



# ENGINEERING *Express*

## A Message from the Chairman of the Board

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

To borrow a quote from Charles Dickens, “It was the best of times and it was the worst of times....” This seems to be a fair characterization of this past year. The Board has been steadfastly attending to the challenges at hand. Hurricane Ike necessitated emergency rule making by the Board to allow for the quick recovery of coastal areas in need. We suffered through the cost of soaring fuel prices followed by an ailing economy, layoffs and bankruptcies. This was followed by massive bailouts and stimulus packages in an attempt to build up deteriorating and undersized infrastructure and create jobs. Texas suffered much less than many other states and has much to gain in the coming years. As our legislative session played out, Texas was able to fund a 182 billion dollar budget and still maintain its rainy day fund.

One strange effect of a struggling economy is it tends to have a positive impact on engineering licensure. New licensure in Texas is up 21% from 2008 and registration for exams is up 5% compared to this date last year. On an academic level, enrollment in engineering programs across the state is also at an all time high.

On another positive note, Board member Govind Nadkarni, P.E., was elected as the vice president of the Southern Zone for the National Council of Examiners for Engineering and Surveying (NCEES). This earns him a seat on the NCEES Board of Directors allowing Texas to represent 17 state boards on national licensure issues over the next couple of years.

The coming year promises to be one on the road to recovery and I look forward to it in fulfilling the Board’s mission to protect the health, safety and welfare of the great state of Texas.



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

## A Word from the Executive Director

By Dale Beebe-Farron, P.E.

Somehow this year I was lucky enough to be selected for the NCEES Engineering Education Task Force, also known as the masters or equivalent, formally known as BS+30 or B+30 depending on your vantage point. This is the task force charged with sorting out the details of implementing model law for the year 2020 wherein licensure will require a master’s degree or 30 additional hours beyond a bachelor’s degree. A more passionate controversy has not been heard in many years.

The task force not only had to sort out implementation issues such as development of a clearinghouse and communication strategies but a last minute resolution at the annual meeting came from the western zone to call time out on this initiative until questions were answered regarding the educational, professional, regulatory and economic impacts of this requirement and to evaluate alternatives. The western zone resolution was transformed into a southern zone resolution which demanded answers to the same questions but didn’t



Dale Beebe-Farron, P.E.,  
TBPE Executive Director

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

put a stop on going forward with implementation. So this meant our task force plate was now pretty full. The report from the task force is available at [www.ncees.org](http://www.ncees.org) but the debate won't end there.

A resolution recently came from the southern zone's meeting in May to charge the task force with adding needed education and to seriously analyze the alternatives that are listed, such as implementing a robust continuing education program during the initial experience phase or establishing a mentoring program or a combination of both as well as some others. We also just learned of the western zone resolution that moves to study the alternatives mentioned above and to abolish all references to BS+30 in the model law. These resolutions go before the council at the annual meeting in August.

What does this initiative mean to Texas? We don't know yet. The current Board members are split; some opposed, some supportive and many just undecided until the details are fleshed out. This could take a while. The additional education initiative came from the American Society of Civil Engineers' policy statement 465 concerned with the diminishment of the body of knowledge for civil engineers. With the exception of environmental engineering, our other 25 or so engineering disciplines haven't yet completed or don't plan to complete a similar assessment.

Interestingly in Texas, our education advisory committee almost unanimously opposes BS+30, while our industry advisory committee almost unanimously supports B+30. However the industry advisory committee believes more soft skills such as communication, teamwork and management

are what's missing from the bachelor's degree, not necessarily technical skills. We'll see what transpires at the NCEES annual meeting. Despite that the model law was passed in 2006, not a single state has yet passed legislation to make the masters or equivalent a reality. Time will tell.



*On Friday, June 19, 2009, TBPE Executive Director Dale Beebe-Farrow was recognized as the 2009 Distinguished Engineer of the Foundation by the Texas Engineering Foundation Board of Trustees. This honor recognized her for the distinguished service she instills to the engineering profession. 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. Pictured from left to right are Farrow and Al W. Dirnberger, P.E., F.NSPE, Texas Engineering Foundation Board Chair.*

## 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 is located on our web site at:

[www.tbpe.state.tx.us/50](http://www.tbpe.state.tx.us/50).

### TEXAS BOARD OF PROFESSIONAL ENGINEERS

Executive Director .....Dale Beebe-Farrow, P.E.  
Design Editor .....Janet Sherrill

### CURRENT BOARD MEMBERS

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Elvira Reyna ..... Little Elm  
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# **Enforcement News**

## **Disciplinary and Administrative Actions**

### **August 21, 2008 - June 18, 2009**

#### **August 21, 2008, Board Meeting**

Case Number: D-27122; Dr. Chia Shun Shih, P.E.; San Antonio, Texas.

Violation: It was alleged that Shih, as a sole practitioner, accepted a consulting engineering engagement and hired other engineering consulting firms as sub-contractors to provide various types of engineering services. Although he received payment for those services from his client, he did not pay the sub-contracted engineering firms for the services they provided. It was also alleged that Shih was not registered with the Board as a business entity when he accepted this consulting engineering engagement.

