

# ENGINEERING

# Express

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## SPECIAL EDITION

## 70th YEAR OF TEXAS ENGINEER LICENSURE

### IN THIS ISSUE

Board Chairman Attends Memorial at the Site of the New London School Explosion .....	Page 2
TBPE Celebrates its 70th Anniversary .....	Page 6
First P.E. Thomas U. Taylor .....	Page 7

### A Word from the Executive Director



Dale Beebe Farrow, P.E.,  
TBPE Executive Director

By Dale Beebe Farrow, P.E.

Another spring has come and gone and with it, the 80th Legislative Session. For anyone who enjoys combat sports it did not disappoint. It was a rough and tumble session with last minute posturing, timeouts, and cries of foul.

There were several bills which will affect the Board that you should know about. House Bill 899, sponsored by Representative Wayne Smith,

P.E., and Senator Robert Deuell, M.D., made several changes to our Act. First, it makes clear the Board can release numerical exam results. Second, it provides an exemption from signing and sealing work to those who meet an exemption from licensure under Subchapter B, but who choose to be licensed. Third, it allows Board members involved in an enforcement case to discuss the case during Board deliberations but to abstain from voting on the case. Lastly, it allows licensees to go inactive at any time prior to the final expiration date of their license. Our thanks to Gerhardt Schulle of TSPE, Senator Deuell and Representative Smith for their roles in authoring and shepherding this legislation.

A surprising piece of legislation, House Bill 3249, related to the Sunset Commission's workload passed this session extending the Self-Directed Semi-Independent (SDSI) Project to the year 2013. (It was to end in 2009.) This program, of which we are very fortunate to be a part, gives our agency great autonomy to enhance services to license holders and the public without relying on legislative appropriations. Moreover, instead of depending on funding we contribute \$7 million annually to the States general

revenue fund through the \$200 professional fees you pay.

Other achievements this year include a greatly expanded outreach program. As of the third quarter of fiscal year '07 we have made 84 presentations, reaching almost 4,800 people across the state (see page 10) We were proud to extend our outreach program to K-12 classes, the "Introducing a Girl to Engineering" program, and Engineering Week activities. We all need to take time to reach out to young people and get them excited about the world of engineering. If we don't, who will?

*Continued on Page 3*



On March 7, 2007, engineers from the firm Jose I. Guerra, Inc. and the Board visited Houston Elementary's pre-kindergarten classes in Austin, Texas for Engineering Week activities. Pictured are the pre-kindergarten classes of Mrs. Bermudez, Mrs. Colburn, and Mrs. David with (from left) Ken Hanks, P.E., Dale Beebe Farrow, P.E., Wesley Smith, P.E., and Marina Reynaga, E.I.T.



# A Message from the Chairman of the Board

By Govind Nadkarni, P.E.

As Chairman of the Board of Professional Engineers on the 70th anniversary of its creation, I wanted to find out more of the circumstances surrounding the Board's formation. I heard that a reunion and memorial service were to be held in New London, Texas, this year, honoring the survivors and remembering the loss of more than 300 students and teachers who died in the school explosion on March 18, 1937.

This tragedy was the event that led to the Engineering Practice Act in Texas. I asked Executive Director Dale Beebe Farrow to join me in this commemoration. It was indeed an honor and an education for us to attend the memorial service and meet several of the survivors and others affected by the explosion. Each had a story to tell of the catastrophic event.

Mollie Ward (previously Mollie Sealey) is the founder of the New London School museum, an amazing chronicle of how this disaster unfolded and of the lives and events it impacted. She told us of her near escape from death when the Mexican hat dance rehearsal was moved from the auditorium to the gymnasium. While sitting in the school bus, she saw the flash of the explosion as the school was lifted from its foundation and blown apart when an undetected gas leak was ignited by an electrical spark. She told us the devastation and pain that followed would not allow the people of New London to even talk of the tragedy for forty years.

We talked with Bill Thompson who traded seats with a classmate to be nearer to the girl he had a crush on. The girl he traded seats with did not survive the blast and he lived with the weight of that guilt for nearly 50 years before confronting it. To see him surrounded by his children, grandchildren and great grandchildren, who wouldn't exist otherwise, was a powerful scene.

We met Carolyn Frei (maiden name Jones) whose sister and uncle died in the explosion. At nine years old, Frei went before the Texas Legislature and asked its members to protect children from something like this ever happening again. She told them that parents should be able to send their kids to school and have them come back safely.

From her testimony, important pieces of legislation emerged: an odor additive was required to be put in natural gas for detection of leaks, boiler safety and pipe safety improvements were made and the Texas Engineering Practice Act was passed, which led to the creation of the Board.

There were many others gathered there who were relatives of survivors, willing to share their memories with us. I encourage each of you to learn more of this heart-breaking and groundbreaking event that created our Board and Act by visiting [www.nlse.org](http://www.nlse.org). There is also a brilliant article told by the survivors and captured in the March '07 issue of *Texas Monthly*. You can find this article on the New London School Explosion website at <http://www.nlse.org/tm0307.html>.

Protecting the health, safety and welfare of the people of Texas as a professional engineer takes on a profound meaning after learning first hand, why our Board was created.



Govind Nadkarni, P.E.,  
TBPE Board Chair



Top Photo  
Board Chair Govind Nadkarni, P.E., who attended the 70th anniversary of the New London School Explosion, is shown with Bill Thompson (left) a survivor of the tragedy.



Mollie Ward, founder of the New  
London School Museum.



Right  
Nadkarni with Carolyn Frei who appeared before the Texas Legislature at age 9 to defend the safety of Texas school children.



