to enforce the TEPA and to improve service to our constituencies. I am looking forward to a productive year.



The NCEES Annual Meeting was held August 18-21, 2010, in Denver, Colorado. Representatives from the Texas Board of Professional Land Surveying (TBPLS) and the Texas Board of Professional Engineers (TBPE) attended the meeting. Pictured (left to right) are: Jon Hodde, R.P.L.S., TBPLS Vice Chair; Edmundo Gonzales, P.E., R.P.L.S., TBPE Emeritus Board Member; Shannon McClendon, TBPE Board Secretary; C.W. Clark, P.E., TBPE Director of Compliance & Enforcement; Priscilla Pipho, TBPE Deputy Executive Director; Jose Guerra, P.E., TBPE Emeritus Board Member; Govind Nadkarni, P.E., TBPE Board Member and NCEES Southern Zone Vice President; Ben Thompson, R.P.L.S., TBPLS Emeritus Member; Lance Kinney, P.E., TBPE Executive Director; and Gary Raba, D. Eng., P.E., TBPE Board Member.

TEXAS BOARD OF PROFESSIONAL ENGINEERS

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Enforcement News - Disciplinary and Administrative Actions

August 20, 2009 - May 20, 2010

August 20, 2009, Board Meeting

Case Number: D-29609; Deborah D. Mason, P.E.; Houston, Texas.

Violation: It was alleged that while employed by a former employer and before termination from that employer, Mason solicited one of her employer's clients securing contracts for two projects for herself and not her employer, copied and e-mailed electronic files of engineering documents maintained by her employer to her personal e-mail account. Such actions suggested that she was not acting in an honest and ethical manner.

Resolution: One year probated suspension, a \$3,200.00 administrative penalty and completion of an engineering ethics course.

Case Number: B-30757; George Thomas Crowder; Arlington, Texas.

Violation: It was alleged that Crowder invoiced a Texas client for engineering services and issued documents to his client and/or a Texas city dated April 4, April 30, May 4 and July 20, 2007, which bore his signature, the designation "P.E." after his name and/or his Texas engineer seal. Board records show that Crowder's Texas engineer license expired on September 30, 1989, and became non-renewable on September 30, 1991, and he has not been re-licensed in Texas as a professional engineer. Therefore, his practice of engineering, use of the designation "P.E." and the professional engineer

seal, and his representation of being a professional engineer were unlawful.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services, from use of the designation "P.E." or a Texas engineer seal or any and all other representations that he is a professional engineer until such time as he becomes duly licensed in Texas as a professional engineer, and a \$900.00 administrative penalty.

Case Number: B-31316; Rick L. Manchester; San Antonio, Texas.

Violation: It was alleged that Manchester signed and used the designation "P.E." after his name in a letter and affixed a Texas professional engineer seal showing his name and a Texas engineer license number to engineering design plans bearing his signature for a project in Texas. Board records reflect that Manchester has never been licensed in Texas as a professional engineer. Therefore, his practice of engineering, use of the designation "P.E." and the professional engineer seal, and his representation of being a professional engineer were unlawful.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services, from use of the designation "P.E." or a Texas engineer seal or any and all other representations that he is a professional engineer until such time as he becomes duly licensed in Texas as a professional engineer, and a \$1,800.00 administrative penalty.

November 19, 2009, Board Meeting

Case Number: D-31230; John L. Loudermilk, P.E.; Houston, Texas.

Violation: It was alleged that Loudermilk signed and affixed his Texas engineer seal to a WPI-2 form submitted to the Texas Department of Insurance (TDI) certifying that he had conducted inspections of a residential structure and that its construction was in compliance with windstorm codes. Subsequent inspections of the structure by TDI disclosed that construction was not compliant with cited windstorm codes. TDI notified Loudermilk of the deficiencies and requested that he submit additional documentation to support his certification; however, Loudermilk failed to provide TDI with substantiating information. Therefore, it appears that the WPI-2 certification created a misleading impression that the construction complied with cited codes and that Loudermilk's actions were not careful and diligent.

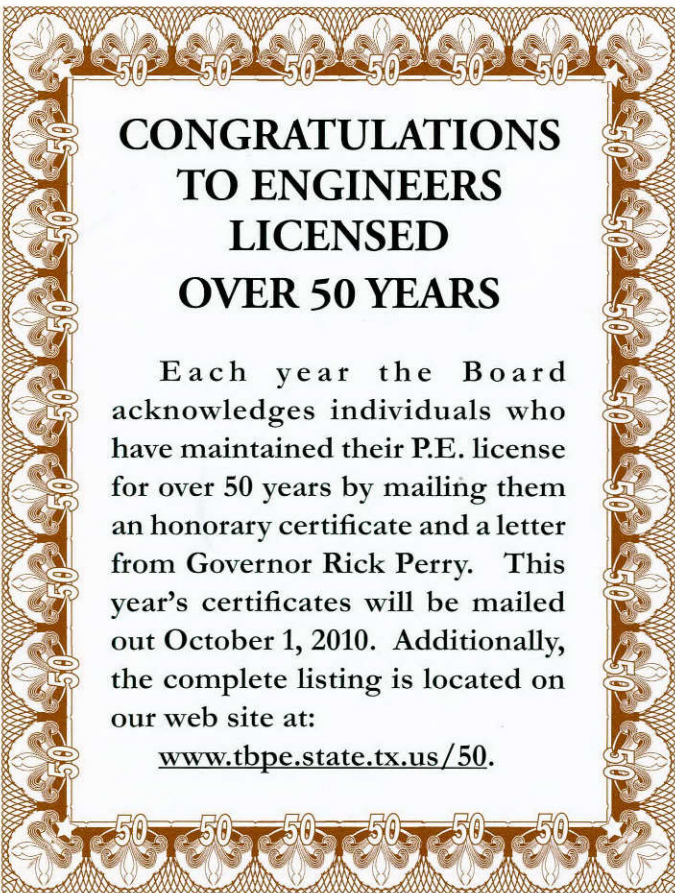
Resolution: One year probated suspension, \$2,350.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-31449; Keith Edward Parkan, P.E.; Dripping Springs, Texas.