Resolution: One year probated suspension, a \$1,420.00 administrative penalty and an order to cease and desist from further offers to perform or the actual performance of consulting engineering services until such time as he is registered with the Board as a business entity.

Case Number: D-30579; Isidro Garza; Forrest City, Arkansas.

Violation: Garza 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: D-30636; Weston Shackelford Yonge; Austin, Texas.

Violation: Yonge 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: D-30040; Eshraghollah Vatani, P.E.; Houston, Texas.

Violation: It was alleged that Vatani prepared, signed and sealed electrical engineering plans which contained inaccurate load capacities and breaker sizes indicating a lack of competency, care and diligence that could lead to the endangerment of the public. It was also alleged that the plans did not bear Vatani's firm's name; thus, creating a misleading impression that another firm was responsible for the engineering designs.

Resolution: Formal Reprimand, a \$500.00 administrative penalty and an order to cease and desist from the practice of electrical engineering until such time as he demonstrates to the Board that he is competent in electrical engineering.

Case Number: D-30398; Dr. Wanzhi Li, P.E.; Houston, Texas.

Violation: It was alleged that provided engineering services during a period when his Texas engineer license was in an expired status.

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

Case Number: B-30444; MG Consulting Services, L.L.C.; Frisco, Texas.

Violation: It was alleged that this firm prepared and issued engineering plans during a period when it did not have a Texas licensed professional engineer as a full-time employee and was not registered with the Board. During the course of the investigation, the firm did hire a Texas licensed professional engineer and did become registered with the Board.

Resolution: A \$500.00 administrative penalty.

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### **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.**

**MG Consulting Services, L.L.C.; Frisco, Texas**  
**Mody K. Boatright, P.E.; Corpus Christi, Texas**  
**Set Square, L.L.C. dba E-Squared Engineers; Arlington, Texas**  
**Kistenmacher Engineering Company, Inc., El Paso, Texas**  
**SGB Engineering, Inc.; El Paso, Texas**  
**Wells Doak Engineers, Inc.; Fort Worth, Texas**  
**Medina Consultants; Corpus Christi, Texas**  
**Knoll Engineering, Inc.; Houston, Texas**

## November 20, 2008, Board Meeting

Case Number: D-30362; Xavier A. Torres, P.E.; San Antonio, Texas.

Violation: It was alleged that Torres issued subdivision plans to his client that did not bear his seal, signature, date of execution nor did they contain a caveat indicating they were preliminary plans explaining why they were being issued and placing limitations on their use. It was further alleged that the design plans contained errors such as the name of the subdivision, the location of the project and the incorrect name of the owner; indicating that Torres was not careful and diligent.

Resolution: One year probated suspension, \$500.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-30599; Leo L. Roberts, P.E.; Owasso, Oklahoma.

Violation: The Oklahoma State Board for Professional Engineers and Land Surveyors (Oklahoma Board) took disciplinary action against Roberts' Oklahoma engineer license for signing and affixing his Oklahoma engineer seal to design plans for Oklahoma projects which were not prepared by him nor under his direct supervision and for providing false information to the Oklahoma Board regarding other individuals working on the project in question. Based upon the actions taken against Roberts by the Oklahoma Board, Roberts' Texas engineer license was also subject to censure.

Resolution: Formal Reprimand.

Case Number: F-30463; Eustis Engineering Services, L.L.C.; Metairie, Louisiana.

Violation: It was alleged that this firm conducted business in Texas with the word "Engineering" in its name, offered and provided engineering services for the public of Texas that were not performed by Texas licensed professional engineers. Board records showed no Texas licensed professional engineers employed by this firm nor was it registered with the Board; therefore, the use of the word "Engineering" in the firm name, the offer and providing of engineering services as well as the practice of the engineering by the firm was unlawful.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services, from using the word "Engineering" in the firm name in Texas 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; and a \$1,880.00 administrative penalty.

Case Number: D-30633; Wesley Darrel Dunn, P.E.; Houston, Texas.

Violation: It was alleged that Dunn affixed his seal and signature to design plans that contained engineering work that was not performed by him.

Resolution: Formal Reprimand and a \$600.00 administrative penalty.

Case Number: D-30547; Richard Franklin Keelan, P.E.; San Leon, Texas.

Violation: It was alleged that Keelan issued a soils report which was to be used as a basis to design a foundation in which he mentioned the use of piers; however, the report failed to contain sufficient information such as pier capacity and loading capacity to allow for an adequate foundation design. Therefore, it appeared that his report was not in keeping with generally accepted engineering standards or procedures; was not prepared in a competent, careful and diligent manner; and tended to create a misleading impression regarding the type of foundation system intended to be used which reflected that he was not acting as a faithful agent of his client.

Resolution: Three year probated suspension and an order to cease and desist from future offers to perform or the actual performance of geotechnical engineering services until he demonstrates competence in geotechnical engineering by passing the National Council of Examiners for Engineering and Surveying Principals and Practice Civil Examination with the Civil depth examination in Geotechnical Engineering.