Monuments located in New London, Texas, which mark the location of the worst school disaster in U.S. history. The tragedy, which occurred on March 18, 1937, took the lives of over 300 teachers and school children and led the Texas Legislature to enact the Texas Engineering Practice Act and the creation of the Board to enforce the Act and protect the public.



# Are You Competent?

By C.W. Clark, P.E., Compliance & Enforcement Director

As professional engineers, we are all required by our statute and rules to perform our engineering competently. At times, clients do not see that work as meeting expectations and, may even question whether that engineering was competently performed. Professional engineers are licensed based on their education, experience, and successful completion of exams to assure the public that they can perform engineering services competently.

Board rule §133.97 (i) states: "A license issued by the Board is as a professional engineer, regardless of branch designations or specialty practices. Practice is restricted only by the license holder's professional judgment and applicable Board rules regarding professional practice and ethics."

However, 133.97 (j) outlines the Board requirements of the PE to indicate a branch of engineering that is considered to be a primary (as well as secondary, tertiary, etc) area of competency. The PE must provide: "(1) a transcript showing a degree in the branch of engineering; (2) a supplementary experience record documenting at least 4 years of experience in the branch of engineering and verified by at least one PE reference provider that has

personal knowledge of the license holder's character, reputation, suitability for licensure, and engineering experience; or (3) verification of successful passage of the examination on the principles and practice of engineering in the branch of engineering."

When a complaint is filed against a PE and competency is in question because elements of the design have been alleged to have been deficient, the Compliance & Enforcement Division of the Board will use similar criteria listed in 133.97 (j) to determine if that PE is competent.

The Board recommends that licensed professional engineers review the agency records regarding branches of engineering listed for their license and update if necessary as specified in §133.97 (k).



C.W. Clark, P.E., Compliance & Enforcement Director

## A Word from the Executive Director - Continued from Page 1

We have again expanded our online service from license renewals and exam registration to now include firm renewals. I encourage you to take advantage of this online service. It is quick, easy and convenient. Plus, you can track continuing education online and update personal information.

For the first time, Texas has a leadership role with the National Council of Examiners for Engineers and Surveyors (NCEES). Chairman Govind Nadkari, P.E., was elected Assistant Vice-President of the Southern Zone. This places Texas in line for membership on the Board of Directors. Texas will also be hosting the NCEES Southern Zone meeting in 2011, being held in San Antonio.

The Board recognizes the current and future needs to address emerging disciplines of engineering. One such discipline is software engineering. As software development has become more essential to maintaining the quality of our daily lives, the need to define and understand its engineering aspects has become increasingly critical. The Board has created a task force made up of representatives from industry, academia, the Board and staff to address software engineering in Texas. There will be a meeting of the minds from NSPE, IEEE, NCEES and members of the task force in late July to discuss creation of an exam and licensure issues. The model developed by this task force will be very useful in addressing other types of emerging engineering disciplines in the future.

Finally, we are looking into an international agreement with Australia. Modeling the NAFTA agreement that we have with Canada and Mexico, we are working with the Australians and appropriate state officials to possibly allow comity licensure for Australian Engineers and vice versa.

As Albert Einstein once said, "The important thing is not

to stop questioning. Curiosity has its own reason for existing." As this rings true for all engineers, it rings true for us. We will continue to ask ourselves how to improve, how to simplify and how to add value. We welcome your suggestions.

Dale

**JUST A REMINDER**  
Reading this newsletter counts toward your  
CEP credits as self-directed study.

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Jose F. Cardenas, P.E., Vice-Chair ..... El Paso  
Gerry E. Pate, P.E., Secretary ..... Houston  
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James Greer, P.E. .... Keller  
Shannon K. McClendon ..... Dripping Springs  
Daniel O. Wong, Ph.D., P.E. .... Sugar Land



# **Enforcement News**

## **Disciplinary and Administrative Actions**

### **November 9, 2006 - May 10, 2007**

A more detailed narrative on any of the listed enforcement actions can be found on our web page at [www.tbpe.state.tx.us/disciplinary.htm](http://www.tbpe.state.tx.us/disciplinary.htm). To find the case, make note of the meeting date of the case, click on the link to that particular meeting then scroll down to the case.

#### **November 9, 2006 Board Meeting**

**Case Number:** D-1439; Girish Dhoribhai Patel; Houston, TX.

**Violation:** It was alleged that Patel submitted a WPI-2 form to the Texas Department of Insurance (TDI) certifying that a structure was constructed in accordance with windstorm codes; however, a TDI inspection of the structure found that construction was not complete and anchorage methods did not appear to be adequate. Thus, the WPI-2 was misleading and the construction did not meet codes. It was also alleged that Patel had failed to notify the Board of his employment as a sole proprietorship, failed to register that business, and failed to promptly respond to a Board inquiry.

**Resolution:** Two years suspension of his Texas engineer license and a \$8,100.00 administrative penalty.

**Case Number:** D-27756; Rudolph Frederick Klein, P.E.; San Antonio, TX.

**Violation:** It was alleged that Klein submitted concrete estimates for progress payments that created a misleading impression as to the amount of concrete poured by the contractor. It was also alleged that Klein failed to sign and seal initial design plans and he failed to promptly respond to a Board inquiry.

**Resolution:** One year probated suspension, the assessment of a \$5,360.00 administrative penalty and completion of an engineering ethics course.

**Case Number:** D-27883; Louis Lemus; Bellaire, TX.

**Violation:** It was alleged that Lemus prepared, signed and sealed structural engineering plans for three hotels that had significant structural deficiencies which, had they not been found during construction, could have endangered the health, safety, welfare, and property of the public.

**Resolution:** The Board accepted Lemus' voluntary surrender of his Texas engineer license and ordered that his Texas engineer license be revoked.