Violation: It was alleged that Parkan failed to complete an engineering ethics course within a specified time period as required by a previously issued Agreed Board Order. Therefore, he did not fully comply with that Board Order.

Resolution: Formal Reprimand and a \$500.00 administrative penalty.

Continued on Page 4



November 19, 2009, Board Meeting Continued

Case Number: D-31496; Louis Faraklas, Jr., P.E.; San Antonio, Texas.

Violation: It was alleged that Faraklas signed and affixed his engineer seal to design plans that were issued under a firm's title block that was not Faraklas' employer. Such action led to the misleading impression that the firm whose title block was on the plans was the business entity responsible for providing the engineering services.

Resolution: One year probated suspension and a \$900.00 administrative penalty.

Case Number: D-31639; Robert Steven Jones, P.E.; Alvin, Texas.

Violation: Jones was incarcerated as a result of a felony conviction.

Resolution: Revocation of his Texas engineer license as required by Texas Occupations Code, Section 53.021(b) and Board Rule 139.43(a).

Case Number: E-31497; Peter Subtelny; Panhandle, Texas.

Violation: It was alleged that Subtelny represented himself as a Texas licensed professional engineer by using the designation "P.E." after his name that was displayed on a web page which showed that he lived in Texas. Board records show that Subtelny has never been licensed in Texas as a professional engineer; therefore, his use of the "P.E." designation was an unlawful representation of being a Texas licensed professional engineer.

Resolution: Cease and desist from any and all representations

that he is licensed in Texas as a professional engineer and from using the designation of "P.E." or any other professional engineer title in Texas until such time as he becomes duly licensed in Texas as a professional engineer. A \$1,260.00 administrative penalty was assessed.

Case Number: G-30915; City of Brownwood, Texas; Brownwood, Texas.

Violation: It was alleged that a public official of the City of Brownwood accepted a site grading engineering plan that did not bear the seal of a professional engineer for a commercial property that, based on the size of the structure, required a professional engineer to prepare the engineering plan.

Resolution: Acceptance of a letter listing corrective measures that were incorporated into an Agreed Board Order requiring the City of Brownwood to implement the stated corrective measures to ensure that its staff members will not accept engineering plans unless they bear the seal of a Texas licensed professional engineer.

February 25, 2010, Board Meeting

Case Number: D-31384; Seyed Mahmoud Alvani, P.E., Irving, Texas.

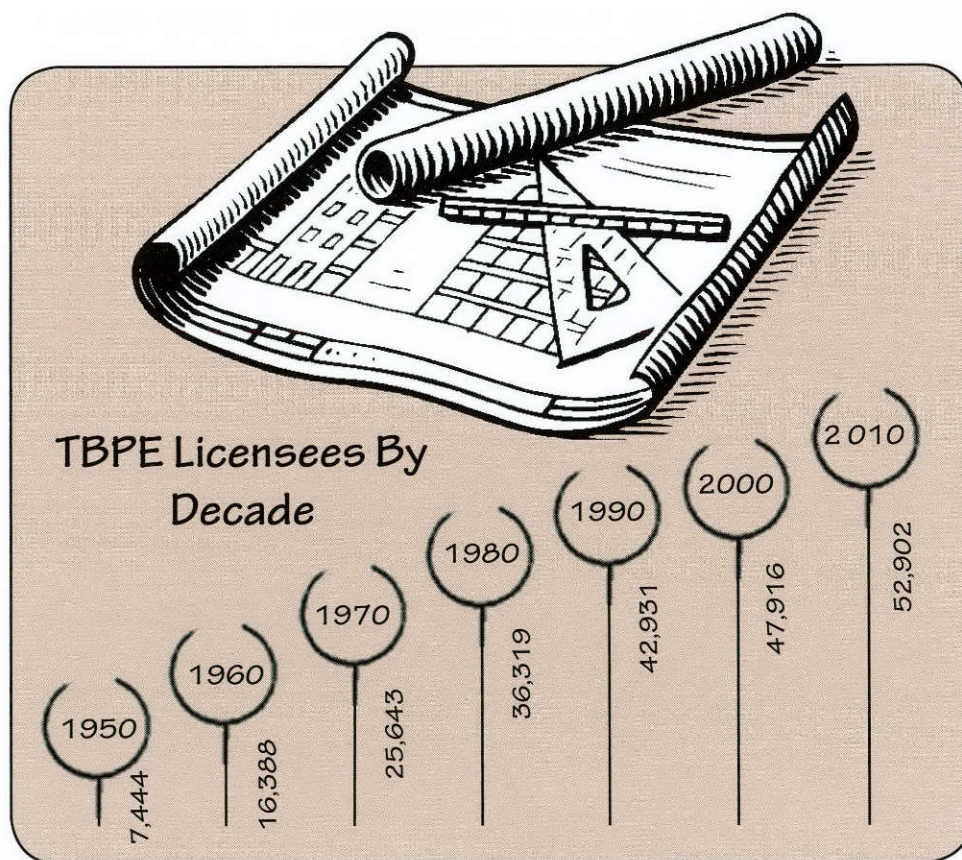
Violation: It was alleged that Alvani signed and affixed his Texas engineer seal to engineering work he performed that was issued under the title block of a firm that he was not employed by and that did not have any Texas licensed professional engineer employees. Therefore, it appeared that he created a misleading impression that the firm named in the title block could provide engineering services.