Case Number: D-30389; Douglas Kent Miller, P.E.; Houston, Texas.

Violation: It was alleged that Miller failed to fully comply with a previous order of the Board by not completing an engineering ethics course within the time required.

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

Case Number: B-30565; David Tein Consulting Engineers, Ltd.; Houston, Texas.

Violation: It was alleged that this firm conducted business in Texas with the word "Engineers" in its name, offered and provided engineering services for the public of Texas that were not performed by Texas licensed professional engineers. Board records showed no Texas licensed professional engineers were employed by this firm nor was it registered with the Board; therefore, the use of the word "Engineering" in the firm name, the offer and providing of engineering services as well as the practice of the engineering by the firm was unlawful.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services, from using the word "Engineers" in the firm name in Texas 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; and a \$1,800.00 administrative penalty. During the investigation of this case, this firm hired a Texas licensed professional engineer and became registered with the Board; therefore, the cease and desist order is no longer valid.

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## February 26, 2009, Board Meeting

Case Number: D-30265; David W. Huddleston, P.E.; Corpus Christi, Texas.

Violation: It was alleged that Huddleston signed and affixed his Texas engineer seal to a WPI-2 Form for windstorm inspection that was submitted to the Texas Department of Insurance (TDI) certifying that a residence met windstorm codes that referenced dates the building was inspected which preceded Huddleston's employment with the firm that provided the inspections. It was further alleged that when TDI requested information to substantiate his certification, Huddleston failed to provide the requested information. Therefore, it appeared that Huddleston sealed work that was not performed, nor directly supervised, by him nor did he substantiate his certification; thus, the WPI-2 Form created a misleading impression and indicated he was not careful or diligent.

Resolution: Two year probated suspension, a \$3,500.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-30300; David Edmond Fast; Corpus Christi, Texas.

Violation: It was alleged that Fast signed and affixed his Texas engineer seal to a WPI-2 Form for windstorm inspection that was submitted to the Texas Department of Insurance (TDI) certifying that a room addition to a residence met windstorm codes. However, subsequently it was found that the roof covering was not properly installed which caused leaking and damage to the interior of the structure, that the window was not code compliant, that the foundation was not constructed to code and that the rafters were not properly sealed. Fast acknowledged that his employee only visited the site once and that he took the contractor's word that it had been built properly. Further, when asked by TDI to provide information to substantiate his certification, Fast failed to provide the requested information. Therefore, it appeared that the structure did not meet the cited code, that Fast's certification was misleading, that he did not exercise reasonable care or diligence to ensure his employee performed the needed inspection and that he failed to act as a faithful agent of his client.

Resolution: Two year suspension with the final 21 months probated, a \$4,000.00 administrative penalty and completion of an engineering ethics course. At the June 18, 2009 Board Meeting, the Board heard a request from Fast asking to amend this disciplinary action and the Board voted to approve the request amending the action to a three year fully probated suspension of Fast's Texas engineer license effective February 26, 2009, a \$4,000.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-30973; Allen R. Moore; Cameron, Missouri.

Violation: Moore 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).

## Firm Number Inclusion Is Now Required on Engineering Documents

As part of new rules enacted by the Texas Board of Professional Engineers last November, the December 21, 2008 edition of the law and rules placed additional identification requirements on firms and engineers.

Specifically, §137.77(h) adds that all engineering documents released by or for a registered firm must have the firm's registration number included along with the firm name.

Likewise, §137.33(n) places responsibilities on the licensed professional engineer who releases engineering documents to ensure that his/her firm's name and registration number is included. Governmental entity exemptions are also addressed in the rule as well as those professional engineers who might otherwise be exempted from licensure.

The Board's intent with the adoption of these rules is to ensure that all engineering plans and documents released, issued, or submitted (including preliminary documents) be properly identified with the licensed professional engineer who performed the engineering and his or her properly registered firm of association.

The Board has also given a grace period to allow licensed individuals and registered firms to make appropriate changes to their identifying documents. There will not be any specific disciplinary/administrative action taken against any licensed P.E. or registered Firm for violation of these two rules until January 1, 2010.

A frequently asked questions page has been created on the Board web site to address any further concerns you may have. Refer to this page at: <http://www.tbpe.state.tx.us/firmfaq>.

The full text of the Board law and rules are available for viewing or download at <http://www.tbpe.state.tx.us/downloads.htm#general>.

Contact the TBPE Compliance & Enforcement Division if you have any further questions regarding these rule changes.

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Web site: [www.tbpe.state.tx.us](http://www.tbpe.state.tx.us)

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## February 26, 2009, Board Meeting Continued

Case Number: D-30856; Robert P. Chi, P.E. (Inactive); Olympia Fields, Illinois.

Violation: The Wisconsin Department of Regulation & Licensing (Wisconsin Board) revoked Chi's Wisconsin engineer license as a result of an investigation and civil litigation regarding the collapse of a building in Lomira, Wisconsin, which led to the death of an employee in the building and in excess of \$100,000,000.00 in damages. The investigation and litigation determined that Chi's calculations and design of a system building support system was deficient. Based upon the actions taken against Chi by the Wisconsin Board, Chi's Texas engineer license was also subject to censure.

