

COMPLYING WITH BOARD OF PROFESSIONAL ENGINEERS' RULES OF PROFESSIONAL CONDUCT AND ETHICS

Introduction

To understand the Texas Board of Professional Engineers (“Board”) and its procedures for investigation and disciplinary action, one must first appreciate the definitions employed by the Texas Engineering Practice Act (Texas Occupations Code §§1001.001, et seq. (“Engineering Practice Act” or “Act”). These definitions establish a framework for how the Board can and will apply the Act.

Definitions

The Texas Board of Professional Engineers is charged with enforcing the Texas Engineering Practice Act. Under the Engineering Practice Act, an “engineer” is defined as “a person licensed to engage in the practice of engineering in this state.” Texas Occupations Code §1001.002(2).

The “practice of engineering” means

the performance of or an offer or attempt to perform any public or private service or creative work, the adequate performance of which requires engineering education, training, and experience in applying special knowledge or judgment of the mathematical, physical, or engineering sciences to that service or creative work.

Id. §1001.003(b).

The practice of engineering includes:

(1) consultation, investigation, evaluation, analysis, planning, engineering for program management, providing an expert engineering opinion or testimony, engineering for testing or evaluating materials for construction or other engineering use, and mapping;

(2) design, conceptual design, or conceptual design coordination of engineering works or systems;

(3) development or optimization of plans and specifications for engineering works or systems;

(4) planning the use or alteration of land or water or the design or analysis of works or systems for the use or alteration of land or water;

(5) responsible charge of engineering teaching or the teaching of engineering;

(6) performing an engineering survey or study;

(7) engineering for construction, alteration, or repair of real property;

(8) engineering for preparation of an operating or maintenance manual;

(9) engineering for review of the construction or installation of engineered works to monitor compliance with drawings or specifications;

(10) a service, design, analysis, or other work performed for a public or private entity in connection with a utility, structure, building, machine, equipment, process, system, work, project, or industrial or consumer product or equipment of a mechanical, electrical, electronic, chemical, hydraulic, pneumatic, geotechnical, or thermal nature; or

(11) any other professional service necessary for the planning, progress, or completion of an engineering service.

Id. §1001.003(c).

Purpose

The purpose of the Engineering Practice Act is to:

- (1) protect the public health, safety, and welfare;
- (2) enable the state and the public to identify persons authorized to practice engineering in this state; and
- (3) fix responsibility for work done or services or acts performed in the practice of engineering.

Id. §1001.004(b).

The Engineering Practice Act indicates that the Texas Legislature intended that:

- (1) the privilege of practicing engineering be entrusted only to a person licensed and practicing under this chapter;
- (2) only a person licensed under this chapter may:
 - (A) engage in the practice of engineering;
 - (B) be represented in any way as any kind of "engineer"; or

- (C) make any professional use of the term "engineer"; and
- (3) this chapter be strictly complied with and enforced.

Id. §1001.004(c).

The Legislature indicated that the Engineering Practice Act should be liberally construed to carry out the intent of the Legislature. *Id.* §1001.004(d).

The Engineering Practice Act does not:

- (1) prevent a person from identifying the person in the name and trade of any engineers' labor organization with which the person is affiliated;

- (2) prohibit or otherwise restrict a person from giving testimony or preparing an exhibit or document for the sole purpose of being placed in evidence before an administrative or judicial tribunal, subject to the board's disciplinary powers under Subchapter J [FN1] regarding negligence, incompetency, or misconduct in the practice of engineering;

- (3) repeal or amend a law affecting or regulating a licensed state land surveyor; or

- (4) affect or prevent the practice of any other legally recognized profession by a member of the profession who is licensed by the state or under the state's authority.

Id. §1001.0004(e).

Exemptions from the Act

The Engineering Practice Act has numerous exemptions or exceptions, which apply only to “a person who does not offer to the public to perform engineering services.” *Id.* §1001.051.

Employees or subordinates of an engineer are exempt from the licensing requirements of the Act if the person’s practice does not include responsible charge of design or supervision. *Id.* §1001.052.

Small public works projects are exempted. *Id.* §1001.053. County road maintenance or improvements are exempted. *Id.*

Federal officers and employees are exempt. *Id.* §1001.054.

Persons installing, operating, repairing or servicing mechanical, electrical or other equipment are exempt as long as they do not sign an engineering plan or specification or use the term “engineer” or “engineering.” *Id.* §1001.055.

Persons who do not offer engineering services to the public may without violating the Act erect, construct, enlarge, alter or repair, or prepare drawings and specifications for a private dwelling or apartments not exceeding eight units for each one-story building or four units for each two-story building. *Id.* §1001.056

Persons employed by private corporations may without violating the Act make reasonable modifications to existing buildings, facilities, or other real property fixtures provided that they do not represent themselves as a person legally qualified to engage in the practice of engineering. *Id.* §1001.057.

Persons who are full time employees of a privately owned public utility or cooperative utility may without violating the Act work as a subordinate on engineering designs, plans or

specifications for the utility, as long as the person does not represent that the person is legally qualified to engage in the practice of engineering. *Id.* §1001.058.

A qualified scientist engaged in scientific research is exempt from the Act's licensing requirements. The exemption extends to the usual work and activities of a meteorologist, seismologist, geologist, chemist, geochemist, physicist, or geophysicist. *Id.* §1001.059.

Agricultural work performed in carrying out soil and water conservation practices is exempt from the Act. *Id.* §1001.060.

Telephone company employees are exempt from the Act concerning any plan, design, specification, or service that relates strictly to the science and art of telephony, and is wholly internal to the company. *Id.* §1001.061.

Architects, landscape architects, and interior designers who are themselves licensed under other Texas laws are exempt from the Act. *Id.* §1001.063.

Employees of institutions of higher education who perform research or instructional work within the scope of their employment by the institution are exempt from the licensing requirements of the Act. *Id.* §1001.065.

Business entities or their employees who work on space vehicles or space services for NASA are exempt from the Act. *Id.* §1001.066.

Grounds for Disciplinary Actions

The Engineering Practice Act sets bounds for acceptable conduct and prohibited conduct. In a broad stroke, the Act declares that a person may not engage in the practice of engineering unless the person holds a license issued under the Act. *Id.* §1001.301.

The Act prohibits an unlicensed person from using any of the following titles:

- (1) “engineer”
- (2) “professional engineer”
- (3) “licensed engineer”
- (4) “registered engineer”
- (5) “registered professional engineer”
- (6) “licensed professional engineer” or
- (7) “engineered”

Id. §1001.301(b).

The Act prohibits a person from receiving any fee or compensation or the promise of any fee or compensation for engaging in the practice of engineering unless the person holds a license issued under the Act. *Id.* §1001.301(d).

The Act does permit certain exempt persons to use the term “engineer” on business cards, or correspondence provided that the person does not offer to the public to perform engineering services. *Id.* §1001.301(f).

In order to secure a license under the Act, an applicant must submit satisfactory evidence to show that the applicant has

(1) graduated from:

(A) an engineering curriculum approved by the board as having satisfactory standing; or

(B) an engineering or related science curriculum at a recognized institution of higher education, other than a curriculum approved by the board under Paragraph (A);

(2) passed the examination requirements prescribed by the board; and

(3) engaged in the active practice of engineering for at least:

(A) four years, if the applicant graduated from a curriculum described by Subdivision (1)(A); or

(B) eight years, if the applicant graduated from a curriculum described by Subdivision (1)(B).

Id. §1001.302(a).

Once the applicant receives a license, the person is required to obtain a seal to stamp plans, specifications, plats or reports. *Id.* §1001.401. The person is prohibited from placing a seal on a document if the person's license has expired or has been suspended or revoked. *Id.* §1001.401(c).

The Act allows public officials to accept a plan, specification, or other related document only if the plan, specification, or other document was prepared by an engineer, as evidenced by the engineer's seal. *Id.* §1001.402.

The Act requires a licensed engineer to use the term "Engineer," "Professional Engineer," or "P.E." in the professional use of the person's name on a sign, directory, listing, document, contract, pamphlet, stationery, advertisement, signature, or other similar written or printed form of identification. *Id.* §1001.403.

A business entity, including sole proprietorship, firm, partnership, or corporation, may not engage in the practice of engineering unless:

(1) the business entity is registered with the board; and

(2) the practice is carried on only by engineers.