Resolution: One year probated suspension and a \$900.00 administrative penalty.

Case Number: D-31640; David W. Huddleston; Corpus Christi, Texas.

Violation: It was alleged that Huddleston signed and affixed his Texas engineer seal to WPI-2 Forms for windstorm inspections of five residences that were submitted to the Texas Department of Insurance (TDI) certifying that the residences met windstorm codes. It was further alleged that when TDI requested information to substantiate his certifications, Huddleston failed to provide the requested information. Therefore, it appeared that Huddleston sealed work that created a misleading impression that construction complied with windstorm codes, indicating that he was not careful or diligent, and suggesting that he was not acting as a faithful agent of his clients.

Resolution: Two year suspension with the final 18 months to be probated and a \$4,400.00 administrative penalty.



Continued on Page 5

February 25, 2010, Board Meeting Continued

Case Number: D-31642; Roland McCauley Howard, P.E.; Austin, Texas.

Violation: It was alleged that Howard prepared and approved an engineering report created by his firm that contained design drawings prepared by other individuals who were not licensed in Texas as professional engineers and who were employed by another firm that was not registered with the Board. It was also alleged that Howard did not affix his Texas engineer seal to his report or the drawings nor did the drawings contain his firm's title block. Therefore, it appeared that Howard was involved in an arrangement with a business that represented itself as an engineering company which was not registered with the Board and he failed to sign and affix his Texas engineer seal to his report and the drawings.

Resolution: One year probated suspension, a \$1,080.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-31686; Stephen B. Taylor, P.E.; Texas City, Texas.

Violation: It was alleged that Taylor signed and affixed his Texas engineer seal to a WPI-2 Form for windstorm inspections of a re-roofing project for a residence certifying that the project met windstorm codes. It was also alleged that after TDI inspected the project finding that construction was incomplete and that the work that was done did not meet the cited code, Taylor acknowledged that he had not inspected the project as indicated on the WPI-2 which showed the residence to be located in a different county. It appeared that Taylor sealed work that contained false information creating a misleading impression that he inspected the project and that construction complied with windstorm codes, therefore failing to conduct engineering in a manner respectful to involved parties.

Resolution: One year probated suspension and a \$900.00 administrative penalty.

Case Number: D-31822; Frank Merritt, P.E.; Dallas, Texas.

Violation: It was alleged that Merritt signed and affixed his Texas engineer seal to engineering design drawings during a period when his Texas engineer license was in an expired status. It was also alleged that the engineering drawings were issued under a firm's title block that was not Merritt's employer. Merritt affixed his Texas engineer seal to drawings while his Texas engineer license was expired therefore, creating the misleading impression that another firm was responsible for the design plans.

Resolution: One year probated suspension and a \$1,350.00 administrative penalty.

Case Number: B-31674; Nima Cheraghpour, Houston, Texas.

Violation: It was alleged that Cheraghpour issued engineering analyses and opinions in correspondence to a client using the phrase "Full Architectural/Engineering Services" in his signature block. It was also alleged that Cheraghpour provided an "As Built Construction Drawing Proposal" to his client that indicated payment for services would include drawings sealed by a professional engineer. Board records show that Cheraghpour is not licensed in Texas as a professional engineer nor is he registered with the Board as a business. The above-mentioned phrase and his proposal represented an unlawful offer or attempt to provide engineering services.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services in Texas and from the representation that he can offer/provide engineering services to the public of Texas until such time as he becomes licensed in Texas as a professional engineer. A \$1,260.00 administrative penalty was assessed.

Case Number: B-31457; Aeronautique; Sherwood, Arkansas.

Violation: It was alleged that this firm's use of the phrases "Engineering/Professional Services" and "Engineering Group Lead" on its business card showing an address for its Texas office represented its ability to offer and provide engineering services in Texas. It was also alleged that in response to a Board inquiry regarding this representation and engineering documents prepared by an employee of this firm for a Texas project, the firm's president acknowledged that the engineering services provided in Texas by his firm were not performed by or under the direct supervision of a Texas licensed professional engineer. Board records show that no Texas licensed professional engineers have notified our office of their employment with this firm nor is the firm registered with the Board. The use of word "Engineering" in the above-mentioned phrases associated with a Texas office and the engineering services provided by this firm in Texas were unlawful.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services and from the representation that it can offer/provide engineering services to the public of Texas until such time as the firm hires a full-time employee who is a Texas licensed professional engineer and the firm becomes registered with the Board. A \$1,800.00 administrative penalty was assessed.

Engineering Firms Assessed Administrative Penalties

The business entities listed below were assessed an administrative penalty for allegations associated with the offer or performance of consulting engineering services during a period when the business entity's firm registration was in an expired status or during a period when the business entity was not registered with the Board.

D S & Associates, Houston, Texas

Knowledge Reservoir, L.L.C., Houston, Texas

Shermco Industries, Inc., Irving, Texas

Lawrence Engineering, Dallas, Texas

§137.77 Firm Registration Compliance

(a) Any firm or other business entity shall not offer or perform engineering services to the public unless registered with the board.

Continued on Page 6

February 25, 2010, Board Meeting Continued

Case Number: B-31458; Computational Methods, L.L.C.; Waco, Texas.