Resolution: The Texas Board refuses to renew Chi's Texas engineer license.

Case Number: B-30544; Airsafe Consulting & Engineering; Frisco, Texas.

Violation: It was alleged that this firm prepared and issued engineering plans and a geotechnical engineering report, both displaying the word "Engineering" in the firm's name, during a period when it did not have a Texas licensed professional engineer as a full-time employee and was not registered with the Board. During the course of the investigation, the firm did hire a Texas licensed professional engineer and did become registered with the Board as ACE Environmental and Engineering.

Resolution: A \$1,280.00 administrative penalty.

Case Number: B-30546; GMA International, Inc.; Plano, Texas.

Violation: It was alleged that this firm was identified as the "Civil Engineer" on engineering design plans that bore the architect seal of Ghader Afshari-Mirak. Board records show that this firm is not registered with the Board nor that Afshari-Mirak has ever been licensed in Texas as a professional engineer; therefore, the preparation of engineering plans bearing Afshari-Mirak's architect seal represents the unlawful performance of engineering services.

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; and a \$1,520.00 administrative penalty.

Case Number: G-30797; Bonham Independent School District (BISD); Bonham, Texas.

Violation: It was alleged that BISD completed six parking lot construction projects for school facilities; however, it did not engage Texas licensed professional engineers to complete the geotechnical testing, engineering design plans or supervise the engineering construction of the projects.

Resolution: BISD must provide "after-the- fact" engineering inspection reports of the projects; and a \$1,000.00 administrative penalty.

Case Number: B-30659; Thomas R. Turner; Pinehurst, Texas.

Violation: It was alleged that Turner prepared engineering plans that he submitted to a city to obtain building permits on which he placed engineer seals and the signed names of two Texas licensed professional engineers which had no involvement in the projects. Board records show that Turner has never been licensed in Texas as a professional engineer nor that he is registered with the Board as an engineering business; therefore, his preparation of the engineering plans represents the unlawful practice of engineering.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services 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 becomes registered with the Board; and a \$2,000.00 administrative penalty.

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*On May 15th, during the NCEES Southern Zone Meeting in New Orleans, Louisiana, Board Member Shannon McClendon toured the newly constructed flood control system at the 17th St. Canal in New Orleans. McClendon is shown with the US Army Corps of Engineers guide. The system comprising flood gates, an inverted T canal wall and a massive pump system is designed to protect the 17th St. Canal from a Lake Pontchartrain storm surge. It was constructed in response to the devastation from Hurricane Katrina.*

## June 18, 2009, Board Meeting

Case Number: D-28937; John W. Anderson, P.E.; McKinney, Texas.

Violation: It was alleged that Anderson signed and affixed his Texas engineer seal to three trench safety specifications that he prepared which were issued under the name of a firm that, at the time, did not have any Texas licensed professional engineers as full-time employees nor was the firm registered with the Board. Therefore, it appeared that Anderson aided and abetted this firm in unlawfully providing engineering services and he created a misleading impression that this firm had the ability to offer and provide engineering services.

Resolution: One year probated suspension, a \$450.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-29844; Charles Scott Parker, P.E.; San Antonio, Texas.

Violation: It was alleged that Parker signed and sealed a plumbing tunnel fill certificate and a general slab perimeter plat that incorrectly showed a location of a water line and he denied his role in preparing these documents. It was further alleged that during investigation of this matter, Parker acknowledged that he failed to fully cooperate with the Board by unintentionally misinforming the Board that these documents were an earlier submission which were later corrected which was misleading.

Resolution: Four year probated suspension, a \$500.00 administrative penalty and completion of an engineering ethics course.

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## In Memoriam

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

Leroy Edmund Abrahamson; Seabrook, TX  
Scot Woolfenden Alexander; Austin, TX  
James Eubank Armstrong; Crosby, TX  
Pravin Arora; Chesterfield, MO  
Wade D. Barnes; Livingston, TX  
Donald Eugene Bauman; Memphis, TN  
Neil Richard Blaksley; Northwood, OH  
Jack R. Blann; Houston, TX  
Robert Brice Boies; McAllen, TX  
A.C. Bowden; Lubbock, TX  
Steven Leo Braune; Midlothian, VA  
Joseph Franklin Bryant; Tampa, FL  
Stanley Stephen Burns; Cypress, TX  
Ted Nile Carnes; Denton, TX  
Richard P. Carruth; Houston, TX  
James Craig Cathell; Austin, TX  
Tai Tseng Chang; Houston, TX  
Ah-Ho Chen; Raleigh, NC  
John Coleman Crawford; Plano, TX  
Romero M. Crisostomo; Cypress, TX  
Douglas W. Cunningham; Spring, TX  
James Robert Darnell; San Antonio, TX  
Lile Fennel Davis; Houston, TX  
John W. Delashaw; Argyle, TX  
J.M. Dewitt; San Antonio, TX  
James Allen Dohrman; Springfield, VT  
Wm. H. Eason; El Paso, TX  
Walter A. Elliott; Euless, TX  
Harry W. Elliott; Abilene, TX  
Grover Cleveland Ellisor; Dallas, TX  
B. M. Ferguson; Frisco, TX  
E. A. Flores; Ft. Worth, TX  
John Fulgenzi; Amarillo, TX  
W. F. Fuller; Ft. Worth, TX  
D. L. Garey; Hobbs, NM  
John L. Gidley; Houston, TX  
T. A. Goff; Dallas, TX