Id. §1001.405(b).

A business entity is prohibited from representing to the public that:

it is engaged in the practice of engineering under any business name or use or cause to be used the term "engineer," "engineering," "engineering services," "engineering company," "engineering, inc.," "professional engineers," "licensed engineer," "registered engineer," "licensed professional engineer," "registered professional engineer," or "engineered," or any abbreviation or variation of those terms, or directly or indirectly use or cause to be used any of those terms in combination with other words, letters, signs, or symbols as a part of any sign, directory, listing, contract, document, pamphlet, stationery, advertisement, signature, or business name unless:

(1) the business entity is registered under this section;

(2) the business entity is actively engaged in the practice of engineering; and

(3) each service, work, or act performed by the business entity that is part of the practice of engineering is either personally performed by an engineer or directly supervised by an engineer who is a regular full-time employee of the business entity.

Id. §1001.405(e).

An engineer may perform engineering services part time. *Id.* §1001.405(f).

The Board may allow an unregistered business entity to register without discipline within thirty days of notice by the Board of the registration requirement. *Id.* §1001.405(g).

An accredited engineering school graduate may disclose the person's college degree, and use the term "graduate engineer" on the person's college degree, and use the term "graduate engineer" on the person's stationery or business cards or in personal communications. *Id.* §1001.406(b).

The state or a political subdivision may not construct a public work involving engineering in which the public health, welfare, or safety is involved, unless:

- (1) the engineering plans, specifications, and estimates have been prepared by an engineer; and
- (2) the engineering construction is to be performed under the direct supervision of an engineer.

Id. §1001.407.

Procedure for Investigation and Hearing

The Board may in the appropriate case issue any of the following disciplinary measures:

- (1) deny an application for a license;
- (2) revoke, suspend, or refuse to renew a license;
- (3) probate the suspension of a license; or
- (4) formally or informally reprimand a license holder.

Id. §1001.451.

The Act declares that a person is subject to disciplinary action for:

- (1) a violation of this chapter or a board rule;

(2) fraud or deceit in obtaining a license;

(3) a documented instance of retaliation by an applicant against an individual who has served as a reference for that applicant;

(4) gross negligence, incompetency, or misconduct in the practice of engineering; or

(5) a failure to timely provide plans or specifications to the Texas Department of Licensing and Regulation as required by Article 9102, Revised Statutes.

Id. §1001.452.

If a person's license suspension is probated, the Board may require the person to:

(1) report regularly to the board on matters that are the basis of the probation;

(2) limit practice to the areas prescribed by the board; or

(3) continue or review professional education until the person attains a degree of skill satisfactory to the board in those areas that are the basis of the probation.

Id. §1001.4525.

The Board may order a violator to pay restitution to an aggrieved consumer. The amount of restitution may not be more than the money the consumer paid for engineering services and cannot include payment for other damages or estimated harm. *Id.* §1001.4526.

A board member who participated in the investigation of a complaint or in informal settlement negotiations may not be involved in the Board's discussions or voting concerning a complaint. *Id.* §1001.4527.

The Board may review a license holder's status if the Board believes that the license:

(1) may have been issued a license through fraud or error;

or

(2) may constitute a threat to the public health, safety, or

welfare.

Id. §1001.453(a).

Reviewing the Types of Disciplinary Actions

The Board may suspend or revoke a license held by a person whose status is reviewed.

Id. §1001.453(b).

A person affected by the Board's action is entitled to a hearing. *Id.* §1001.454.

A person whose license has been revoked may file suit to annul or vacate the Board's order. The person may file suit in the district court of the county where the person resides or where allegedly offending conduct occurred. *Id.* §1001.455.

The Board may reissue a license to a person whose license has been revoked if the Board has sufficient reason to reissue the license. *Id.* §1001.456.

The Board may impose an administrative penalty on a person who violates the Act or a Board rule. *Id.* §1001.501.

An administrative penalty may not exceed \$3,000 for each violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. *Id.*

§1001.502. The amount of the penalty is based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of the prohibited act; and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the economic harm to property or the environment caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter a future violation;

(5) efforts or resistance to efforts to correct the violation;

and

(6) any other matter that justice may require.

Id. §1001.502(b).

The Board may assess within the penalty the actual costs of investigating and prosecuting the violation. *Id.* §1001.502(c).

The person fined by the Board is required by the expiration of 30 days to:

(1) pay the administrative penalty;

(2) pay the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both; or

(3) without paying the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both.

Id. §1001.503.

Within the 30 day period, a person who has acted under Subsection (a)(3), immediately above, may:

(1) stay enforcement of the penalty by:

(A) paying the penalty to the court for placement in an escrow account; or

(B) giving to the court a supersedeas bond that is approved by the court and that is:

(i) for the amount of the penalty; and

(ii) effective until judicial review of the board's order is final; or

(2) request the court to stay enforcement of the penalty by:

(A) filing with the court an affidavit of the person stating that the person is financially unable to pay the penalty and is financially unable to give the supersedeas bond; and

(B) giving a copy of the affidavit to the executive director by certified mail.

Id. §1001.503(b).

If the person does not pay the administrative penalty, and enforcement is not stayed, the Board may refer the matter to the Texas Attorney General for collection. *Id.* §1001.504.

A court may uphold or reduce the amount of the administrative penalty. *Id.* §1001.505.

If a court reduces or vacates the administrative penalty, the court is required to:

(1) order the appropriate amount, plus accrued interest, be remitted to the person if the person paid the penalty; or

(2) order the release of the bond:

(A) if the person gave a supersedeas bond and the penalty is not upheld by the court; or

(B) after the person pays the penalty if the person gave a supersedeas bond and the penalty is reduced.

Id. §1001.506(a).

The Board's actions under the Act are subject to Chapter 2001 of the Texas Government Code. The Board is required to adopt rules for imposing an administrative penalty. The rules are required to conform to Chapter 2001, of the Texas Government Code. *Id.* §1001.508.

The Board may sue to enjoin a person from violating the Act or the Board's rules. Suit must be filed in Travis County district court. *Id.* §1001.551.

A person commits a Class A misdemeanor and criminal penalties may be imposed if the person:

(1) engages in the practice of engineering without being licensed or exempted from the licensing requirement under this chapter;

(2) violates this chapter;

(3) presents or attempts to use as the person's own the license or seal of another; or

(4) gives false evidence of any kind to the board or a board member in obtaining a license.

Id. §1001.552.

Public officials are required to report violations of the Act to the proper authorities. *Id.* §1001.553.

The Texas Attorney General is the Board's legal advisor. *Id.* §1001.555.

The Board may prepare written advisory opinions about an interpretation of the Act or concerning a hypothetical factual situation. *Id.* §1001.601.

The Board is required to compile annually a summary of its opinions in a single reference document that is available on the Internet. *Id.* §1001.602.

It is a defense to prosecution or imposition of a civil penalty that a person reasonably relied on a written advisory opinion of the Board relating to:

(1) the provision of the law the person is alleged to have violated; or

(2) a fact situation that is substantially similar to the fact situation in which the person is involved.

Id. §1001.604.

BOARD RULES

The Board has adopted rules to interpret and implement the Act's provisions.

For example, if one seeks an advisory opinion, Rule 131.103 sets out the requirements. Among other things, the request must be in writing, and describe a specified factual situation, that may be real or hypothetical.

Chapter 139 contains the Enforcement Rules. Rule 139.13 provides the details for filing a complaint. Perhaps the easiest way to file a complaint is to visit the Board's website at www.tbpe.state.tx.us.