Violation: It was alleged that this firm's use of the phrase "Specialty engineering company operated by three engineers" on its webpage represented its ability to offer and provide engineering services in Texas. It was also alleged that in response to a Board inquiry regarding this representation a partner of the firm acknowledged that the engineering services provided in Texas by his firm were not performed by or under the direct supervision of a Texas licensed professional engineer. Board records show that no Texas licensed professional engineers have notified our office of their employment with this firm nor is the firm registered with the Board. The use of words "engineering" and "engineers" in the above-mentioned phrase are unlawful.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services and from the representation that it can offer/provide engineering services to the public of Texas until such time as the firm hires a full-time employee who is a Texas licensed professional engineer and the firm becomes registered with the Board. A \$1,800.00 administrative penalty was assessed.

Case Number: B-31426; Irving E. Abcug; Lake Worth, Florida.

Violation: It was alleged that Abcug represented himself as a licensed professional engineer in Texas by using the designation "P.E." after his name on a roof leak detection report for a Texas residence. Board records show that Abcug is not licensed in Texas as a professional engineer. Abcug's use of the "P.E." designation for a Texas project was unlawful and he unlawfully offered and practice of engineering in Texas.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services in Texas, from the representation that he can offer/provide engineering services to the public of Texas, and from making any representation that he is a professional engineer in Texas until such time as he becomes licensed in Texas as a professional engineer. A \$1,800.00 administrative penalty was assessed.

Case Numbers: B-31245 and B-31311; Arturo Rios; San Antonio, Texas.

Violation: It was alleged that Rios issued two "Survey and Platting Services Proposals" to clients which represented his firms "Rios & Associates" and "Rios & Associates Bendicion Engineering" would provide "Engineering, Platting & Survey Services." It was also alleged that Rios did not obtain approval from Salvador Flores, P.E., owner of Bendicion Engineering, to use his firm's name in connection with Rios' firm. Board records show that Rios is not licensed in Texas as a professional engineer nor that his firm(s) is/are registered with the Board. Therefore, Rios' proposals represented an unlawful offer or attempt to provide engineering services.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services in Texas, from using the word "Engineering" in his firm's name and from the representation that he can offer/provide engineering services to the public of Texas until such time as he becomes licensed in Texas as a professional engineer and his firm becomes registered with the Board. A \$1,000.00 administrative penalty was assessed.

May 20, 2010, Board Meeting

Case Number: D-31479; Zhenjing Guo, P.E.; Arlington, Texas.

Violation: It was alleged that Guo provided consulting engineering services to an engineering company other than his current employer using his employer's time and equipment without first notifying his employer and obtaining approval. Therefore, Guo did not act as a faithful agent to his employer nor was his business affairs conducted in a respectful manner.

Resolution: Formal Reprimand, assessment of a \$900.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-32024; Philip Ching Lam Chang Robins, P.E.; Heath, Texas.

Violation: It was alleged that Robins was convicted of a Class A Misdemeanor for issuing false statements to a state government agency concerning work provided by him and his engineering firm. The criminal conviction and his failure to report the conviction to the Board subjected Robins' Texas engineer license to censure.

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

Case Number: B-31446; James T. Hart; Houston, Texas.

Violation: It was alleged that Hart prepared an engineering report which was issued under his business name that displayed the use of the word "Engineering" and affixed a Texas licensed professional engineer's seal and signed name to the report without the professional engineer's knowledge. Board records showed that Hart was not licensed in Texas as a professional engineer, that his firm did not employ any Texas licensed professional engineers, nor was his firm registered with the Board.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services and from the representation that he or his firm can offer/provide engineering services to the public of Texas and delete the word "Engineering" from his firm name until such time as the firm hires a full-time employee who is a Texas licensed professional engineer and the firm becomes registered with the Board. A \$1,200.00 administrative penalty was assessed.

Case Number: E-31997; Larry Bruce Yarbrough; Pleasanton, Texas.

Violation: It was alleged that Yarbrough represented himself as a professional engineer by using the designation "P.E." after his name on a business letter dated May 7, 2009. Board records showed that Yarbrough had been licensed as a professional engineer; however, that license expired on June 30, 1994, and became non-renewable on June 30, 1996. Therefore, his use of the "P.E." designation on the May 7, 2009, letter was an unlawful representation of being a Texas licensed professional engineer.

Resolution: Cease and desist from any and all representations that he is licensed in Texas as a professional engineer and from using the designation of "P.E." or any other professional engineer title in Texas until such time as he becomes duly licensed in Texas as a professional engineer. A \$600.00 administrative penalty was assessed.

Former TBPE Board Chairman Dave Dorchester, P.E. Will Be Missed

Dave Dorchester, P.E., former TBPE Board Chair and Board member, passed away in Midland, Texas, on December 9, 2009. Dorchester served on the TBPE Board as a member, secretary, vice-chair and as chairman and was an active P.E. for 43 years.

Dorchester was born in Sherman, Texas, in 1923 and was married 53 years. He graduated from the University of Texas at Austin with a degree in Electrical Engineering and from the California Institute of Technology with a MS Degree. He served in the Army Air Corps, as a Lieutenant. In 1949, he went to work in Ft. Worth for Texas Electric Service Company (TESCO). He retired as an engineering manager for TESCO in 1988.

Dorchester served in a variety of organizations in his community and his profession. He was president of Texas Society of Professional Engineers (TSPE); member, Advisory Council UT-National Foundation; chairman, Hydrology Advisory Council-Tarleton State University, Stephenville; and president, National Institute of Engineering Ethics. In Midland, he was past president and director of United Way; director, Texas United Community Services; president, Midland Rotary Club; director, Better Business Bureau; trustee, Museum of the Southwest; chairman, Board of Trustees, Baptist Geriatric Hospital, San Angelo; and president, Midland Archeological Society.