Kenneth S. Goldstein; Dallas, TX  
James E. Gowgill; Dallas, TX  
John A. Grant; Boca Raton, FL  
Milton R. Grimes; Metairie, LA  
Steven Florian Grittner; Houston, TX  
Jeffrey Lawrence Grover; Pebble Beach, CA  
T. M. Hagood; Paris, TX  
Wm. B. Harrell; Houston, TX  
Albert Richard Hatala; Woodinville, WA  
John B. Herbich; Wailuku, HI  
Wm. R. Hogge; Plainview, TX  
William Delbert Holm; Dallas, TX  
Ralph Charles Hombsch; Oconomowoc, WI  
Bernard H. Huber; Terrell, TX  
Amrit Lal Jain; Houston, TX  
Robert James Jenny; Springfield, NJ  
Max Matt Johnson; Rosenberg, TX  
Jerry Scott Johnson; Amarillo, TX  
Frederick Eisenberg Kahn; Dallas, TX  
Marcus E. Kelm; Rosenberg, TX  
Glenn Harvey Kemnitz; Tomball, TX  
Earl Max Kieke; Houston, TX  
Raymond Kneblak; Frost, TX  
Joseph Patrick Koontz; League City, TX  
William Austin Krause; Houston, TX  
Erin Krielow Lahr; Austin, TX  
Robert William Lipinski; Hurricane, WV  
Serapio Eduardo Lopez; Houston, TX  
John P. Lowe; Hunt, TX  
Bill Lee Luper; Houston, TX  
Tony E. Maluski; Houston, TX  
Ernest Reid McAnally; Cypress, TX  
Theo Cole McCool; Norman, OK  
Timothy Lynn McDaniel; Tyler, TX  
Carl D. McIntosh; Waco, TX  
Galen Paul Moffett; Houston, TX  
Clifford S. Montgomery; Houston, TX

Thomas C. Moore; Waynesboro, MS  
Ross Murray; APO, AP  
Bryan Len Nash; Dallas, TX  
Harold O. Neff; Tyler, TX  
Robert L. Ogden; Austin, TX  
Stanley Parker; Stafford, TX  
Joe E. Pate; Houston, TX  
Leon Leslie Patterson; Plano, TX  
Norris E. Pedigo; Kingwood, TX  
Eugene Robert Peterson; Corpus Christi, TX  
Richard R. Phelps; Victoria, TX  
John Darold Provence; Richardson, TX  
Randy Joe Rector; San Angelo, TX  
Walter R. Reeves; Ft. Worth, TX  
Norman Riggins; Houston, TX  
James Paul Robertson; Midland, TX  
G. L. Rodriguez; Arlington, TX  
W. D. Scoates; Bryan, TX  
Harvey Senturia; Lake Jackson, TX  
S. M. Shropshire; League City, TX  
James Blair Smith; Georgetown, TX  
Ernest L. Staples; Dallas, TX  
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E. L. Upp; Sugar Land, TX  
David Lee Urban; Austin, TX  
Dwight Emerson Urelius; Austin, TX  
H. Stanton Vierk; Chicago, IL  
Herbert F. Wahlers; Houston, TX  
John Partick Wheeler; Colorado Springs, CO  
Harold T. Wiedemann; College Station, TX  
Giles Whitehurst Willis; San Antonio, TX  
Matthew C. Wilson; La Marque, TX  
Glenn James Winslow; Birmingham, AL  
James A. Wise; El Paso, TX  
O. G. Wright; Amarillo, TX  
K. E. Zimmerman; Katy, TX

This list is compiled from notifications received at the TBPE between June 5, 2008 and June 11, 2009. 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 e-mail to [peboard@tbpe.state.tx.us](mailto:peboard@tbpe.state.tx.us) and we will include their name in our next issue.

## June 18, 2009, Board Meeting Continued

Case Number: D-30341; Mohammed Abdul Munim, P.E.; Dallas, Texas.

Violation: It was alleged that Munim was engaged to perform testing and site observation of a retaining wall construction project and that he issued a letter regarding his technician's inspections in which he stated that construction was performed in accordance with the engineering design plans; however, photographs taken during construction showed that only four reinforcing steel dowel bars were installed in various locations rather than the eight that were shown on the engineering design plans. Therefore, it appeared that Munim's letter was misleading and that he had not performed his inspections in a careful and diligent manner.

Resolution: Formal Reprimand and a \$1,500.00 administrative penalty.