**Case Number:** D-28851; Lawrence R. Atwood, P.E.; Garland, TX.

**Violation:** It was alleged that Atwood falsely certified that he had completed his continuing education and failed to promptly respond to a Board inquiry.

**Resolution:** Refusal to renew his Texas engineer license.

**Case Number:** B-29191; Cates, Courtney and Roebuck, L.P.; Fort Worth, TX.

**Violation:** It was alleged that this firm unlawfully represented its ability to offer and/or perform engineering services by entering into a contract with a public entity that required engineering services because the firm did not have Texas licensed professional engineer as an employee nor was it registered with the Board

**Resolution:** Cease and Desist and a \$1,500.00 administrative

penalty.

#### **February 8, 2007 Board Meeting**

**Case Numbers:** D-28665 and D-28814; Lee Charles Page, Jr., P.E.; Waxahachie, TX.

**Violation:** It was alleged that after Page re-inspected a residential property he used verbatim text in his report that was copied from another professional engineer's report, who had also inspected the same property. It was also alleged that in connection with a different residential property, Page prepared, signed, and affixed his Texas engineer seal to an inspection report prior to the property being inspected.

**Resolution:** Formal Reprimand and a \$1,490.00 administrative penalty.

**Case Number:** D-29089; Robert Lee Puckett, P.E.; Memphis, TN.

**Violation:** The Tennessee State Board of Architectural and Engineering Examiners issued Puckett a Consent Order suspending his Tennessee engineer license for one year, assessing him a \$2,000.00 civil penalty and requiring him to take and pass a Tennessee engineering law and rule examination for signing and affixing his Tennessee engineer seal to plans that were not prepared by him nor under his responsible charge. Based upon the action taken against Puckett in Tennessee, Puckett's Texas engineer license was also subject to censure.

**Resolution:** Formal Reprimand.

**Case Number:** D-29091; Mark H. Madorsky, P.E.; Houston, TX.

**Violation:** It was alleged that Madorsky signed and sealed fire alarm system plans for a proposal for an elementary school project that did not meet applicable codes for fire alarm systems.

**Resolution:** Formal Reprimand and a \$1,590.00 administrative penalty.

**Case Number:** D-29357; Joseph Wayne Thompson, P.E.; Houston, TX.

**Violation:** It was alleged that Thompson falsely reported on his June 2006 Texas engineer license renewal that he had completed his required continuing education.

**Resolution:** Refusal to renew his Texas engineer license.

**Case Number:** D-29358; David Webb Catter, P.E.; Woodland Park, CO.

**Violation:** It was alleged that Catter falsely reported on his June 2006 Texas engineer license renewal that he had completed his required continuing education.

**Resolution:** Formal Reprimand and a \$1,800.00 administrative penalty.

**Case Number:** D-29347; James Gary Dennis; Riggins, ID.

*Continued on Page 5*

## February 8, 2007 Board Meeting Continued

**Violation:** It was alleged that Dennis represented himself as a Texas licensed professional engineer and practiced engineering by affixing his Texas engineer seal on building detail design plans for a project in Sherman, Texas, after his Texas engineer license had expired.

**Resolution:** Cease and Desist and a \$500.00 administrative penalty.

**Case Number:** B-29193; Kang Tang; Taipei, Taiwan.

**Violation:** It was alleged that Tang represented himself as a Texas licensed professional engineer and practiced engineering by affixing his Texas engineer seal on building detail design plans and a structural engineer affidavit for a project in Sherman, Texas, after his Texas engineer license had expired and became non-renewable.

**Resolution:** Cease and Desist and a \$3,150.00 administrative penalty.

**Case Number:** B-29349; Peter D. Thornfield dba TASS Architectural & Engineering Services, Fort Worth, TX.

**Violation:** It was alleged that Thornfield unlawfully displayed the word "Engineering" in his business name on a plan sheet for roof modifications for a project in Haltom City, Texas, and that he advised the Board that his business offers complete design and engineering services which was also unlawful.

**Resolution:** Cease and Desist and a \$440.00 administrative penalty.

**Case Number:** E-29299; Alliance Wood Group Engineering; Houston, TX.

**Violation:** It was alleged that the web page for this firm unlawfully listed employees, who were not licensed in Texas as professional engineers, as Texas licensed professional engineers by using the designation "P.E." after their names with a Houston, Texas, contact telephone number.

**Resolution:** Cease and Desist and/or Compliance with Board Policy Letter and a \$1,290.00 administrative penalty.

## May 10, 2007 Board Meeting

**Case Number:** D-29066; James D. Wallace, P.E.; Lancaster, TX.

**Violation:** It was alleged that Wallace designed a retaining wall that was not adequate and did not comply with prevailing codes. It was also alleged that the design plans for this project created a misleading impression about the business entity responsible for the engineering designs because they were issued under a firm name other than Wallace's firm name.

**Resolution:** One year probated suspension, the assessment of a \$5,880.00 administrative penalty and completion of an engineering ethics course.

**Case Number:** D-29016; Daniel A. Shanahan, P.E.; Whitney, TX.

**Violation:** It was alleged that Shanahan recommended that on-site septic systems tanks be installed prior to obtaining the needed permits from the local permitting authority.

**Resolution:** One year probated suspension, the assessment of a \$3,120.00 administrative penalty and completion of an engineering ethics course.

**Case Number:** B-29421; James T. Martel; Murphy, NC.

**Violation:** It was alleged that Martel unlawfully represented

himself as a Texas licensed professional engineer by using the designation "P.E." after his name on a predominant use utility study report and that he unlawfully practiced engineering for a Texas client by performing the study.

**Resolution:** Cease and Desist and a \$1,200.00 administrative penalty.

**Case Number:** B-29470; Dalrock Foundation Repair; Dallas, TX

**Violation:** It was alleged that this firm unlawfully practiced engineering by preparing foundation repair design plans that were required to have been prepared by or under the direct supervision of a Texas licensed professional engineer because of the size of the building.