In his 55-year career, Dave was recognized for his many accomplishments. Some of those include: Paul Harris Fellowship, Midland Rotary Club; John Emory Adams Award, West Texas Archaeology; Engineer of the Year Permian Basin Chapter of TSPE;

Engineer of the Year, Texas TSPE; honorary member Federacion de Colegios de Ingenieros Civiles, Mexico City; Distinguished Engineer, Texas Engineering Foundation, Austin and Distinguished Service Award by the National Society of Professional Engineers. Dorchester was also recognized by Texas Tech University for professional development programs and service to the profession.



*Dave Dorchester, P.E.
1923 - 2009*

The first time I met Dave Dorchester was my first meeting as a Board member of the Texas Board of Professional Engineers. Dave and I were appointed at the same time by the Governor. As the meeting progressed, I could not believe how much he knew about every issue discussed and I knew so little. I did not realize until several meetings later that he had served a partial term on the Board a few years before. I was in awe of him for the rest of his life. He gave so much to our profession. He was so proud of his attendance record at NCEES meetings. He carried software engineering testing on a national level. He was always ready to help me with any advice I needed. He will be missed by the many whose lives he touched.

Edmundo R. Gonzalez Jr., P.E., Emeritus Board Member

I have never known anyone who was more dedicated to the engineering profession than Dave Dorchester. Professionalism could have been his middle name, and he earned and deserved the title of Mr. Professional Engineer. He was appointed by two different governors for a term on the Board and served as chairman under two different governors. He is one of the handful of people that have received the Distinguished Service Award from NCEES. On several occasions he was the only delegate from Texas to attend some of their meetings.

When he started on a mission, he rarely slowed down until the mission was accomplished. When he learned that Sally Ride was a graduate engineer, he took it upon himself to help her become a licensed engineer in Texas. Another example of his tenacity was that he helped software engineering become a discipline recognized by NCEES. He also had a major role in establishing an official relationship between the licensing regulatory boards of Mexico, Canada and Texas.

Dorchester was a regular participant in the activities of the National Society of Professional Engineers and the Texas Society of Professional Engineers. He was an authority on the subject of engineering ethics, and there is no question that engineers today are more aware of ethics as a result of his efforts on the subject.

I would say that Dorchester has left a very positive mark on the engineering profession. He served his profession well. He served Texas well as a member of the Board, and we are much better professionals as a result of the efforts of Dave Dorchester.

James R. Nichols, P.E., Emeritus Board Member

In Memoriam

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

James Carl Alberts; St. Louis, MO
W. L. Amann; Kerrville, TX
Fred P. Armstrong; Lubbock, TX
George Bagnall; Victoria, TX
Joe Dale Ball; Ft. Worth, TX
Charles E. Balleisen; Dallas, TX
Joseph Sheppard Barnett; Austin, TX
L. A. Barnett; Houston, TX
O. N. Barron; The Woodlands, TX
Elio Justino Battista; Houston, TX
James Edward Bice; Taylor, TX
Bobby Lynn Bixler; Durango, CO
Richard Lawrence Black; Houston, TX
Johnnie J. Bohuslav; Seguin, TX
Donald S. Boyd; Waxahachie, TX
Jimmy Earl Brents; The Woodlands, TX
Lonnie Louis Buie Jr.; Conway, AR
Richard Wayne Burns; Keller, TX
Larry Harold Carter; Houston, TX
Lynnwood Thomas Clay; Houston, TX
Jerry Harold Clay; Tyler, TX
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Charles Howard Collier; Kingwood, TX
T. Dudley Cramer; Oakland, CA
Paul B. Crawford; College Station, TX
Arlen K. Dalhaus; Lake Orion, MI
Douglas Calvin Day; Houston, TX
Allan William Dees II; Midland, TX
Frank A. Denbrock; Jackson, MI
E. D. Dorchester; Midland, TX
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Humayoun Farooq; Miami, FL
Richard Joseph Fendley; Houston, TX
John H. Ferguson; Dallas, TX
Lawrence Henry Flak; Conroe, TX
Kenneth B. Ford; Houston, TX
John E. Foster; Laredo, TX
John Malcolm Fridge; Sulphur, LA
Raymond John Gasper; Houston, TX
M. F. Gigliotti; Gloucester, MA
Robert Thomas Gilmore; Oklahoma City, OK
Dan Glass; Sterling City, TX
Arnulfo Gonzalez; San Antonio, TX
Maurice Gordon; Bellaire, TX
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Mavis J. Green; Houston, TX
Roger Keith Green; Houston, TX
Donald D. Gregg; Brenham, TX
James L. Hackney; Hubbard, TX
Howard A. Halff; San Antonio, TX
Herbert Andrew Hamblin; Austin, TX

