

# **Texas Board of Professional Engineers**

## **Ethics, Professional Practice, & Board Update**

for

### **SAME of San Antonio**

August 10, 2010

**C. W. Clark, P.E.**

**Director of Compliance & Enforcement**

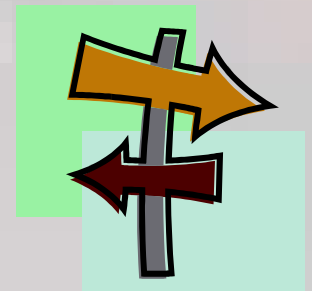
**[cw.clark@tbpe.state.tx.us](mailto:cw.clark@tbpe.state.tx.us)**



# Agenda

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



# What's New

- At May 2010 meeting the Board appointed a new Executive Director

Lance Kinney, P.E.



# 81<sup>st</sup> Legislative Session

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- **HB 2649 Passed – Modified TEPA**
  - **1001.056 - Some Exemptions were removed:**
    - **Design or Inspection to Comply with Windstorm per Tx Dept. of Insurance (Subsection (c)(1))**
    - **Design for Residential Slabs on Expansive Soils requires a PE. (Subsection (c)(2))**
  - **1001.067 - Engineering Title Allowed for:**
    - **Use of Fire Engineer for Fire Apparatus Operators in Cities with 1M or more population.**



# 81<sup>st</sup> Legislative Session

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- **HB 2649 Passed – Modified TEPA (cont.)**
  - 1001.401(e) - No Additional Certifications Required
    - A license holder shall not be required to provide or hold any additional certification, other than a license issued under this chapter, to seal an engineering plan, specification, plat, or report.



# Reminders

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- **Areas of Competency**
  - PE can only practice in areas where competent
  - Your disciplines listed on our website
  - Listing does not restrict practice
  - Verify current listing
  - Education / Exam / Experience allows you to add additional disciplines.



# New Rule Requires Firm Name & Number

- Firm name / number on engineering work
  - PE required to include registered firm name and number on designs
  - Firms required to include name & number on released work
  - Connects a PE to legally registered Engineering Firm
  - ID can be included on:
    - Title Block
    - Seal Block
    - Or as a Stamp
    - or Handwritten
  - Education Period: Warnings were issued last year. Possible sanctions can be issued as of January 1, 2010
  - FAQ on Website / Newsletter / Outreach



# Update on NCEES

- Southern Zone elected Govind Nadkarni, P.E. (TX) as zone Assistant Vice President (1<sup>st</sup> time Texas represented on this national Board)
- BS + 30 / Engineering Education Task Force – 2020 effective date for PE licensure requirement of Masters equivalence.
- Computer Based Testing Task Force - ongoing
- Structural I and II exams are being combined for 16 hr exam by 2011
- Electrical PE Exams Split – 3 Sections
- Software Engineering exam being created



# More Board Updates

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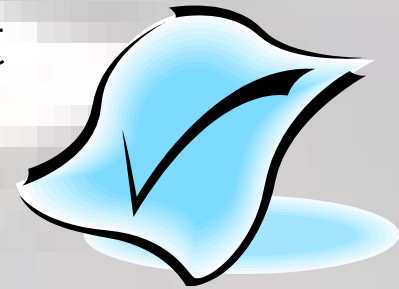
- Recording & Rebroadcast of Board Meetings
  - Check one week after Board meeting.
- eNewsletter sent out after each Board meeting
- Use the Board's ECHO System to renew:
  - Online Transactions are FREE
  - Renewals (both PE and Firms)
  - Personal Info Updates
  - CEP Log



# Reminders

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- **Continuing Education**
  - Audits ongoing quarterly
  - Keep your documentation
  - Be prepared to substantiate your 15 hours
    - certificates, email or other confirmation.
  - Enforcement cases can result
  - Suggested Sanction: \$2,500