**Resolution:** Cease and Desist and a \$1,440.00 administrative penalty.

**Case Number:** D-29295; John Raymond Holm, P.E.; Orange, TX.

**Violation:** It was alleged that Holm issued a misleading WPI-2 form certifying a roof repair project because he listed inspection dates that pre-dated the repair of the roof and incorrectly located the structure in an Inland II area. It was further alleged that a subsequent inspection, that was conducted by an employee of Holm, was not done in a careful and diligent manner because the employee did not climb upon the roof to inspect the repairs.

**Resolution:** One year probated suspension, the assessment of a \$1,900.00 administrative penalty and completion of an engineering ethics course.

## 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 the business entity was not registered with the Board.

- Oceaneering International, Inc., Houston, Texas
- H. G. Lehman III, P.E., San Antonio, Texas
- DaRam Engineers, Inc., Houston, Texas
- Montemayor Engineering, Inc., dba Montemayor, Hasen, Garcia, Villafranco and Associates, Brownsville, Texas
- Zinser/Grossman Structural, L.L.C., Dallas, Texas
- Abramhamson & Associates, Amarillo, Texas
- Wai-Wize I, L.P., Dallas, Texas
- Magnolia Global Energy, Ltd., Fort Worth, Texas
- Alpha Consulting Engineers, Inc., San Antonio, Texas
- RC Engineering, Inc., San Antonio, Texas



# TBPE Celebrates Its 70th Anniversary



Lance Kinney, P.E., TBPE  
Deputy Executive Director

By Lance Kinney P.E., Deputy Executive Director

This is a momentous year for engineering licensure. 2007 is the Sapphire Jubilee Anniversary (70th) for the Texas Board of Professional Engineers, and the 100th Anniversary for engineering licensure on the national level. To celebrate this occasion, the Governor issued a proclamation that declared the month of May 2007 Engineering Licensure Month.

## Licensure Then and Now

There have been some changes in engineering licensure since the first law was passed. Please note the comparison of the 1937 Act and the most current version of the Act in the chart below.

## Origin of Licensure in the United States

When Clarence T. Johnston accepted the position of Wyoming State Engineer over a century ago, he found individuals working as engineers who lacked the training to

*Continued on Page 7*

Licensure in Texas - Then and Now		
1937		2007
All applicants must either have a 4 year degree in engineering, or pass a written / oral exam to be licensed. Exams were state-specific. There was a grandfathering provision for the first five years that allowed a person at least 35 years old and had at least 12 years of experience to get a license.	Licensure	All new applicants must have a 4 year degree, at least 4 years of experience, and pass the Principles and Practice of Engineering examination.
The application fee was \$25 (\$15 due upon application and \$10 upon licensure). With inflation, that is the equivalent of \$358.83 in 2007 dollars.	Application	The application fee is \$250. Of that, \$50 goes to the agency for processing the application and \$200 goes to the General Revenue Fund for the State.
Renewal Fees were \$5 per year, which is equivalent to \$71.77 in 2007.	Renewal	Renewal Fees are \$235. Of that, \$35 goes to the operation of the agency and \$200 goes to the General Revenue Fund for the State.
There were 11 original branches of engineering approved by the Board.	Disciplines	There are now 26 branches listed in the Board Rules.
Only applicants that did not have a degree were required to take a combination written/oral exam. Exams were state-specific.	Exams	The National Council of Examiners for Engineering and Surveying (NCEES) offers standardized engineering exams nationwide in 17 disciplines. Texas has approximately 5,000 examinees per year.
During the first year, Texas registered 3,934 Professional Engineers, and ranked 4th in size after Ohio, New York, and California. Governor Allred personally requested that T.U. Taylor, Dean of Engineering at UT, become P.E. #1.	Licensure	Texas now boasts over 49,000 currently licensed Professional Engineers, ranking it 2nd in size after California. During 2007, Texas anticipates that it will issue P.E. # 100,000.
The Board was originally made up of 6 P.E.'s and the original office was the Senate Finance Committee Room at the State Capitol in Austin. There were no employees of the Board. The Board members carried out all tasks themselves, including reviewing all applications, writing letters, and giving oral exams.	Board	The Board now consists of 9 members. Six members are P.E.'s and three are public members. The agency has its own building, still located in Austin. There are 30 employees to perform all duties of the Board. Online services are also available to renew licenses and registrations, update personal information, and track continuing education. Our website provides a plethora of information for engineers, applicants, and the public.
The Board had the discretion to revoke licenses, as well as levy fines from \$100 to \$500 dollars (up to \$7176.60 in 2007). The Board could also impose a jail term of up to 3 months.	Enforcement	While the Board can't send people directly to jail, it can revoke licenses and impose fines of up to \$3,000 per day.



## TBPE Celebrates Its 70th Anniversary - Continued from Page 6

competently carry out their duties. Johnston addressed the problem by preparing a bill to mandate registration and to create a board of examiners. In 1907, the Wyoming legislature turned that bill into law, creating the first U.S. engineering licensure law. Other states soon followed.