Upon receipt of a complaint, the Board will assign a complaint number, and review the complaint for sufficiency. Rule 139.15. If the Board determines that a potential violation exists, the Board staff will proceed with an investigation. If the Board staff concludes that the complaint lacks merit, the Board staff will recommend to the executive director that the investigation be closed and the complaint dismissed. If the executive director concurs, the Board will notify the complainant, and close the investigation. *Id.*

If a potential violation exists, and the Board has authority and jurisdiction for the complaint, the Board staff is required to initiate disciplinary proceedings against the offending person. The Board will set priorities for the complaints received, with the highest priority reserved for alleged action that could potentially harm the public. Complaints rating the highest priority include those alleging incompetence, gross negligence, plan stamping, or practicing without a license. The Board staff is required to return a preliminary determination to the executive director and complainant within 45 days of receiving a high priority complaint. *Id.*

Rule 139.17 concerns investigating a complaint. Rule 139.17 requires the Board staff to investigate complaints and provides authority to subpoena information, among other things. The rule allows the respondent an opportunity to respond to the complaint. If the Board intends to dismiss the complaint, the Board staff will inform the complainant of the rationale prior to reporting the dismissal to the Board. Withdrawal of a complaint is not a reason to terminate or disrupt an ongoing investigation. At least quarterly during the investigation of the complaint, the

Board is required to notify the parties involved as to the complaint's status, unless notice would jeopardize an undercover investigation. *Id.*

Rule 139.19 concerns the final resolution of a complaint. Once an investigation is completed, the Board staff will present to the executive director a report of investigation and recommendation of final resolution of the complaint. If sufficient evidence exists to substantiate a violation of the Act or Board Rules, the Board will proceed with enforcement, including, without limitation,

- (1) enter into an agreement of voluntary compliance;
- (2) agree to informal consent order or agreed Board order with administrative penalty and compliance requirement;
- (3) referral of injunctive or criminal actions to the proper authorities;
- (4) referral of a final order to the State Office of Administrative Hearings; or
- (5) other action as provided by law.

Id.

If sufficient evidence does not exist, the Board staff will recommend that the Board dismiss the complaint. *Id.*

The Board is required to keep statistics on the number of complaints filed and resolved, and the length of time necessary to resolve the complaints. See Rule 139.21.

The Board is empowered to retain technical consultants under Rule 139.23.

Rule 139.31 pertains to enforcement actions for violations of the Act. Under this Rule, the Board may seek any one or more of the following:

- (1) revocation of a license;
- (2) suspension of a license;

- (3) probation of a suspended license pursuant to subsection (m) of this section;
- (4) refusal to renew a license;
- (5) issuance of a formal or informal reprimand;
- (6) notice to cease and desist;
- (7) voluntary compliance agreement; or
- (8) assessment of an administrative penalty under Subchapter K the Act.

Id. 139.31(a).

All Board actions take the form of an order, and are permanently recorded and made available to the public. Except for an informal reprimand, all enforcement actions are published in the Board newsletter and on the Board website. *Id.* §139.31(b).

If the Board determines that a violation of the Act or Rules has occurred, the executive director will notify the person or entity (called the “respondent”) by personal service or certified mail of the alleged violation. The respondent is allowed to present rebuttals, arguments or evidence to the Board prior to initiation of disciplinary proceedings. If the respondent does not respond, the Board may proceed with a contested case hearing. *Id.* §139.31(c).

If the Board decides to pursue an alleged violation, the respondent has an opportunity to resolve the allegations informally before the Board proceeds with a formal contested case hearing. The parties may agree to a consent order. If the respondent so requests, the Board will schedule an informal conference to allow the respondent to present additional evidence and discuss details of the allegation. Following the informal conference, the Board’s committee can recommend: (A) dismissal; (B) proposed agreed Board order for disciplinary action; or (C) scheduling of a formal hearing.

Rule 139.35 concerns Sanctions and Penalties. The minimum administrative penalty is \$100 per violation. The maximum administrative penalty is \$3,000 per violation. Each day a violation continues or occurs is considered a separate violation for the purpose of assessing an administrative penalty. The Board’s final order will set out the allegations and disciplinary actions. The severity of the disciplinary action will be based on the following factors:

- (1) the seriousness of the violation, including:
 - (A) the nature, circumstances, extent, and gravity of the prohibited act; and
 - (B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;
- (2) the history of prior violations of the respondent;
- (3) the severity of penalty necessary to deter future violations;
- (4) efforts or resistance to efforts to correct the violations;
- (5) the economic harm to property or the environment caused by the violation; and
- (6) any other matters impacting justice and public welfare, including any economic benefit gained through the violations.

Id. §139.35(a).

The Board’s table of suggested sanctions against license holders for specific violations follows:

Classification	Violation	Citation	Suggested Sanctions
Administrative	Failure to return seal imprint and/or portrait	§§ 133.97(e), (f); 137.31(a)	Reprimand/\$250.00
	Failure to report change of address or employment, or of any criminal convictions	§137.5	Reprimand/\$100.00
	Incompetence; includes performing work outside area of expertise	§137.59(a), (b)	3 year suspension/\$3,000.00

Classification	Violation	Citation	Suggested Sanctions
	Failure to respond to Board communications	§137.51(c)	6 month probated suspension / \$1,000.00
	Felony Conviction with incarceration	§139.43(a)	Revocation/\$3,000.00
	Failure to include “inactive” or “retired” representation with title while in inactive status	§137.13(f)	Reprimand/\$250.00
	Enter into a business relationship which is in violation of 137.77(Firm Compliance)	§137.51(d)	1 year probated suspension / \$1,000.00
Engineering Misconduct	Gross negligence	§137.55(a), (b)	Revocation/\$3,000.00
	Failure to exercise care and diligence in the practice of engineering	§137.55(b), §137.63(b)(6)	1 year probated suspension/ \$1,500.00
	Incompetence; includes performing work outside area of expertise	§137.59(a), (b)	3 year suspension/ \$3,000.00
	Misdemeanor or felony conviction without incarceration relating to duties and responsibilities as a professional engineer	§139.43(b)	3 year suspension/ \$3,000.00
	Felony Conviction with incarceration	§139.43(a)	Revocation/ \$3,000.00
Ethics Violations	Failure to engage in professional and business activities in an honest and ethical manner	§137.63(a)	2 year probated suspension / \$2,500.00
	Misrepresentation; issuing oral or written assertions in the practice of engineering that are fraudulent or deceitful	§137.57(a) and §137.57(b)(1) or (2)	2 year suspension/\$2,500.00
	Misrepresentation; issuing oral or written assertions in the practice of engineering that are misleading	§137.57(a) and §137.57(b)(3)	1 year probated suspension/ \$1,000.00
	Conflict of interest	§137.57(c), (d)	2 year suspension / \$2,500.00
	Inducement to secure specific engineering work or assignment	§137.63(c)(4)	2 year probated suspension / \$2,500.00
	Accept compensation from more than one party for services on the same project	§137.63(c)(5)	2 year probated suspension / \$2,500.00
	Solicit professional employment in any false or misleading advertising	§137.63(c)(6)	1 year probated suspension / \$2,500.00
	Offer or practice engineering while license is expired or inactive	§§137.7(a), 137.13(g)	1 year probated suspension / \$500.00
	Failure to include “inactive” representation with title while in inactive status	§137.13(f)	Reprimand/\$500.00
	Failure to act as a faithful agent to their employers or clients	§137.63(b)(4)	1 year probated suspension / \$1,500.00
	Reveal confidences and private information	§137.61(a), (b), (c)	Reprimand / \$1,500.00
	Attempt to injure the reputation of another	§137.63(c)(2)	1 year probated suspension / \$1,500.00
	Retaliation against a complainant	§137.63(c)(3)	1 year probated suspension / \$1,500.00
	Aiding and abetting unlicensed practice or other assistance	§§137.63(b)(3), 137.63(c)(1)	3 year probated suspension / \$3,000.00
	Failure to report violations of others	§137.55(c)	Reprimand / \$1,500.00
	Failure to consider societal and environmental impact of actions	§137.55(d)	Reprimand / \$1,500.00
	Failure to prevent violation of laws, codes, or ordinances	§137.63(b)(1), (2)	Reprimand / \$1,500.00
	Failure to conduct engineering and related business in a manner that is respectful of the client, involved parties and employees	§137.63(b)(5)	1 year probated suspension / \$1,500.00
	Competitive bidding with governmental entity	§137.53	Reprimand / \$1,500.00
	Expressing an opinion before a court or other public forum which is contrary to generally accepted scientific and engineering principles without fully disclosing the basis and rationale for such an opinion	§137.59(c)	2 year suspension / \$2,500.00

Classification	Violation	Citation	Suggested Sanctions
	Falsifying documentation to demonstrate compliance with CEP	§137.17(p)(2), (3)	2 year suspension / \$2,500.00
	Action in another jurisdiction	§137.65(a) and (b)	Similar sanction as listed in this table if action had occurred in Texas
Improper use of Seal	Failure to safeguard seal	§137.33(d)	Reprimand / \$1,000.00
	Failure to sign, seal, date work, or include firm identification on work	§§137.33(e), (f), (h), (n); 137.35(a), (b)	Reprimand / \$500.00
	Alter work of another	§§137.33(i), 137.37(3)	1 year probated suspension / \$1,000.00
	Sealing work not performed or directly supervised by the professional engineer	§137.33(b)	Reprimand / \$1,000.00
	Practice or affix seal with expired or inactive license	§§137.13(h), 137.37(2)	1 year probated suspension / \$500.00
	Practice or affix seal with suspended license	§137.37(2)	Revocation / \$3,000.00
	Preprinting of blank forms with engineer seal; use of a decal or other seal replicas	§137.31(e)	1 year probated suspension / \$1,500.00
	Sealing work endangering the public	§137.37(1)	Revocation / \$3,000.00
	Work performed by more than one engineer not attributed to each engineer	§137.33(g)	Reprimand / \$500.00
	Improper use of standards	§137.33(c)	Reprimand / \$500.00

Id. §139.35(b).