Case Number: D-30828; Glen R. Andersen, P.E.; San Antonio, Texas.

Violation: It was alleged that Andersen prepared computational sheets showing engineering work he performed for a project which were issued under the name of a firm that, at the time, did not have any Texas licensed professional engineers as full-time employees nor was the firm registered with the Board. Therefore, it appeared that Andersen aided and abetted this firm in unlawfully providing engineering services.

Resolution: Two year probated suspension and a \$1,680.00 administrative penalty.

Case Number: D-30832; Michael B. Couch, P.E.; San Antonio, Texas.

Violation: It was alleged that Couch signed and affixed his seal to a letter certifying that work on a residential foundation had been satisfactorily completed by the repair contractor; however, he later acknowledged that when he issued that letter, there was still work that had not yet been completed by the contractor. It was further alleged that subsequent inspections of the site disclosed that the residence had skirting surrounding the foundation, which limited Couch's ability to perform his inspection, and identified construction deficiencies such as inadequately sized piers, the presence of rotting wood and fragments of concrete rather than solid poured concrete. Therefore, it appeared Couch's letter was misleading.

Resolution: One year probated suspension, a \$1,060.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-30833; Carl Anthony Demeter, P.E.; Littleton, Colorado.

Violation: It was alleged that Demeter signed and affixed his Texas engineer seal to design load calculations and design plans for concrete projects administered by a state agency that he prepared which were issued under the name of a firm that, at the time, did not have any Texas licensed professional engineers as full-time employees nor was the firm registered with the Board. Therefore, it appeared that Demeter aided and abetted this firm in unlawfully providing engineering services.

Resolution: Formal Reprimand and a \$1,000.00 administrative penalty.

Case Number: D-30998; Zhoubin Nemat-Kia, P.E.; Irving, Texas.

Violation: It was alleged that Nemat-Kia signed and affixed his Texas engineer seal to four geotechnical investigation reports that he prepared which were issued under the name of a firm that, at the time, did not have any Texas licensed professional engineers as full-time employees nor was the firm registered with the Board. Therefore, it appeared that Nemat-Kia aided and abetted this firm in unlawfully providing engineering services and he created a misleading impression that this firm had the ability to offer and provide engineering services.

Resolution: Formal Reprimand and a \$720.00 administrative penalty.

Case Number: B-28934; Tren-Tech Company; Coppell, Texas.

Violation: It was alleged that this firm prepared and issued three trench safety specification design plans for projects in Texas. Board records showed that when the plans were prepared and issued, this firm did not have any Texas licensed professional engineers as full-time employees nor was it registered with the Board. Although the firm has since hired a Texas licensed professional engineer, and is now registered with the Board, it appeared that this firm unlawfully provided the above-mentioned engineering services.

Resolution: A \$1,480.00 administrative penalty.

Case Number: B-30907; David McDurmitt; San Angelo, Texas.

Violation: It was alleged that McDurmitt performed engineering services for the public of Texas by preparing a site grading plan for a lot where an approximately 12,000 square foot commercial structure was to be constructed. Due to the size of the structure all engineering design plans were required to have been prepared by a Texas licensed professional engineer; however, Board records showed that McDurmitt was not licensed in Texas as a professional engineer. Therefore, it appeared that he unlawfully performed engineering services for this project.

Resolution: Cease and desist from offering to perform or the actual performance of engineering services until such time as he becomes duly licensed in Texas as a professional engineer, and a \$1,360.00 administrative penalty.

Case Number: E-30722; Michael Huerta; Austin, Texas.

Violation: It was alleged that Huerta identified himself and his employees as professional engineers by using titles such as "professional engineer" and "engineers" on his firm's web page [www.awsolutions.net](http://www.awsolutions.net). Board records show that neither Huerta nor his employees are licensed in Texas as professional engineers; therefore, it appeared that these titles were unlawful.

Resolution: Cease and desist from any and all representations that he or his employees can offer or perform engineering services and to immediately delete the words "professional engineer", "engineer", "engineers", and "engineering" from his company's web page until such time as he or the specified employee becomes duly licensed in Texas as a professional engineer, and a \$400.00 administrative penalty.



# Board Rule Updates

The following are summaries of significant rule changes that were adopted by the Board during the last year. The effective date appears below 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.

During 2008, the Board undertook a Quadrennial Rule Review – a legislative requirement that agencies must review and readopt, amend, or repeal all Board rules. The Board reviewed every Board rule and made a number of changes. A total of 61 rules were amended in some way. Most were minor changes, involving clarification of wording, grammar or punctuation changes, or adjustments to reconcile the rules with current practice. However, there were a few rule changes that involved policy or procedure changes. The rules listed below with an effective date of December 21, 2008, were part of the Quadrennial Rule Review.