# Board Outreach

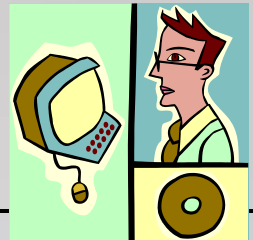
FY	Attendees	Presentations
2007	5,965	108
2008	5,739	100
2009	6,928	120

- Includes K-12
- E-Week



# Filing a Complaint

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



# Filing a Complaint (cont.)

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



# Engineering Ethics

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## Case Files

**CONFIDENTIAL**



# **From the Case Files**

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- Based on TBPE Enforcement Cases for FY2007-FY2008
- Names and Situations Changed
- All in Newsletter / on Website
- Focus on Ethical / Practice Issues



# **From the Case Files**

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- **The Good News:**
  - No Major Design Failures
  
- **What This Means:**
  - Technical Competency
  - Low Recidivism
  - Process Works



# From the Case Files

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



# **From the Case Files**

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



# From the Case Files

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## Galveston, TX

- Roofing / Re-Roofing Projects
- Windstorm Certification
- WPI-2 Forms Submitted to TDI
- Did Not Comply with Code
  
- *Engineer must meet all applicable codes*



# From the Case Files

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## Related Violations:

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

**Suggested Sanction:** \$2,500 / 2-yr  
*Probated Suspension / Ethics Course*



# From the Case Files

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## Houston, TX

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



# From the Case Files

## (Guidance)

- PE is responsible for knowing which codes apply and following them:
  - Building Code
  - Fire Codes
  - Electrical Codes
  - Local Codes / Ordinances
  - State Codes / Regulations
  - Federal Codes / Regulations
  - **Suggested Sanction: \$2,000 / 1-yr Probated Suspension**



# From the Case Files

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## Galveston, TX

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



# From the Case Files

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



# From the Case Files

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## Midland, TX

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



# From the Case Files

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- TBPE Requested Other Designs
- Used Technical Experts to Evaluate
- Determined Not Competent to Practice in Structural, Electrical, or Plumbing
- **Sanctions:**
  - \$5,720
  - 4 yr Probated Suspension
  - 9 Credit Hours of College Courses in Concrete and Foundation Design
  - Cease and Desist from Electrical and Plumbing Design



# From the Case Files (Guidance)

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



# From the Case Files

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## Dallas, TX

- Design for a Medical Clinic
- PE Sealed Mechanical, Electrical, and Structural Design Sheets
- Title Block: “ABC Architectural Services”
- IBC Violations in Construction
- PE Didn’t Work for Architectural Firm
- PE Didn’t Include Firm Name & Number
- *TBPE Investigated: Code violations & lack of Firm Registration*



# From the Case Files

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



# From the Case Files

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- “Plan Stamping”
  - *Signing / Sealing Work Not Performed by PE or Under Direct Supervision*
- **Sanction:**
  - *\$3,995*
  - *2 yr Probated Suspension*
  - *40 hr Ethics Course*



# From the Case Files

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## Austin, TX

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



# From the Case Files

- *Misleading / Deceitful / Fraudulent*
- *Not Supported by Modeling / Calculations*
- *Failed to Meet Codes*
- *Did Not Consider Environmental Impact*
- *Endangered Public Health & Safety*
  
- **Sanction:**
  - *\$8,500*
  - *3 yr Probated Suspension*
  - *Corrective Action Plan*
  - *Engineering Ethics Course*



# From the Case Files

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## Everywhere, TX

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



# From the Case Files

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## Houston, TX

- Report Prepared, Signed & Sealed by PE
- Another Report Prepared, Signed & Sealed by Same PE
- PE Numbers Don't Match
- Certificate on Wall Doesn't Match Seal #1 or #2
- In Fact, PE isn't a PE at all!!!
- Check the TBPE Website
- *Unlicensed Practice*
- **Sanction** – *Cease & Desist / \$4,950*



# Questions?



# Contact TBPE

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