### Origin of the Texas Board

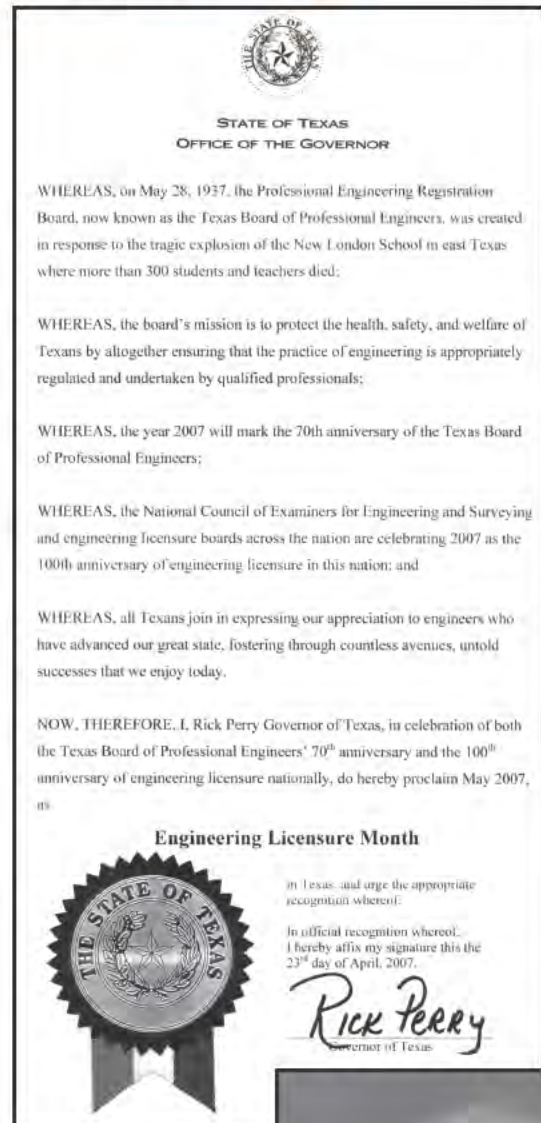
Many of you may have heard of the New London School Explosion that was the catalyst for the creation of a licensure system for professional engineers in Texas. (See article on page 2.) As a result of that event, the 45th Legislature, which was in session at that time, enacted Senate Bill 74, which created the Texas State Board of Registration for Professional Engineers. On May 18, 1937, the law was passed and Governor James V. Allred approved SB74 to become effective on May 28, 1937.

### Thomas Ulvan Taylor, P.E. 1

In 1937, Governor Allred personally requested that Thomas Ulvan Taylor, Dean of Engineering at UT Austin, become the first Texas Professional Engineer. T.U. Taylor was engineering professor and university dean from 1906, when the engineering program at UT was first established, until his retirement in 1936. Under his direction engineering enrollment increased from twenty-one in 1888 to 1,443 in 1936. He signed the first civil-engineering degree given by the university in 1888 and before retiring granted 1,699 degrees in engineering, including the university's first M.S. in Engineering in 1922.

Taylor's students were some of the most influential men of their time: Harry Yandell Benedict, president of the University of Texas from 1927 to 1937; Eugene Paul Schoch, builder of much of the chemical industry in the Southwest; and James C. Nagle, Gibb Gilchrist, and David Wendell Spence, deans of engineering at Texas A&M. Taylor used tradition to foster student loyalty. He approved student adoption of a small wooden statue named after a character in a song, Alexander Claire, as a patron saint of engineering. He initiated the Big Brothers' Fund and the Engineers' Loan Fund, later renamed the T. U. Taylor Foundation, and he worked to establish honor and service organizations for engineering students. His personal symbol, a ram's horn or flourishing check mark with which he marked perfect examinations, became well-known and was for a time the emblem of the college of engineering.

Taylor was especially interested in problems of water power, irrigation, and bridge construction. He was the first state hydrographic engineer for the United States Geological Survey from 1897 to 1912 and a consulting engineer for many public works, including the Oak Cliff viaduct in Dallas, the new Austin dam in 1926, and the state highway system. His master's thesis from Cornell (1895) was published in 1898 as *Prismoidal Formulae and Earthwork*, the first of his many books and technical articles on engineering, trigonometry, and Texas history. His scientific publications include *Irrigation Systems of Texas* (1902), *The Elements of Plane and Spherical Trigonometry* (1902), and *Field Book of Surveying* (1904). He also published reminiscences on his years with the University of Texas in *Fifty Years on Forty Acres* (ca. 1938).



(Top) Governor Perry signed a resolution declaring May Engineering Licensure Month. (Right) P.E. 1, Thomas U. Taylor was registered January 1, 1938. Taylor was the first Dean of Engineering at the University of Texas from 1906-1936. (Bottom) Taylor's Seal Imprint



## Board Rule Updates

The following are summaries of rules that were adopted by the Board during the last year. The effective date appears next to the Board rule. Please refer to the TBPE web site at [www.tbpe.state.tx.us/downloads.htm](http://www.tbpe.state.tx.us/downloads.htm) to view or download complete copies of the current law and rules.