Rule	Change and Effective Date
§§133.11, 133.27, & 133.69 Effective December 21, 2008	Revised rules for comity/international licensure.
§§133.41, 133.51, & 133.53 Effective December 21, 2008	Allows use of NCEES Council Record in application process.
§137.17 – Effective December 21, 2008	Continuing Education Program Allows up to 3 PDH/year for outreach activities to K-12 or university students.
§§137.33, 137.77, & 139.35 Effective December 21, 2008	Requires a registered engineering firm name and number on all sealed engineering work. (See article on page 5)
§139.11 Effective December 21, 2008	Complaint Process and Procedures Keeps certain documents confidential until an enforcement case is closed.
§133.12 Expired January 22, 2009	Emergency Temporary License Created temporary licensure process for P.E.s in areas affected by Hurricane Ike.
§133.43 Effective December 11, 2008  Effective July 16, 2009	Experience Evaluation Allows applicants to claim up to two years of experience prior to graduation.  Allows the Board to consider intent to practice engineering in Texas when evaluating an application.
§§133.11 & 133.23 Effective July 16, 2009	Limits a temporary license to a total of 3 years with no reapplication.
§131.85 Effective July 16, 2009	Board rules Procedures Requires at least 25 signatures on a petition for rule making.

## Office of the Attorney General (OAG) Introduces New Denial of License Program

Texas Family Code §232, §232.15 and §232.0135 require that the OAG and Texas licensing authorities work together to revoke, deny or suspend licenses, permits and certifications to individuals with delinquent child support payments.

The Texas Board is required to cooperate with these family codes and provide data regarding its license holders on a regular basis to the OAG. On receipt of information from the OAG that a professional engineer has failed to pay child support for six months or more, the Texas Board is required to refuse to accept an application for the renewal of the license until the OAG notifies the Board that the license holder has satisfactorily met all the requirements. In addition, upon receipt of notification and order from the OAG, the Board is required to immediately suspend any license in its records. Any questions regarding this program or any actions of the Board in response to an order from OAG should be addressed directly with the OAG for resolution of the concern or complaint. The toll-free number is 1-800-252-8014.

# Director of Licensing Report

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

The last year has been another busy one at the Texas P.E. Board. One of the main reasons was that about a year ago we did what's called a "Quadrennial Review" of our rules. This is a state of Texas requirement that each agency look closely at their rules every four years and determine if they are still valid and still do what they were intended to do. Since we had to review each rule section, we took the opportunity to do some clean up. Relative to some other agencies, the TBPE has a small number of rules, but we still found over 50 sections which could be modified to improve clarity and functionality. Some of the more substantive changes were described on page 9 in this newsletter. For the licensing rules, we made mostly administrative changes, which should help future license applicants. If you haven't reviewed the rules in a while, now is a good time to download them.

As you may know, there are no national rules for licensure. Since the creation of the Texas Engineering Practice Act in 1937, Texas has had its own philosophy toward licensure. Texas has proudly issued over 103,000 licenses and currently has over 52,000 licensed engineers. Texas is second only to California in the number of examinees and licenses issued.

As time goes on, more and more engineers are working across state and even national borders. Texas has been a leader in temporary international licensure welcoming engineers from Canada, Mexico and even Australia and has been working with other states and NCEES to promote and encourage interstate licensure.

Recently, the Board approved rules which allow us to accept an NCEES Record as part of an application. The NCEES record is a service where they keep application materials regarding an engineer's education, experience and exams and will provide that information to state licensing agencies on request. Please visit [www.ncees.org](http://www.ncees.org) for more details on how this program can benefit you.

Most of the readers of this newsletter are already licensed, but you should spread the word to any engineers who will be taking the exams to visit [www.ncees.org](http://www.ncees.org) for any upcoming changes. Exam format doesn't change much, but there are often changes to exam content which could definitely surprise people. One of the major changes coming soon is the combination of the two structural exams, which we have publicized before, but there are other changes as well. I'd recommend that everyone taking an NCEES exam visit their web site for specific information.

Last year I told you about the elimination of the transaction fee for on-line payments through the ECHO system. As a result of that change, we have seen an increase in ECHO usage, but I wanted to let you know that the ECHO system can help you in even more ways. You can review personal and employment information and update it yourself. Any changes

you make will be immediately visible and require no additional data entry. You can print a temporary pocket card and keep an unofficial log of your continuing education activities (be sure to keep your official documentation). We recently added the function of being able to put your license into inactive status. There's also an ECHO system for managing your engineering firm registration. Feel free to give us feedback on other functions you'd like to see in the ECHO system.



David Howell, P.E.  
Director of Licensing

Finally, I'd like to comment on the licensing staff here at the TBPE. Since I've been with the Board, this is the most competent and capable group we've had. We are very fortunate to have the experience of long-time staff members as well as the energy and enthusiasm of newer staff members. It's a great balance that I'm positive you will all benefit from.

If you have any questions and need to contact the TBPE Licensing Division, please refer to the following:

Phone - 512-440-3089

E-mail - [licensing@tbpe.state.tx.us](mailto:licensing@tbpe.state.tx.us)

Web site - [www.tbpe.state.tx.us](http://www.tbpe.state.tx.us)

ECHO - [www.tbpe.state.tx.us/echo](http://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 2008 was Clif Bond, supervising investigator (left). The recipient for the first trimester of 2009 was Misti Shumate, purchaser (center). The recipient for the second trimester of 2009 was George Hartmann, licensing project manager (right).