The Board's table of suggested sanctions against a person or business entity for specific violations of the Act or Rules follows:

VIOLATION	CITATION	SUGGESTED SANCTION	
		First Occurrence	Subsequent Occurrences
Use of "Engineer" title	§§1001.004(c)(2)(B)(C); 1001.301(b)(1)	Voluntary compliance Notice to Cease and Desist	Injunctive / Criminal and \$1,000.00
Use of "P.E." designation, or claim to be a "Professional Engineer"	§1001.301(b)(2)-(6), (c), and (e)	Notice to Cease and Desist and \$1,500.00	Injunctive / Criminal and \$3,000.00
Offer or attempt to practice engineering (e.g., through solicitation, proposal, contract, etc.)	§§1001.004(c)(2)(A); 1001.301(a), (c)-(e); 1001.405	Notice to Cease and Desist and \$1,500.00	Injunctive / Criminal and \$3,000.00
Representation of ability to perform engineering (e.g., telephone or HUB listing, newspaper, or other publications, letterhead, Internet, etc.)	§1001.405(e)	Voluntary compliance	Notice to Cease and Desist and \$500.00

VIOLATION	CITATION	SUGGESTED SANCTION	
Use of word “engineer” or any variation or abbreviation thereof under any assumed, trade, business, partnership, or corporate name	§1001.405(e)	Voluntary compliance	Injunctive / Criminal and \$3,000.00
Unlicensed practice of engineering	§§1001.004(c)(2)(A); 1001.301(a), (c)-(e); 1001.405; §§137.51(e), 137.77(a)	Notice to Cease and Desist and \$2,000.00	Injunctive / Criminal and \$3,000.00

Id. §139.35(c).

The Board’s table of suggested sanctions against a person or business entity for violations of the Act or Rules involving firm/sole proprietorship registration follows:

SUGGESTED SANCTION				
VIOLATION	CITATION	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE
Offer and perform consulting engineering services without being registered	§1001.405; §137.77(a), (c), (e)	Voluntary Compliance. If not corrected within 30 days, \$250.00	\$500.00	\$750.00
Offer and perform consulting engineering services while registration was expired	§1001.405; §137.77(a), (c), (e)	\$500.00	\$750.00	\$1,200.00
Offer only (no consulting engineering services were performed) without being registered or while registration was expired	§1001.405; §137.77(a), (c), (e)	\$100.00	\$500.00	\$1,000.00

Id. §139.35(d).

The Board’s table of suggested sanctions against a governmental entity and/or its representatives for violations of the Act or Rules follows:

VIOLATION	CITATION	SUGGESTED SANCTION	
		FIRST OCCURRENCE	SECOND OCCURRENCE
Failure to engage a professional engineer in the construction of any public work involving professional engineering	§1001.407(1)	\$1,000.00	\$2,500.00
Accepting engineering plans, specifications and estimates that were not prepared by a professional engineer	§1001.402	\$500.00	\$2,500.00
Failure to ensure that the engineering construction is performed under the direct supervision of a professional engineer	§1001.407(2)	\$500.00	\$2,500.00

Id. §139.35(e).

A license holder whose license expires for non-payment of renewal fees continues to be subject to all provisions of the Act and Rules governing license holders until the license is revoked by the Board or becomes non-renewable. *Id.* §139.41.

The Board will revoke the license of a license holder if the holder becomes incarcerated as a result of (1) a felony conviction; (2) violation of felony probation or parole; or (3) rejection of mandatory supervision after licensure as a professional engineer. The Board may take disciplinary action against a license holder if the holder is convicted of a misdemeanor or a felony without incarceration if the crime directly relates to the license holder's duties and responsibilities as a professional engineer. If a holder's license has been revoked, the holder may apply for a new license upon release from incarceration. *Id.* §139.43.

In addition to or in lieu of an administrative penalty, the Board may order a license holder to pay restitution to a consumer as a result of an agreement resulting from an informal settlement conference. The amount of the restitution may not exceed the amount paid by the consumer to the person for a service regulated by the Act. *Id.* §139.45.

As part of a disciplinary action, the Board may prescribe conditions of probation. The probation conditions may require the license holder to submit such things as client lists, job assignments, designs, proof of continuing education, etc. The Board may restrict the area of practice as a probation condition. The Board may require the license holder to practice under the supervision and mentorship of another professional engineer. The Board may require the license holder to obtain additional continuing education and may prescribe formal classroom study, workshops or seminars. Failure to comply with probation conditions results in a lifting of

probation and suspending of the engineering license for the remainder of the suspension period. *Id.* §139.47.

Contested case hearings are conducted by the State Office of Administrative Hearings in accordance with the Texas Administrative Procedures Act, Chapter 2001 of the Texas Government Code, and Title 1, Chapter 155, of the Texas Administrative Code. See Rule 139.61.

CASE LAW

Gray v. Blau, 223 S.W.2d 53 (Tex. Civ. App.–Beaumont 1949)

Blau signed a contract with a general contractor to serve as a consulting engineer for the construction of a football stadium for the Nederland Independent School District. The general contractor refused to pay Blau since Blau had not registered with the State Board of Registration for Professional Engineers, and had never applied for such registration. The general contractor contended that without registration, Blau lacked the capacity to contract as an engineer and the contract for engineering services was void. Blau argued that the general contractor was estopped to claim the contract was illegal since the contractor had received all the benefits of Blau's services under the contract. Blau also argued that since the school district had retained an architect to prepare plans and specifications for the project and to supervise the job for the school district, Blau did not need a license. *Id.* at 56.

At trial, the jury rendered a judgment in favor of Blau. The general contractor appealed, still contending that its contract with the ersatz engineer was illegal. *Id.* at 56-57.

On appeal, the appellate court observed that Blau was suing on his contract, and on his contract his recovery must stand or fall. *Id.* at 58-59. The court held that Blau's contract for

engineering services was within the Engineering Practice Act, and that since he was not a registered engineer, he could not recover on his contract. *Id.* at 59.

On appeal, Blau argued that since the supervision and control of the stadium construction was under the direction of the owner's registered engineer and architect, Blau was not required to be a registered engineer. The court rejected the argument because Blau's employment as an engineer for the general contractor did not place him under the control of the owner's architect. The court noted that a supervising engineer retained by a general contractor owes his duty to his employer, the contractor, and that Blau's duties were separate from the owner's architect. *Id.* at 59.

The court finally rejected Blau's argument that the jury had decided the fact question of illegality, holding that the construction of the contract and the application of law thereto was a question of law for the courts. *Id.* at 59.

Tackett v. State Board of Registration for Professional Engineers, 466 S.W.2d 332 (Tex. Civ. App. –Corpus Christi 1971)

The State Board of Registration for Professional Engineers filed suit against Carl Tackett d/b/a Television Engineering Company, seeking to enjoin Tackett from violating the Texas Engineering Practice Act by using the term “engineering” in his trade name. The trial court granted the Board's motion for summary judgment and entered a permanent injunction against Tackett prohibiting the use of the term “engineering” in his advertising and business. *Id.* at 333.

The appellate court found that Tackett was not an engineer and had only graduated from high school. Tackett used the name “Television Engineering Company” in advertising published by radio, television, newspaper, painted signs, telephone directory, and business directory.

Tackett's delivery and service trucks had his trade name painted on the sides. He had no licensed engineers working for him. *Id.* at 334.