Rule	Rule Change and Effective Date
§131.9 - Officers of the Board	Allows the Board to appoint a Treasurer and outlines the duties of the Treasurer. <i>Effective December 10, 2006</i>
§131.15 - Committees	There have been two changes to this rule: (1) Provides for the appointment of a Treasurer. <i>Effective December 10, 2006.</i> (2) Changes the meeting frequency of the Legislative Issues Committee from twice per year to an as-needed basis. <i>Effective March 8, 2007.</i>
§131.81 - Definitions	Defines the term "sole practitioner". <i>Effective December 10, 2006.</i>
§133.3 - Engineer-in-Training Application and Certification	Specifies that an EIT application must be completed within one year of the original filing date. <i>Effective December 10, 2006.</i>
§133.13 - Branches of Engineering	Removes redundant language found elsewhere in the rules. <i>Effective December 10, 2006.</i>
§133.51 - Reference Providers	Clarifies requirements for reference statements and reference providers. <i>Effective June 4, 2007.</i>
§133.69 - Waiver of Examinations	Clarifies that applicants from Canada and Mexico (via NAFTA) for a waiver of exams may receive a temporary license. <i>Effective June 4, 2007.</i>
§133.75 - Examination Irregularities	Provides penalties for violations of exam policies and procedures, including cheating. <i>Effective December 10, 2006.</i>
§133.81 - Receipt and Process	Differentiates applying for a license and applying for an exam. Removes reference to reciprocal licensure. <i>Effective December 10, 2006.</i>
§133.97 - Issuance of License	Clarifies requirements for PE to add a listing or change a listing for a branch of engineering. <i>Effective December 10, 2006.</i>
§135.3 - Application for a Certificate of Registration	Requires that a registered firm list all PE's and report the federal EIN. <i>Effective December 10, 2006.</i>
§135.5 - Renewal and Good Standing	Revises the title of the rule section. <i>Effective December 10, 2006.</i>
§137.14 - Voluntary Surrender of License	Removes requirement that a license holder return their certificate when voluntarily surrendering their license. <i>Effective December 10, 2006.</i>
§137.51 - General Practice	Allows a sole practitioner to practice on a part-time basis. <i>Effective December 10, 2006.</i>
§137.53 - Engineer Standards of Compliance with Professional Services Procurement Act	Corrects the title of the rule section. <i>Effective June 4, 2007.</i>
§137.77 - Firm Registration Compliance	Changes references to individual business types and refers to all entities collectively as 'firms'. <i>Effective December 10, 2006.</i>
§139.31 - Enforcement Actions for Violations of the Act	Removes an unnecessary citation. <i>Effective December 10, 2006.</i>
§139.35 - Sanctions and Penalties	Clarifies references to all business types as 'firms'. <i>Effective December. 10, 2006.</i>



# NCEES Needs Exam Development Volunteers

By Lance Kinney, P.E., Deputy Executive Director

Texas is one of the largest states in terms of examinees. Each year we have over 5,000 candidates for the Fundamentals of Engineering (FE) and Principles and Practice of Engineering (PE) exams. The exam questions are developed, reviewed, and updated on a regular basis by NCEES - or more specifically, by volunteer experts in each engineering field. The Texas Board would like to strongly encourage interested PEs to help out their profession by volunteering to assist in exam development. Several members of the TBPE Board and staff have participated, and we can attest that it is a fun and rewarding experience!

The development process relies on thousands of volunteer hours donated by hundreds of licensed engineers. They write and review questions and solutions, some of which are technical in nature, while others are questions relevant to the knowledge requirements of a practicing licensed engineer. They also perform multiple reviews and pre-tests of the exams. All exam volunteers must be licensed professional engineers, and NCEES needs engineers from all disciplines, areas, and stages of practice - recently licensed, mid-career, late career or retirement, consulting, industry, government, and education.

To the right is a list of the committees that are actively looking for volunteers at this time.

- **FE** - Specifically Electrical and Industrial
- **Civil PE** - all specialties. NCEES will be convening a Score Setting Panel meeting in the spring of 2008 that will require nearly 100 volunteers.
- **Environmental PE** - specifically people with experience in air (emission sources, sampling, control strategies, etc.)
- **Electrical PE** - all specialties
- **Industrial PE**
- **Petroleum PE** - A Score Setting Panel will take place December 6 and 7, 2007, at the SPE office in Houston, Texas. They are looking for 7 to 8 petroleum engineers who were recently licensed (last 5 years) by exam. Diversity is a plus (i.e. geographical location, practice area, gender, age, and ethnicity). If interested, contact Tom Whipple at [twhipple@spe.org](mailto:twhipple@spe.org) or 972-952-9452. NCEES will pay for travel expenses to this session.
- **Structural II PE** - Scorers, specifically with bridge experience

For more information and to sign up, visit the NCEES website at <http://www.ncees.org/exams/volunteer/>.

## In Memoriam

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

Gene Adams, Tyler, TX  
J. F. Adkisson, Greenville, TX  
Andres Arismendi, Houston, TX  
William Edward Aston, Waco, TX  
W. R. Berger, Midland, TX  
David Addy Bishop, Austin, TX  
Carl R. Branan, El Paso, TX  
Archie Broodo, Dallas, TX  
Gerald Curtis Brown, Falls Church, VA  
Irvin Guyton Bulloch, Houston, TX  
J. B. Carson, Tullahoma, TN  
C. D. Chumley, Balch Springs, TX  
William Grant Crolley, Austin, TX  
Ray Dossey, Tow, TX  
John Glenn Driskill, Garland, TX  
Robert Olin Edens, Mobile, AL  
John A. Ferguson, El Paso, TX  
H. C. Fitzgerald, Groesbeck, TX  
William T. Flynn, Austin, TX  
John Louis Gafford, Waco, TX  
Robert D. Garrison, Canyon Lake, TX

Joe F. Grant, Ft. Worth, TX  
Thomas E. Haggard, Corpus Christi, TX  
William Robert Henders, Houston, TX  
Lawrence Frederick Hicks, Kerrville, TX  
G. A. Houston, Humble, TX  
Marvin John Janik, Elmendorf, TX  
C. R. Kelton, Houston, TX  
Charles D. Kieffer, Austin, TX  
Sanford Porter Lahue, Arlington, TX  
T. R. Langford, Avery, TX  
John N. Lipscomb, Brenham, TX  
John W. Livingston, Atlanta, TX  
Donald F. Logan, Belton, TX  
F. E. Macspadden, Kent, WA  
William Thomas Manning, La Porte, TX  
Robert M. McDonald, Heath, TX  
Raymond Francis Millea, Peachtree City, GA  
Lawrence E. Miller, Friendswood, TX  
Jack V. Mosby, Longview, TX  
R. W. Muckleroy, Houston, TX  
Albert Nathan, Houston, TX