Joe C. Hammitt; Corpus Christi, TX
Joseph Cloyd Hammitt Jr.; Corpus Christi, TX
J. R. Harris; San Antonio, TX
David Lee Hartless; Wylie, TX
Timothy Edward Hatten; Arlington, TX
James T. Heflin; Eules, TX
Bennie Dewain Hickman; Beaumont, TX
David William Hinkle; Darien, IL
Mark Alan Hoar; Rockwall, TX
George R. Hollabaugh; Irving, TX
Fletcher Olen Holt; Tulsa, OK
Thomas N. Hooper; Houston, TX
Rodolfo Moreno Ippolito; Pflugerville, TX
Patrick H. James; Houston, TX
John D. Janak; Dallas, TX
Robert V. Jebavy; Richardson, TX
John J. Kane; Galveston, TX
Gregory Paul Karlik; Waxahachie, TX
Raphael Katzen; Bonita Springs, FL
Richard Claude Kessinger; Springfield, TN
John W Knight; San Antonio, TX
William M. Koehler; Austin, TX
Karl A. Krause; Houston, TX
John B. Lawrence; Midland, TX
Dwight Lamon Lee Jr.; Keller, TX
Lee O. Legler; La Grange, TX
Manfred Lengsfeld; Huntington Beach, CA
James E. Longmire Jr.; Spring, TX
David E. Luddeke; Colorado Springs, CO
Robert J. Madonia; Houston, TX
John David Mandel; Houston, TX
Thomas Richard Mann; Albuquerque, NM
Charles H. Maurer; Fort Worth, TX
John Ward McCann; Tulsa, OK
F. R. McCauley; Houston, TX
Herbert L. McCracken; Wichita Falls, TX
Jerry Douglas McDaniel; Broken Arrow, OK
Wilbur L. Meier Jr.; Raleigh, NC
B. C. Melanson; Oklahoma City, OK
Norbert E. Methven; Gig Harbor, WA
C. B. Mitchell Jr.; Wilmington, DE
Rodrigo Bastidas; Monge; Houston, TX
Michael Steven Mongoven; Dallas, TX
John William Moore; Fort Worth, TX
R. W. Mort; Hurst, TX
David Edward Musslewhite; Grand Prairie, TX
Floyd L. Napier Jr.; Menard, TX
Edmund Dupree Noakes; Arlington, TX
Burton P. Noble; Arlington, TX
Thomas Edwin Orr; Wichita, KS
Robert William Owens; Beaumont, TX
John F. Owens; Longview, TX
Terry Franklin Ozmer; Huntsville, TX
Jerome Pepper; Metairie, LA
E. E. Petty; Hempstead, TX
Jon M. Pierce; Livingston, TX
Fred O. Placke; Giddings, TX
James Rodney; Pool; Dallas, TX

John Scott Poole; Austin, TX
Carmine Richard Porcaro; Houston, TX
Jesse B. Poston; San Antonio, TX
David Dean Potts; Conroe, TX
Leo Frederick Rachal Jr.; Austin, TX
David William Reagan; Corpus Christi, TX
William M. Reed; Tyler, TX
Randy Scott Reed; Freeport, TX
Lymon C. Reese; Austin, TX
Thomas Joseph Regan; Houston, TX
Donald S. Reichle; Beaumont, TX
Kenneth Charles Reyes; Dallas, TX
Frank L. Rhoades Jr.; Katy, TX
John Edwin Rigby; West Grove, PA
Daniel Arthur Rosenstein; Houston, TX
William Herman Oswald Rothe; Amarillo, TX
Richard Ephraim Saeks; Chttanooaga, TN
Bell Sample; Houston, TX
Marvin Schindler; Bellville, TX
Lyle Herbert Schrock; Dallas, TX
Victor Ray Schuelein; Yukon, OK
Peter Aston Schwartz Jr.; Spring Branch, TX
Willis J. Service; Houston, TX
R. Joe Sewell; Wenden, AZ
A. Tom Seymour III; Ft. Worth, TX
Glen C. Shepherd; Austin, TX
Barry John Shobe; Churchton, MD
Maurice P. Short; Texarkana, TX
Richard Frank Silloway; Humble, TX
Carl Leabum Simmon Jr.; Ft. Worth, TX
Walter L. Snowden; Cedar Park, TX
Martin Anthony Sokolowski; Plano, TX
M. H. Standley; Kingwood, TX
Gregory Lynn Starkebaum; Littleton, CO
Jesse W. Stubblefield Jr.; Garland, TX
Pete Styner Jr.; Richmond, TX
H. W. Swaim; Houston, TX
Charlie G. Taylor; Odessa, TX
Don Vacker; Houston, TX
Billy Murry Ward; Tyler, TX
R. N. Watkins; Oxford, MS
David Edward Watters; Johnstown, PA
Leon C. Weiss Jr.; Heath, TX
John Henry Wendell Jr.; Dallas, TX
Maurice Wendt; Ft. Worth, TX
George F. West; Kerrville, TX
Alfred H. Wheeler; Georgetown, TX
Robert E. Whitson; Houston, TX
Henry Whittington; Houston, TX
John Page Wilson; Dallas, TX
Gregory H Wilson; Plano, TX
Michael Lee Wisdom; Houston, TX
Gayle Woodside; Austin, TX
B. D. Woosley; Lago Vista, TX
Gerald A. Zernial; Brenham, TX
Hendrik Raoul Zijdeveld; Dallas, TX
Ronald P. Zunker; Blanco, TX

This list is compiled from notices received between June 11, 2009 and August 3, 2010. If we failed to mention an engineer that passed away and they were either active or inactive at the time of their passing, please send an e-mail to peboard@tpe.state.tx.us and we will include their name in our next issue.

Board Rule Updates

The following are summaries of significant rule changes that were adopted by the Board during the last year. Please refer to the TBPE web site at www.tbpe.state.tx.us/downloads.htm to view or download complete copies of the current law and rules.