The court observed that the Texas Engineering Practice Act was intended to protect the public. The Legislature declared that the practice of engineering was a learned profession to be protected and regulated as such. The court noted that the engineer in this State shall be held accountable to the State and to members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this State. In order to maintain these high standards set by the Legislature, the Board is entitled to seek protection from Texas courts from those who would violate the law. The appellate court then held that the trial court was correct in issuing the permanent injunction. *Id.* at 335.

Seaview Hospital, Inc. v. Medicenters of America, Inc., 570 S.W.2d 35 (Tex. Civ. App.–Corpus Christi 1978)

Medicenters was a general contractor that primarily built hospitals. Medicenters would arrange for the preparation of plans and specifications for the proposed hospital. Medicenters did not itself undertake architectural or engineering services, but procured such services from duly qualified and licensed architects and engineers. Medicenters included the cost of design services in its bid to build the hospital. *Id.* at 36.

Seaview Hospital solicited a turnkey bid from Medicenters. The parties did not enter into a construction contract, but did agree for Medicenters to undertake architectural and engineering services. Medicenters completed design phases I and II, and was paid for the services. However, after Medicenters completed design phase III, Seaview abandoned the project and refused to pay Medicenters for phase III. *Id.* at 37.

Seaview defended against Medicenters' claims by contending that Medicenters and its employees were not licensed in Texas to practice either architecture or engineering. As a result, Seaview argued that its contract with Medicenters was illegal and void under Texas law. *Id.* at 38.

Medicenters countered that it was not illegal in Texas for a corporation to enter into a contract which in part required the corporation to arrange for but not actually perform the architectural and engineering services incident to a turnkey development contract. Medicenters stated that its contract simply required it to provide professional design services, not actually perform such services. *Id.* at 38-39.

The appellate court noted that a contract for engineering services to be performed by a person who is prohibited from practicing engineering in Texas is void and unenforceable. The court observed that the purpose of the statute is to prevent the unlicensed, unauthorized practice of engineering in Texas. *Id.* at 39.

The court found that neither Medicenters nor any of its employees actually performed any architectural or engineering services for the project. The court found that the preparation of plans and specifications were performed by persons not in Medicenters' employ who were duly licensed to practice architecture or engineering in the State of Texas. *Id.* at 39.

The court held that a general contractor is not precluded from entering into a contract with an owner which provides that the contractor will engage or hire architects and engineers duly licensed in Texas to prepare plans and specifications for a construction project. The court held that the agreement between Medicenters and Seaview was valid and enforceable, and that Seaview owed compensation to Medicenters for the professional design services that Medicenters secured for Seaview. *Id.* at 40.

Texas State Board of Registration for Professional Engineers v. Dalton, Hinds & O'Brien Engineering Co., 382 S.W.2d 130 (Tex. Civ. App.–Corpus Christi 1964)

The Texas State Board of Registration for Professional Engineers sought a permanent injunction against Defendants based on alleged violations of the Engineering Registration Act. The Board specifically complained of a brochure which the Board alleged tended to deceive the public and to violate the Act. However, the Defendants ceased using the brochure about a year and a half before the Board filed suit and about four years before the trial. *Id.* at 132-34.

The appellate court upheld the trial court's rulings in favor of the Defendants finding that under the circumstances, there was no violation of the Act at the time that the Board filed suit. *Id.* at 134.

The Texas Attorney General has issued a ruling stating that it is mandatory that the Texas State Board of Registration for Professional Engineers revoke the registration of a registered professional engineer upon his conviction of a felony while so licensed. Op.Atty.Gen. 1985 (No. JM-290).

Frequently Asked Questions Regarding Enforcement

How does an individual know when a P.E. (Professional Engineer) is required?

Refer to Sections 1001.053 and 1001.056 of the Texas Engineering Practice Act.

- When public money and structural, electrical or mechanical engineering is involved and the contemplated expenditure for the project exceeds \$8,000;
- When public money and electrical or mechanical engineering is not involved and the contemplated expenditure for the project exceeds \$20,000;
- Private dwellings that are exceeding eight units for one-story buildings or exceeding four units for two-story buildings;
- Other buildings having more than one story and containing a clear span between supporting structures greater than 24 feet on the narrow side and having a total floor area over 5,000 square feet. Section 1001.056

How do I find out if a license holder has had any complaints filed against him/her?

Contact the Board office and ask if a complaint has ever been filed against a professional engineer, an unlicensed person, or a firm offering to perform engineering services in Texas.

How do I sign my seal?

License holders should sign their name either above or below the seal so that the signature does not obscure the license holder's name and license number.

When do I seal a document?

License holders should affix their engineer seal, signature, and date of execution to all documents containing the final version of any engineering work. Refer to Board Rule 137.31 and 137.33.

Can I use a computer-generated seal?

Yes. The instructions for the use of computer-generated seals are set forth in Board Rule 137.31, 137.33 and 137.35.

How should a computer-generated seal be used?

Computer-generated seals may be of a reduced size provided that the engineer's name and number are clearly legible. Refer to Board Rule 137.31(c).

If not accompanied by an original signature and date; the following text or similar wording shall accompany computer-generated seals! "The seal appearing on this document was authorized by (Example: Leslie H. Doe, P.E. 0112) on (date)." Refer to Board Rule 137.35(a).

Can I submit a bid for an engineering project?

A license holder can only submit a competitive bid on private engineering projects. A license holder cannot submit a competitive bid on public projects like projects for any city, county, state, or independent school district.

Does the board register firms?

Yes. Effective January 1, 2000, the Board began registering firms. You can obtain a Firm Registration Application by contacting the Board office or downloading the application from our web site. If the engineer is practicing engineering as a sole proprietor, he/she must also register as a firm. Section 1001.405

What title can I use if I'm a graduate engineer?

Graduates of all public universities recognized by the American Association of Colleges and Universities have the right to disclose any college degrees received and use the title "Graduate Engineer" on stationery, business cards, and personal communications of any character. A graduate engineer who is employed by a registered firm and who is supervised by a licensed professional engineer may use the term "engineer". Refer to the Texas Engineering Practice Act, Section 1001.406.

Can I perform land surveying or architecture as an engineer?

You may perform engineering surveys that includes all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of an engineered project, but does not include the surveying of real property and other activities regulated under the Professional Land Surveying Practices Act (Article 5282C, Vernon's Texas Civil Statutes). Likewise, the Texas Board of Architectural Examiners governs the practice of architecture.

Do I need a license to be an expert witness?

No. Expert witnesses, as long as they are preparing documents or evidence for court, are exempted from licensure. Refer to the Texas Engineering Practice Act, Section 1001.004(e)(2).

Do I need to notify the board if I believe that someone has violated the Texas Engineering Practice Act or Board rules?

License holders shall first notify involved parties or the Board of any engineering decisions or practices that might endanger the health, safety, property, or welfare of the public. When, in an engineer's judgment, any risk to the public remains, unresolved, that engineer shall report any fraud, gross negligence, incompetence, misconduct, unethical or illegal conduct to the Board or proper civil or criminal authorities. Refer to Board Rule 137.55(c).

What do I do when I'm asked to correct or complete a project begun by another engineer?

An engineer, as a third party, may alter, complete, correct, revise, or add to the work of another engineer when engaged to do so by a client, provided: the client furnishes the documentation of such work submitted to the client by the first engineer. The second engineer of the engagement immediately upon acceptance of the engagement notifies the first engineer in writing. Any work altered, completed, corrected, revised, or added to shall have a seal affixed by the second engineer. The second engineer then becomes responsible for any alterations, additions or deletions to the original design including any effect or impact of those changes on the original engineer's design. Refer to Board Rule 137.33(i).

Can an architect perform the engineering for a building that is over 5,000 square feet?

No. Engineering for buildings that are in excess of 5,000 square feet must be performed by a licensed engineer in Texas. Refer to the Texas Engineering Practice Act, Sections 1001.056.

If I am licensed in another state, can I use the P.E. title in Texas?

No. You must be a license holder in Texas to use the P.E. designation in Texas. Refer to the Texas Engineering Practice Act, Sections 1001.004 and 1001.301.

Can an engineer who is licensed as a civil engineer practice in mechanical engineering or similar disciplines?

Yes. A license holder may perform any engineering assignment for which the engineer is qualified by education or experience to perform adequately and competently. Refer to Board Rule 137.59(b).

How do I file a complaint?