William John W. Neese, Round Rock, TX  
Allen E. Ranft, Houston, TX  
Robert L. Reed, Round Rock, TX  
William E. Rickart, Casper, WY  
George B. Roberts, Montgomery, TX  
Ismael Salazar, Tustin, CA  
Paul W. Schmidt, Spring, TX  
Henry R. Slagle, Pantego, TX  
Alan Wayne Smith, Landenberg, PA  
Ellery Mark Sokol, Anacortes, WA  
Dennis Edwin Spore, Richland, WA  
Albert E. Swarts, Houston, TX  
James H. Thompson, Dallas, TX  
W. T. Tucker, Georgetown, TX  
Tasnim Uddin, Miami, FL  
Raymond Carroll Vaughn, Lubbock, TX  
Edgar L. Von Rosenberg, Houston, TX  
John Richard Warner, Houston, TX  
Derrel Dee Webb, Medina, TX  
William Leonard Weid, Aledo, TX  
Gary Lee Whitlow, Rio Rancho, NM

This list is compiled from notifications received at the TBPE between August 1, 2006, and June 12, 2007. If we failed to mention an engineer that passed away during this time frame and they were either active or inactive at the time of their passing, please send an email to [peboard@tbpe.state.tx.us](mailto:peboard@tbpe.state.tx.us) and we will include their name in our next issue.



# My Revelations as Director of Licensing

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

This has been another busy year for the Licensing Department at the TBPE. Recently, the Board changed the rules for the Principles and Practice of Engineering (PE) exam waivers. When this became effective on January 1, 2006, we received almost 500 applications. Processing those applications over the last year as well as the normal workload of applications has been demanding. In an effort to promote consistency, the Board set up a special committee of professional engineer Board members to review each waiver application in detail. They considered every aspect of each application including the person's education, work experience and references and held each to rigorous standards of demonstrated technical competence. Of the PE waivers requested prior to the rule change, the Board only approved about half. Many of the remaining had enough experience to qualify to take the PE exam to prove their technical competence. The Licensing Committee has also been extremely busy keeping up with all of the personal appearances that have resulted from the extra applications and appeals.

We are now several years into the implementation of the Texas Continuing Education Program. Texas law requires that each licensee obtain at least 15 hours of education, of which at least one hour must cover ethics. The rules give examples of some of the things you can count for credit. A reminder, we don't need to see all the documentation with your renewal, but be sure to keep it in case you're one of the lucky 2% who receives a random audit.

The TBPE continues to work with NCEES to improve exam security. After each exam administration, NCEES has five different statistical analyses run on the answer sheets for all examinees to help identify possible cheaters. The TBPE staff, with the help of NCEES and our general counsel from the Texas Attorney General's Office investigate the results of those analyses and take action against cheaters as warranted. The October 2006 exam investigations resulted in one examinee

being banned from taking the exam for a period of two years and two examinees' results were invalidated. Texas had about 1,900 people take the Fundamentals of Engineering exam and over 700 take the PE exam at the April 2007 exam administration.

On this 70th anniversary of TBPE, it has been a year to reflect on the history of PE licensure and look to the future.

The future of engineering exams may include computer based testing. Texas is actively participating with other states and NCEES in considering the possibilities and practical aspects of giving the FE and PE exams at computer testing centers instead of the current paper-based method. This change would be a huge departure from the way the exams are given now, but it may solve many exam related issues.

The future for PE licensure is currently being debated nationally in what's known as BS+30. This concept, adopted by NCEES into its Model Law at the annual meeting in October 2006, sets the minimum educational requirement for licensure at a bachelor's degree in engineering plus 30 additional credit hours of education starting in the year 2015. The Texas Board does not use Model Law verbatim for licensure and has so far not adopted the BS+30 concept, but will need to address this issue in the near future.

The licensing department of the TBPE is constantly looking for better ways to serve the needs of our customers and the public. Please visit our website for licensing staff contact information. We appreciate your input.



David Howell, P.E., Director of Licensing

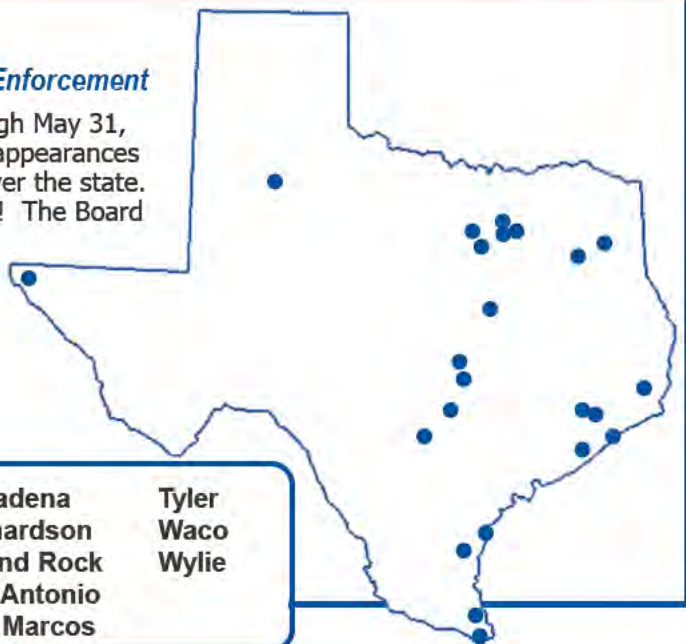
## TBPE Outreach Program – FY 2007

### Continuing Education, Licensure, Ethics, Compliance & Enforcement

For the first 3 quarters of FY 2007 (September 1, 2006 through May 31, 2007), TBPE staff and Board members have made 84 public appearances to almost 4,800 engineering professionals and students all over the state. This is a 37% increase over 2006, and the year isn't over yet! The Board 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 at [peboard@tbpe.state.tx.us](mailto:peboard@tbpe.state.tx.us).