Rule	Description and Effective Date
§131.85	The amendment changes the minimum requirements for the Board to accept a petition from the public for the development or adoption of a Board rule. Effective 6/26/2009
§133.11	The adopted change relates to temporary licenses obtained via international agreements such as the North American Free Trade Agreement (NAFTA). The rule clarifies that a temporary license may only be renewed twice and that once this license has expired, a former temporary license holder cannot apply for a subsequent temporary license. Effective 6/26/2009
§133.23	The adopted rule change clarifies that the re-licensure rule was intended for applicants that held a standard license and not those that were licensed via the emergency temporary or temporary international licensure process. These changes limit the use of this licensure process to former holders of a standard license only. Effective 6/26/2009
§133.33	The amendment relates to proof of educational qualifications for non-accredited programs. The amendment clarifies the requirements to accept a review of a foreign degree. It removes a reference to an organization that no longer exists and clarifies that a foreign degree evaluation must indicate that a degree is equivalent to a degree from a U.S. educational institution. Effective 6/26/2009
§133.43	The amendment relates to experience evaluation for applicants. The amendment clarifies the elements the Board may consider when evaluating engineering experience for applicants for licensure. It allows the Board to consider if an applicant intends to perform or offer engineering services in Texas when evaluating engineering experience. Effective 6/26/2009
§137.9	The adopted amendment contains two main sections. The first states that the Board will not refund annual or late renewal fees unless an incorrect fee was assessed by the Board. The second is related to a requirement from the Office of the Attorney General (OAG), as described in Texas Family Code, Chapter 232, that the Board shall not renew a professional engineer license if notified by the OAG that the licensee is delinquent in their child support payments. Effective 9/20/2009
§137.17	The adopted amendment relates to requirements for licensed engineers who wish to change the status of the license from inactive to active. It clarifies that the licensee shall provide documentation of the required continuing education hours when applying for reactivation. Effective 9/20/2009
§137.31	The adopted amendment to permits the use of commonly accepted variations of given names on engineering seals. Effective 9/20/2009
§139.51	The adopted new rule implements a requirement from the Office of the Attorney General (OAG), as described in Texas Family Code, Chapter 232, that the Board shall suspend a professional engineer license if notified by the OAG that the licensee is delinquent in their child support payments. Effective 9/20/2009
§139.63	The adopted new rule delegates to the executive director the authority to enter into agreements to modify time limits as provided under the administrative procedure act, Texas Government Code §2001.147. This new rule allows the Board to better coordinate the presentation of proposed decisions in contested cases at the regularly scheduled quarterly meetings of the Board. Effective 9/20/2009
§131.15	The adopted rule changes the frequency of the Enforcement Committee meetings to an as-needed basis. This is intended to prevent scheduling unnecessary meetings when there is an insufficient agenda. Effective 7/20/2009
§133.63	The adopted amendment changes the passing score on the Texas Engineering Professional Conduct and Ethics Examination from a 70 to a 90. Effective 9/20/2009
§133.81	The adopted amendment relates to requirements for applicants for licensure as a professional engineer. The change clarifies that the executive director can evaluate and determine whether a substantially modified application should be handled as a "new" application with regard to which version of the Board rules shall be used to review the application. Effective 9/20/2009
§133.27	The amendment clarifies the intent of the rule section by specifying that it applies to engineers temporarily living and working in Texas for three years or less. Long-term or permanent residents should instead seek standard licensure. Effective 6/13/2010
§133.53	The amendment allows the staff of the Texas Board of Professional Engineers to develop a system for on-line submission of reference statements. This change will increase the efficiency and flexibility of the required licensure processes while maintaining the security of the documents. Effective 6/13/2010
§133.61	The amendment allows for proposed and potential changes to some of the professional examinations prepared and administered by the National Council of Examiners for Engineering and Surveying (NCEES). Future NCEES exams may be longer or shorter than the previously specified eight hours. The rule change also allows for on-line registration or registration directly through NCEES. Effective 6/13/2010
§137.77	The amendment allows a registered firm to voluntarily surrender its registration. Effective 6/13/2010

Licensing News

By David Howell, P.E., Director of Licensing

Change. By now, you've read in other parts of this newsletter about a lot of change for TBPE. Some of it is just the nature of our work, but part of it is self-inflicted. We are constantly working on making our licensure and renewal processes better for all of our customers while serving our existing customer base. This year for the first time we crossed the 53,000 mark for Texas PEs, and the number of registered firms continues to rise as well at over 8,100. There's some speculation about why the numbers went up as much as they did and the common thought is that the economic downturn drives fewer people to retire and creates more small engineering firms. Fortunately, the engineering profession is often more stable than others.

Anyone who went through the licensing process recently saw the new automated license status system that we implemented earlier this year. To help us provide more timely and consistent information to customers, we implemented a system of automated emails which notify an applicant when information is received, what pieces may still be needed, when an application is complete and when it is approved. There is also a status webpage where each applicant can check the progress of their application. We're not stopping there. We are currently developing a system for on-line application submittals. We're hoping to have that up-and-running within the next year.

Many of our licensing rules have been unchanged for a number of years. However, revisions were necessary due to procedural changes.

Effective June 13, 2010:

- 133.27 clarifies the intent of the International Temporary license;
- 133.53 will allow more flexibility for how we receive reference statements;
- 133.61 accommodates changes to NCEES exams;
- 137.77 simplifies procedures for firm registrations.

To review these changes, download a current copy of the TBPE Law and Rules from our website at www.tbpe.state.tx.us/downloads.htm.

One of the more significant parts of the licensure process is the exams. We use NCEES exams for both the FE and PE. In addition to ever evolving exam content, NCEES has made some big changes to exam registration this year. Starting with the October 2010 exams, all examinees will be registering with NCEES in the national Examinee Management System after they are approved to take the exam. Also starting this year, all candidates who take the FE or the Civil or Mechanical PE exams will have to choose the afternoon module they want at the time of registration instead of hav-

ing the option on the day of the exam. NCEES has also increased exam administration fees.