Complaints shall be submitted on complaint forms provided by the Board or in a written format that includes a description of the violation, supporting information and factual evidence, names and addresses of witnesses, sources of other pertinent information, and what section of the Act or Board rule(s) have been violated. Refer to Board Rule 139.13.

Are disciplinary actions against a license holder open to the public?

Yes. Disciplinary actions against a license holder, except for an informal reprimand, are published on our web site.

Can a license holder receive a disciplinary sanction and administrative penalty?

Yes. The suggested sanctions and administrative penalties against license holders are set forth in Board Rule 139.35(b).

If I am not a licensed engineer and I am found to be illegally practicing engineering, can I be sanctioned by the Board?

Yes. The suggestion sanctions and administrative penalties against non-licensed individuals are set forth in Board Rule 139.31(a) and 139.35(c).

[Texas Engineering Practice Act and Board Rules](#)

Historical Disciplinary Actions

TEXAS BOARD OF PROFESSIONAL ENGINEERS

February 26, 2009, Board Meeting Disciplinary Actions

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

Violation: It was alleged that Mr. Huddelston 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 Mr. Huddelston's employment with the firm that provided the inspections. It was further alleged that when TDI requested information to substantiate his certification, Mr. Huddelston failed to provide the requested information. Therefore, it appeared that Mr. Huddelston 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-30856; Mr. Robert P. Chi, P.E. (Inactive); Olympia Fields, Illinois.

Violation: The Wisconsin Department of Regulation & Licensing (Wisconsin Board) revoked Mr. 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 Mr. Chi's calculations and design of a system building support system was deficient. Based upon the actions taken against Mr. Chi by the Wisconsin Board, Mr. Chi's Texas engineer license was also subject to censure.

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

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

Violation: Mr. 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).

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 Mr. Ghader Afshari-Mirak. Board records show that this firm is not registered with the Board nor that Mr. Afshari-Mirak has ever been licensed in Texas as a professional engineer; therefore, the preparation of engineering plans bearing Mr. 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: B-30659; Mr. Thomas R. Turner; Pinehurst, Texas.

Violation: It was alleged that Mr. 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 Mr. 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.

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-30776; SGB Engineering, Inc.; El Paso, Texas.

Violation: It was alleged that this business entity continued to represent the ability to offer and provide consulting engineering services to the public of Texas and actually provided engineering services during a period when it did not have a current firm registration.

Resolution: A \$500.00 administrative penalty.

Case Number: B-30778; Kistenmacher Engineering Company, Inc.; El Paso, Texas.

Violation: It was alleged that this business entity continued to represent the ability to offer and provide consulting engineering services to the public of Texas and actually provided engineering services during a period when it did not have a current firm registration.

Resolution: A \$500.00 administrative penalty.

Case Number: B-30787; Wells Doak Engineers, Inc.; Fort Worth, Texas.

Violation: It was alleged that this business entity continued to represent the ability to offer and provide consulting engineering services to the public of Texas and actually provided engineering services during a period when it did not have a current firm registration and after its firm registration became non-renewable.

Resolution: A \$750.00 administrative penalty.

November 20, 2008, Board Meeting Disciplinary Actions

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

Violation: It was alleged that Mr. 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 Mr. 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-30389; Mr. Douglas Kent Miller, P.E.; Houston, Texas.

Violation: It was alleged that Mr. 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 \$500.00 administrative penalty.

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

Violation: It was alleged that Mr. 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 a 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-30599; Mr. Leo L. Roberts, P.E.; Owasso, Oklahoma.

Violation: The Oklahoma State Board for Professional Engineers and Land Surveyors (Oklahoma Board) took disciplinary action against Mr. Roberts' Oklahoma engineer for license 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 Mr. Roberts by the Oklahoma Board, Mr. Roberts' Texas engineer license was also subject to censure.

Resolution: Formal Reprimand.

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

Violation: It was alleged that Mr. 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: 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 and 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: 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.

Case Number: B-30624; Mody K. Boatright, P.E.; Corpus Christi, Texas.

Violation: It was alleged that this business entity continued to offer and provide consulting engineering services to the public of Texas during a period when it did not have a current firm registration.

Resolution: \$500.00 administrative penalty.

Case Number: B-30782; Set Square, L.L.C. dba E-Squared Engineers; Arlington, Texas.

Violation: It was alleged that this firm continued to offer and provide consulting engineering services to the public of Texas during a period when it did not have a current firm registration.

Resolution: \$500.00 administrative penalty.

August 21, 2008, Board Meeting Disciplinary Actions

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

Violation: It was alleged that Dr. 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 Dr. 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-30040; Mr. Eshraghollah Vatani, P.E.; Houston, Texas.

Violation: It was alleged that Mr. 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 Mr. 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 Dr. Li 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: D-30456; Mr. Robert Guy Boling, P.E.; Wichita, Kansas.

Violation: The Oklahoma State Board for Professional Engineers and Land Surveyors (Oklahoma Board) suspended Mr. Boling's Oklahoma engineer license for five years and assessed him a \$2,500.00 administrative penalty 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 doing engineering work in Oklahoma when his business did not have a certificate of authority to do engineering business in Oklahoma. The Oklahoma Board's action was also based on Mr. Boling falsely certifying on his Oklahoma engineer license renewal form in August 2007, that he had not been disciplined by another state when records showed that he was ordered in February 2007, by the Kansas Board of Engineering (Kansas Board), to cease and desist from engaging in the practice of engineering in Kansas and was assessed a \$1,370.40 administrative penalty for signing and sealing engineering plans for a Kansas project that were not prepared by him nor under his direct supervision. Based upon the actions taken against Mr. Boling by the Oklahoma and Kansas Boards, Mr. Boling's Texas engineer license was also subject to censure.

Resolution: The Board refuses to renew his Texas engineer license.

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

Violation: Mr. 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; Mr. Weston Shackelford Yonge; Austin, Texas.

Violation: Mr. 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: 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.

June 26, 2008, Board Meeting Disciplinary Actions

Case Number: D-27487; Mr. Delbert F. Richardson, P.E.; Lufkin, Texas.

Violation: It was alleged that Mr. Richardson's structural truss designs for a building was not done in a careful and diligent manner in conformance with all applicable building codes, ordinances and regulations.

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

Case Number: D-29173; Mr. Howard Pieper, P.E.; Houston, Texas.

Violation: It was alleged that Mr. Pieper continued to offer and provide consulting engineering services as a business entity after his firm's registration expired and was no longer renewable.

Resolution: Formal Reprimand and a \$750.00 administrative penalty.

Case Number: D-29802; Mr. Curtis R. Dumas, P.E.; Houston, Texas.

Violation: It was alleged that Mr. Dumas performed engineering design work that was issued on plan sheets that did not bear "Dumas Environmental Services", his firm's name; thus, creating a misleading impression that another firm was responsible for the engineering designs. It was also alleged that Mr. Dumas provided these engineering services as a business entity that was not registered with the Board.

Resolution: One year probated suspension, a \$1,030.00 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 his firm is registered with the Board.

Case Number: D-29853; Mr. Toan K. Chu, P.E.; Grand Prairie, Texas.

Violation: It was alleged that Mr. Chu aided and abetted the unlicensed practice of engineering by signing his name and affixing his Texas engineer seal to engineering design plans that were not performed by him nor were they performed under his direct supervision. It was also alleged that such action created a potential for the endangerment of the public and created a misleading impression that the engineering and engineering plans had been performed by him.

Resolution: Two year probated suspension, a \$3,995.00 administrative penalty and completion of an engineering ethics course.

Case Number: D-29854; Mr. Azeem Yasin, P.E.; Dallas, Texas.

Violation: It was alleged that Mr. Yasin performed engineering design work that was issued on plan sheets that did not bear "2CMD, Inc.", his firm's name; thus, creating a misleading impression that another firm was responsible for the engineering designs.

Resolution: Formal Reprimand and a \$940.00 administrative penalty.

Case Number: D-30263; Gilberto Guerra, P.E.; Houston, Texas.

Violation: It was alleged that Mr. Guerra failed to submit his continuing records to the Board for audit purposes and falsely certified that he had completed the required 15 hours of continuing education.

Resolution: Formal Reprimand and a \$1,650.00 administrative penalty.

Case Number: D-30364; Mr. Mohammad Tamoozi, P.E.; Houston, Texas.