#### Cities Visited

Arlington	Dallas	Houston	Pasadena	Tyler
Austin	El Paso	Kingsville	Richardson	Waco
Beaumont	Ft. Worth	Lake Jackson	Round Rock	Wylie
Brownsville	Galveston	Longview	San Antonio	
Corpus Christi	Harlingen	Lubbock	San Marcos	





## CONGRATULATIONS TO ENGINEERS LICENSED OVER 50 YEARS

The Board would like to acknowledge individuals who have maintained their P.E. license for over 50 years. The complete listing of 749 P.E.s is located on our website at:  
[www.tbpe.state.tx.us/50](http://www.tbpe.state.tx.us/50)

### Employee of the First Trimester

*Suzanne Quinney was recognized as TBPE employee of the first trimester for her exemplary work ethic, her expertise in agency benefits coordination and judiciousness in human resources.*

*Quinney has been with the Texas Board of Professional Engineers since 2001.*



### Employee of the Second Trimester

*Debbie Trevino was recognized as TBPE employee of the second trimester for her ability to step up to any challenge and her eagerness to help whenever needed. Trevino recently took over the position of Open Records Coordinator. She responds quickly and thoroughly to the public need and their legal right to information. Debbie has been a loyal employee and tremendous asset to the agency since 1990.*



*Several new smiling faces were added to the agency since the last newsletter. Pictured (from left): Dorothy Nieto, Executive Assistant; Roxanna Gonzales, Licensing Specialist; Sonia Crawford, Licensing Specialist; and Gloria Terrazas, Licensing Specialist.*

## Policy Advisory Opinions

*By C.W. Clark, P.E., Compliance & Enforcement Director*

The 78th Legislature enacted a new section of our statute related to Policy Advisory Opinions, which established the requirement for a Policy Advisory Opinion Committee to be formed and Policy Advisory Opinions to be developed, effective September 1, 2003. We are nearing the end of our fourth fiscal year under this directive.

These advisory opinions are intended to be an interpretation of Chapter 1001 of the Occupations Code or the application of the chapter with regard to a specified existing or hypothetical situation. The 79th Legislature re-worded §1001.601 of our statute to further clarify that the opinions could be a broadly focused interpretation as well as narrowly specific.

The Board has received 22 formal policy advisory opinion requests, has issued seven final opinions (one of which has been modified and re-issued), closed twelve opinion requests with responses, withdrawn two, and currently has one request pending committee approval of a response.

The final opinions and responses, along with current status of each policy advisory request/opinion, is on our website, <http://www.tbpe.state.tx.us/policy.htm>. If any individual wants to participate as a stakeholder for any opinion not yet finalized, please contact the Compliance and Enforcement Division. Our contact information is available at: [www.tbpe.state.tx.us/contact.htm](http://www.tbpe.state.tx.us/contact.htm).

### Approved Policy Advisory Opinions

- Water Quality Planning
- Metropolitan Transportation Planning
- Structural or Mechanical Modifications to Building Roofs
- Water Tank Rehabilitation
- Construction Materials Testing
- Comprehensive Building Design
- Sealing Record Drawings (As-Built)



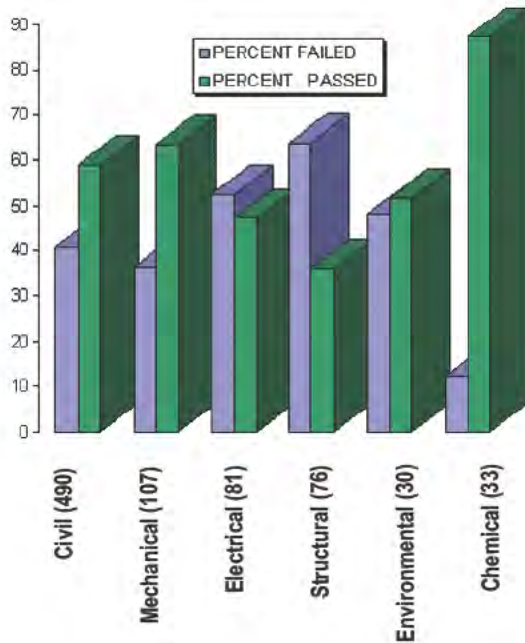
## Exam Pass Rates

**October 2006**

### FE EXAM

TOTAL SCHEDULED - 1945, PASSED 60.8%

### PE EXAM BY DISCIPLINE

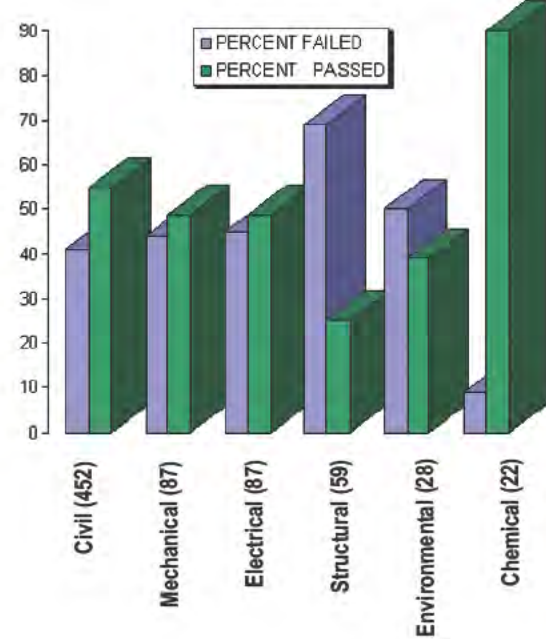


**April 2007**

### FE EXAM

TOTAL SCHEDULED - 2210, PASSED 54.5%

### PE EXAM BY DISCIPLINE



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