Fortunately, there are some things that haven't changed. Our ECHO system is still a great way to personally review and update your Firm and PE information and there's still no additional fee to do renewals with a credit card. You can also use the ECHO system to put your license into inactive status.

Another thing that hasn't changed is the Licensing staff's commitment to customer service. All the changes we make are to improve the efficiency of our processes for applicants and PEs. We can always use more ideas. Email us at licensing@tbpe.state.tx.us.



David Howell, P.E.
Director of Licensing

Did you know that by law you are required to report any employer or address changes to the Board? The online form is available at www.tbpe.state.tx.us/change or go to our online profile and renewal system ECHO at www.tbpe.state.tx.us/echo



Each trimester, a TBPE employee is recognized for exemplary service to the Board. The recipient for the third trimester of 2009 was Heather Thomas, licensing specialist (right). The recipient for the first trimester of 2010 was Shannon Velazquez, licensing specialist (left).

TBPE Board Members Awarded Distinguished Engineer of the Foundation

By Janet Sherrill, IT/Communications Director

On Thursday, June 24, 2010, in Fort Worth, Texas, two members of the Board were recognized as the 2010 Distinguished Engineers of the Foundation by the Texas Engineering Foundation Board of Trustees. Awards were presented to Edmundo Gonzalez, P.E., TBPE Emeritus Board Member and James Greer, P.E., TBPE Board Member.

According to Trish Smith, CAE, Executive Director of the Texas Society of Professional Engineers (TSPE), "the Distinguished Engineer of the Foundation is an honor bestowed by the Board of Trustees upon a person in recognition of distinguished service in the technical advancement or the professional development of engineering or both. The Board of Trustees shall not extend more than five invitations to this grade in any one year."

The Texas Engineering Foundation was established by the Texas Society of Professional Engineers as a nonprofit charitable foundation to support the goals and ideals of the professional engineers in the State of Texas. The TSPE is a state society of the National Society of Professional Engineers and was founded in 1936 to serve the interests of the individual engineer in Texas across all branches of engineering. Composed of 25 local chapters and eight student chapters, TSPE is the only active, established organization devoting its entire effort to the professional, ethical, economic, social and political aspects of engineering in Texas.

Jim Greer, P.E. has been a TBPE Board member since 2006. He holds a Bachelor of Science in electrical engineering from the University of Texas at Arlington, a MBA from the M.J. Neeley School of Business at Texas Christian University, and has completed the Advanced Management Program at Harvard Business School. Greer joined the former Texas Utilities Company

in 1984 and is currently the Senior Vice President of Asset Management & Engineering for Oncor Electric Delivery. Greer has held several leadership positions at TSPE at the local and state levels and is a past recipient of the Engineer of the Year, Young Engineer of the Year, and Van Trump awards from the Fort Worth Chapter of TSPE. He is also a member of IEEE. Greer resides in Keller, Texas, with his family.

Edmundo Gonzalez, P.E., R.P.L.S. was a Board member from 1996 until 2002, Board chairman from 1998 to 1999 and has served as an emeritus member since 2002. Gonzalez holds a Bachelor of Science in civil engineering from Kansas State University. He served in the U.S. Army Corps of Engineers

from 1964 to 1965 and served in Vietnam from 1965 to 1966. Gonzalez has served in many professional organizations including board member, University of Texas at Brownsville Advisory Committee Department of Engineering; board member, Brownsville Water Board; board member and board vice-president, South Texas Foundation for Higher Education; board member, Brownsville Foundation for Teaching Excellence; Rio Grande Chapter President, TSPE; state

board director, Consulting Engineers Council of Texas; member, American Society of Civil Engineers; member, Texas Surveyor's Association; board member and president; United Way of Southern Cameron County; board member and president, Food Bank of the Rio Grande Valley; member and president, Rotary Club of Brownsville; board member, Brownsville Chamber of Commerce; member and president, St. Joseph's Academy Parent Advisory; building committee, St. Luke's Catholic Church. Gonzalez has been employed at Gonzalez Engineering and Surveying, Inc. since 1984. Gonzalez resides in Brownsville, Texas, with his family.



Elbert W. Link, P.E., F.NSPE, Chair, Texas Engineering Foundation (left) presents the 2010 Distinguished Engineer of the Foundation award to Edmundo Gonzalez, P.E., R.P.L.S., TBPE Emeritus Board Member.




James Greer, P.E., TBPE Board Member (left) receives the 2010 Distinguished Engineer of the Foundation award from Elbert W. Link, P.E., F.NSPE, Chair, Texas Engineering Foundation.

Our mission is to protect the health, safety, and welfare of the people in Texas by regulating the practice of engineering through licensure of qualified individuals and compliance with the laws and rules.



Texas Board of Professional Engineers
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Austin, TX 78741

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TBPE Outreach Program
Continuing Education, Licensure, Ethics,
Compliance & Enforcement

For fiscal year 2010 (September 1, 2009 through August 31, 2010), TBPE staff and Board members made over 157 public appearances to over 9,000 engineering professionals and students all over the state. The Board and staff has visited with engineering associations and societies, companies, engineering students, and even K-12 classrooms.

If you or your organization would like to schedule an outreach presentation, feel free to contact us via email at peboard@tbpe.state.tx.us.

Year	Attendees
'08	5,869 Attendees in 2008
'09	6,928 Attendees in 2009
'10	9,145 Attendees in 2010

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