Violation: It was alleged that Mr. Tamoozi entered into an arrangement with a firm that was not registered with the Board and that did not have any full-time employees that were Texas licensed professional engineers to perform engineering work that was issued under that firm's name and bearing his signature and Texas engineer seal. It was alleged that such action aided and abetted this firm in unlawfully providing engineering services and created a misleading impression that the firm could offer/provide engineering services to the public of Texas.

Resolution: One year probated suspension, a \$800.00 administrative penalty and completion of an engineering ethics course.

Case Number: B-30220; A.R.M. Soil Testing; Houston, Texas.

Violation: It was alleged that this firm, that was not registered with the Board and did not have any full-time employees that were Texas licensed professional engineers, issued an engineering report under its name. It was alleged that such action was an unlawful representation that the firm had the legal ability to offer/provide engineering services to the public of Texas.

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 \$1,280.00 administrative penalty.

Case Number: E-30391; Mr. David W. Hall, Cypress, Texas.

Violation: It was alleged that Mr. Hall unlawfully represented himself as being licensed in Texas as a professional engineer by using the designation "P.E." after his name on two different letters that he issued which bore Texas engineer seals showing his name with two different engineer license numbers and by creating and displaying a Texas Certificate of Licensure as a Professional Engineer bearing his name with a third engineer license number.

Resolution: Cease and desist from any and all representations that he can offer/perform engineering services in Texas, from affixing any Texas engineer seal bearing his name with a Texas engineer license number; from displaying any Texas Certificate of Licensure as a Professional Engineer bearing his name and from using any and all other Professional Engineer titles in Texas until such time as he becomes duly licensed in Texas as a professional engineer; and a \$4,950.00 administrative penalty.

Case Number: E-40473; Mr. John Klim; Dallas, Texas.

Violation: It was alleged that Mr. Klim unlawfully represented himself as being licensed in Texas as a professional engineer by using the designation "P.E." after his name on his business cards

Resolution: Cease and desist from any and all representations that he is licensed in Texas as a professional engineer and from using any and all other Professional Engineer titles in Texas until such time as he becomes duly licensed in Texas as a professional engineer; and a \$300.00 administrative penalty.

Case Number: B-30237; Applied Manufacturing Technologies, L.P. dba Applied Manufacturing Technologies, Inc.; Houston, Texas

Violation: It was alleged that this firm continued to offer and provide consulting engineering services to the public of Texas during a period when it did not have a current firm registration.

Resolution: \$500.00 administrative penalty.

February 28, 2008 Board Meeting Disciplinary Actions

Mr. Robert L. Harrington, P.E. , Midland, Texas – File D-28872 - It was alleged that Mr. Harrington signed and sealed structural, electrical and plumbing plan sheets for a building renovation project that contained apparent errors, design deficiencies and code violations which suggested that he was not competent to perform the engineering depicted on the plans. It was also alleged that those plan sheets did not show his firm title block which created a misleading impression as to what business entity was responsible for the plans. The Board accepted an Agreed Board Order signed by Mr. Harrington and his attorney for a four year probated suspension of Mr. Harrington's Texas engineer license contingent upon his payment of a \$5,720.00 administrative penalty and successful completion of junior and/or senior level college courses in concrete design and foundation design that total nine credit hours with a grade of "C" or better. Mr. Harrington was also ordered to cease and desist from future practice of electrical and plumbing engineering until such time as he demonstrates to the Board that he has gained competence in those engineering areas.

Mr. Joseph A. Tamayo, P.E. , Brownsville, Texas – File D-29579 - It was alleged that Mr. Tamayo failed to submit his continuing education records to the Board for audit, falsely certified his completion of continuing education hours and failed to promptly respond to several Board inquiries regarding these issues. The Board accepted a Consent Order signed by Mr. Tamayo for a two year probated suspension contingent upon his payment of a \$3,120.00 administrative penalty.

Mr. Raouf B. Mansour, P.E. , Dallas, Texas – File D-29801 - It was alleged that Mr. Mansour signed and affixed his Texas engineer seal to an engineering design plan for a retaining wall that he intended to be a preliminary design without placing a caveat on the plan stating that it was preliminary, why it was being issued and the limitation on its use. Thus, it appeared that Mr. Mansour's actions were not careful and diligent and may have endangered the public which suggested a level of negligence. The Board accepted an Agreed Board Order signed by Mr. Mansour and his attorney for a Formal Reprimand and the assessment of a \$1,800.00 administrative penalty.

Mr. Billy W. Hudson, P.E. , Grand Prairie, Texas – File D-29852 - It was alleged that an employee of Mr. Hudson's had transferred a rendition of the engineer seal and signature of a professional engineer on electrical design plans without the knowledge or approval of the professional engineer. This action suggested that Mr. Hudson failed to exercise reasonable care to prevent his employee from committing such an action and also indicated that he did not provide adequate and responsible supervision. The Board accepted a Consent Order signed by Mr. Hudson for a Formal Reprimand and the assessment of a \$900.00 administrative penalty.

* Mr. Sergio Nicholas Lozano-Sanchez, P.E. , Austin, Texas – File D-29886 - It was alleged that Mr. Lozano-Sanchez accepted monies from a client to file a building permit for a project when he knew or should have known that a building permit was not required, that he may have signed his name and cashed a check from his client made out to a city to permit the client's project and misused those funds.

Such apparent unlawful actions suggested that Mr. Lozano-Sanchez did not conduct his professional and business practices in a manner respectful to his client nor that he was a faithful agent to his client. The Board accepted a Consent Order signed by Mr. Lozano-Sanchez for a one year probated suspension of his Texas engineer license contingent upon his payment of a \$2,720.00 administrative penalty.

Mr. Michael B. Couch, P.E. , San Antonio, Texas – File D-30001 - It was alleged that Mr. Couch signed and affixed his seal to a report certifying that work on a project was complete when the work was not complete, an action that was misleading and created a misleading impression. The Board accepted a Consent Order signed by Mr. Couch for a Formal Reprimand and the assessment of a \$940.00 administrative penalty.

Mr. Lawrence Henry Flak, P.E. , Conroe, Texas – File D-30204 - It was alleged that Mr. Flak signed and affixed his seal to engineering documents during a period when his Texas engineer license was in an expired status and that he did not notify the Board of changes to his mailing address and employer. The Board accepted a Consent Order signed by Mr. Flak for a Formal Reprimand and the assessment of a \$516.00 administrative penalty.

Mr. Scott Theodore Freeman, P.E. , Frisco, Texas – File D-30221 - It was alleged that Mr. Freeman failed to submit continuing education records to the Board for audit, suggesting that he falsely certified his completion of continuing education hours and failed to promptly respond to the initial Board inquiry regarding this issue. The Board accepted a Consent Order signed by Mr. Freeman for a Formal Reprimand and the assessment of a \$500.00 administrative penalty.

Mr. Jeffrey D. Fisher , Houston, Texas – File B-29811 - It was alleged that Mr. Fisher unlawfully practiced engineering by preparing design plans for a residence and that he fraudulently transferred the seal of a professional engineer and forged the engineer's signature to the plans because signed and sealed plans were required by the city to obtain a building permit. The Board accepted a Consent Order signed by Mr. Fisher to cease and desist from any and all representations that he can offer or perform engineering services and from the actual practice of engineering in Texas until such time as he becomes licensed in Texas as a professional engineer and his firm becomes registered with the Board. Mr. Fisher was also assessed a \$1,520.00 administrative penalty.

Dr. W. Gary Sokolich , Newport Beach, California – File B-29812 - It was alleged that Dr. Sokolich unlawfully offered or attempted to practice engineering in Texas in connection with an agreement he made to provide consulting services as an "Engineer" related to the design, measurement and evaluation of ultrasonic transducers and associated electronic drive circuitry regarding an electronic device a Texas businessman wanted to manufacture. Without admitting that he violated the Texas Engineering Practice Act, Dr. Sokolich chose to end the proceedings by signing a Consent Order that was accepted by the Board to cease and desist from representing himself as an "Engineer" in Texas, from any and all representations that he can offer or perform engineering services and from the actual practice of engineering in Texas until such time as he becomes licensed in Texas as a professional engineer and his firm becomes registered with the Board. Dr. Sokolich was also assessed a \$1,360.00 administrative penalty.