# Order of the Engineer Welcomes New Members

By Janet Sherrill, IT/Communications Director

On November 20, 2008, seven TBPE staff and Board members were welcomed into the Order of the Engineer Association. The ceremony was facilitated by R. Kyle Womack, P.E., president of the Texas Society of Professional Engineers (TSPE) and J. Kent O'Brien, P.E., TSPE President-Elect.

TSPE conducts several of these ceremonies each year during private gatherings as well as at their annual meeting. The association however is an independent organization. There are no meetings other than the initial ceremony and there are no dues.

The Order of the Engineer Association has a long history in the United States going back to 1970. It is based on Canada's ritual, the Calling of an Engineer, which can be traced back to 1922.

The Canadians wanted to introduce a spirit of brotherhood and cohesion among engineers. They felt by creating a collective involvement that it would instill in engineers a consciousness of belonging to one another, to themselves as individuals and to those whom they served.

During the ceremony, members are given a stainless steel ring called the "Engineer's Ring" that is worn on the little finger of the working hand. This is similar to the iron ring used in Canadian ceremonies. Unlike the iron ring in Canadian ceremonies, the ring does not have the "manually hammered" appearance, and is instead of a more conventional ring design.

Last November 20th, the future members' creed stated the following: "I am an Engineer. In my profession I take deep pride. To it I owe solemn obligations. Since the Stone

Age, human progress has been spurred by the engineering genius. Engineers have made usable Nature's vast resources of material and energy for mankind's benefit. Engineers have vitalized and turned to practical use the principles of science and the means of technology. Were it not for this heritage of accumulated experience, my efforts would be feeble. As an engineer, I pledge to practice integrity and fair dealing, tolerance and respect; and to uphold devotion to the standards and dignity of my profession, I shall participate in none but honest enterprises. When needed, my skill and knowledge shall be given without reservation for the public good."

The ceremony ended with the following remarks delivered by Womack: "I welcome each of you to the privileges and the obligations of the Order of the Engineer. This means more than the right to practice the application of science for the betterment of mankind or the enjoyment of a generous fee. It means we are more than highly trained technicians. We must be engineering educators as well, who must learn to apply their knowledge and teach others to seek and use their services. This ring is a reminder of our calling. It symbolizes the strength and wholeness of life. In whatever avenue our profession leads, in creating a cleaner environment, designing a better bridge, devising a finer product, developing a safer community, there our talents should be applied; not for an hour, or a day, not for a year, but for a life, on land, on the sea, in the air, or in the vast reaches of space. The certificate is your creed. It bears your name and signature. It is your pact with your profession. Read it thoughtfully. Display it publicly. This is your ring. In times of anxiety, look on it and take courage. In times of honor, regard it with humility.

Wear it proudly and with distinction, you are an engineer. May long life and success attend your efforts."



*Pictured from left to right: G. Kemble Bennett, Ph.D., P.E., TBPE Board Chair; R. Kyle Womack, P.E., TSPE President; J. Kent O'Brien, P.E., TSPE President-Elect; Govind Nadkarni, P.E., TBPE Board Member; David Howell, P.E., TBPE Director of Licensing; Dale Beebe-Farrow, P.E., TBPE Executive Director; C.W. Clark, P.E., TBPE Compliance & Enforcement Director; Gary W. Raba, D.Eng., P.E., TBPE Board Member and Daniel O. Wong, Ph.D., P.E., TBPE Board Member.*



*Pictured below: G. Kemble Bennett, Ph.D., P.E., TBPE Board Chair; Gary W. Raba, D.Eng., P.E., TBPE Board Member and R. Kyle Womack, P.E., TSPE President.*

**Texas Board of Professional Engineers**  
**1917 IH-35 South**  
**Austin, TX 78741**

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## **TBPE Outreach Program – Fiscal Years 2008 - 2009**

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

For fiscal year 2008 (September 1, 2007 through August 31, 2008), TBPE staff and Board members made 102 public appearances to over 5,869 engineering professionals and students all over the state. For the first three quarters of fiscal year 2009 (September 1, 2008 through May 31, 2009), the TBPE staff and Board members have made over 108 public appearances to over 6,110 attendees.

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 at [peboard@tbpe.state.tx.us](mailto:peboard@tbpe.state.tx.us).

#### **Cities Visited**

<b>Amarillo</b>	<b>Houston</b>	<b>Odessa</b>
<b>Arlington</b>	<b>Harlingen</b>	<b>Round Rock</b>
<b>Austin</b>	<b>Lake Jackson</b>	<b>San Antonio</b>
<b>Brownsville</b>	<b>Laredo</b>	<b>South Padre</b>
<b>Corpus Christi</b>	<b>League City</b>	<b>Tyler</b>
<b>Dallas</b>	<b>Longview</b>	<b>Victoria</b>
<b>Freeport</b>	<b>Lorena</b>	<b>Waco</b>
<b>Ft. Worth</b>	<b>McAllen</b>	