Mr. Bryan Horn - Architect , Sugar Land, Texas – File B-30032 - It was alleged that Mr. Horn unlawfully practiced engineering by preparing mechanical, electrical and plumbing design plans for an office that was to be located in a two story commercial building. The Board accepted a Consent Order signed by Mr. Horn to cease and desist any and all representations that he can offer or perform engineering

services and from the actual practice of engineering in Texas until such time as he becomes licensed in Texas as a professional engineer and his firm becomes registered with the Board. Mr. Horn was also assessed a \$1,280.00 administrative penalty.

Fiberglass Structural Engineering, Inc. , Bellingham, Washington – File B-29994 - It was alleged that this firm unlawfully represented the ability to offer and provide engineering services and later unlawfully provided engineering services in connection with a power plant public works project. The Board accepted a Consent Order signed by Mr. Winston J. Renoud, President of the firm, to cease and desist from any and all representations that his firm can offer or perform engineering services and from the actual offer and practice of engineering in Texas and to delete the word “Engineering” from the firm’s name on any documents issued in Texas until such time as the firm hires a Texas licensed professional engineer as a full-time employee and the firm becomes registered with the Board. The firm was also assessed a \$1,360.00 administrative penalty. Prior to the Board accepting the Consent Order an employee of this firm became licensed in Texas as a professional engineer and the firm became registered with the Board; therefore, the Cease and Desist Order was not binding.

International Gas Consulting, Inc. , Houston, Texas – File B-29924 - It was alleged that this firm was notified by letter dated July 10, 2007, that it was not registered with the Board and it did not become registered with the Board. However, between July 2007 and December 31, 2007, when this firm was dissolved, it represented the ability to offer and perform engineering services on its webpage and had actually provided consulting engineering services for the public of Texas. The Board accepted a Consent Order signed by Mr. Kenneth L. Beckman which ordered the firm to cease and desist from any future offers to provide and/or from actually providing consulting engineering services for the public of Texas until such time as it becomes registered with the Board. The firm was also ordered pay a \$250.00 administrative penalty.

Anderson Engineering Consultants, Inc. , Little Rock, Arkansas – File B-30052 - It was alleged that this firm’s registration expired on September 20, 2005, and was not renewed until October 3, 2007. However, this firm continued to provide consulting engineering services to the public of Texas during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Scott W. Anderson, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

Vickery Engineering, Inc. , Conroe, Texas – File B-30130 - It was alleged that this firm’s registration expired on January 31, 2006, and became non-renewable on January 31, 2007. Although the firm became re-registered, this firm continued to provide consulting engineering services after the original firm registration expired and also after it became non-renewable. The Board accepted a Consent Order signed by Mr. Richard Vickery, P.E., which ordered the firm to pay a \$750.00 administrative penalty.

Adams Consulting Engineers, Inc. dba Adams Engineering , Tyler, Texas – File B-30201 - It was alleged that this firm’s registration expired on September 30, 2007, and was not renewed until November 30, 2007. However, this firm continued to provide consulting engineering services to the public of Texas during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Daniel J. Adams, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

* Indicates individuals who either agreed to complete a correspondence course in engineering ethics as part of closure of the case, or as a contingency requirement for probation.

November 8, 2007 Board Meeting Disciplinary Actions

* Mr. William R. McDowell, P.E. , Corpus Christi, Texas – File D-29815 – It was alleged that Mr. McDowell signed and affixed his Texas engineer seal to a WPI-2 form submitted to the Texas Department of Insurance (TDI) certifying that the construction of a single family structure was in compliance with windstorm codes. Subsequent inspections of the structure by TDI disclosed that construction was not compliant with cited windstorm codes. Therefore, it appears that the WPI-2 Mr. McDowell signed and sealed was misleading and not in compliance with TDI windstorm certification rules and regulations. The Board accepted a Consent Order signed by Mr. McDowell for a one year probated suspension of his Texas engineer license contingent upon his payment of a \$800.00 administrative penalty.

Mr. Herbert L. Brewer , San Antonio, Texas – File D-29887 – It was alleged that Mr. Brewer signed and affixed his Texas engineer seal to a residential foundation repair plan drawing that was not performed by him nor under his direct supervision. It was also alleged that after Mr. Brewer's sole proprietor firm registration had expired on September 30, 2006, he continued to perform consulting engineering projects. The Board accepted a Consent Order signed by Mr. Brewer for a Formal Reprimand and the assessment of a \$780.00 administrative penalty.

Ms. Katrina M. Gerber, P.E. , Overland Park, Kansas – File D-29935 - The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design issued Ms. Gerber a Stipulation and Order reprimanding her and assessing her a \$3,000.00 administrative penalty for practicing engineering in Minnesota while her Minnesota engineer license was in an expired status and for falsely certifying on her Minnesota engineer license renewal form that her engineer license had not been previously disciplined. Based upon the action taken against Ms. Gerber in Minnesota, Ms. Gerber's Texas engineer license was also subject to censure; therefore, the Board accepted a Consent Order signed by Ms. Gerber for a Formal Reprimand.

Weidlinger Associates, Inc. , New York, New York – File B-29885 – It was alleged that this firm, under contract with an insurance adjuster, provided engineering services in connection with a project to assess the damage to a structure in Texas as a result of a hurricane. Board records showed that there were no Texas licensed professional engineers associated with this firm nor was it registered with the Board at the time it entered into the contract and provided the engineering service. Although, an employee of this firm ultimately became licensed in Texas as a professional engineer and the firm became registered with the Board, the above-mentioned project constituted the providing of engineering services when the firm was not registered with the Board. The Board accepted a Consent Order signed by Mr. Raymond Daddazio, President/CEO of the firm, which ordered the firm to pay a \$250.00 administrative penalty.

Corwin Engineering, Inc. , Allen, Texas – File B-30035 - It was alleged that this firm's registration expired on February 28, 2007, and was not renewed until September 13, 2007. However, this firm continued to provide consulting engineering services to the public of Texas during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Warren Lee Corwin, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

* Indicates individuals who either agreed to complete a correspondence course in engineering ethics as part of closure of the case, or as a contingency requirement for probation.

August 16, 2007 Board Meeting Disciplinary Actions

* Mr. Peter Harold Early III, P.E., Galveston, Texas – File D-28666 – It was alleged that Mr. Early signed and affixed his Texas engineer seal to six WPI-2 forms submitted to the Texas Department of Insurance (TDI) certifying that roofing and/or re-roofing projects for six residential structures was in compliance with windstorm codes. Subsequent inspections of the structures by TDI disclosed that construction was not compliant with cited windstorm codes. TDI notified Mr. Early of the deficiencies and requested that he submit additional documentation to support his certifications; however, Mr. Early failed to provide TDI with substantiating information. Therefore, it appears that Mr. Early's actions endangered the health, safety, welfare and/or property of the public; that he did not endeavor to meet applicable state codes and regulations; that his business conduct was not honest nor ethical; and that the WPI-2 forms were misleading. The Board accepted a Consent Order signed by Mr. Early for a two year probated suspension of his Texas engineer license contingent upon his payment of a \$2,000.00 administrative penalty.

Mr. Glenn R. Briggs, P.E., Altus, Oklahoma – File D-29399 – The Oklahoma State Board for Professional Engineers and Land Surveyors issued Mr. Briggs a Consent Order suspending his Oklahoma engineer license for one year, assessing him a \$10,000.00 administrative penalty and requiring him to take and pass an engineering ethics course for failing to plan and design for the likelihood of sink holes in connection with his design of a retention lagoon for a wastewater treatment facility. Based upon the action taken against Mr. Briggs in Oklahoma, Mr. Briggs's Texas engineer license was also subject to censure; therefore, the Board accepted a Consent Order signed by Mr. Briggs issuing him a Formal Reprimand.

* Mr. Richard Franklin Keelan, P.E., San Leon, Texas – File D-29440 – It was alleged that Mr. Keelan signed his name and affixed his Texas engineer seal to a residential foundation design plan and detail sheets that were not prepared by him nor under his direct supervision and that he altered that design sheet without proper notification to the original engineer. The Board accepted an Agreed Board Order signed by Mr. Keelan for a one year probated suspension of his Texas engineer license contingent upon his payment of a \$2,100.00 administrative penalty.

Mr. Ernest W. DeLuca, P.E., Conroe, Texas – File D-29580 – It was alleged that Mr. DeLuca signed and affixed his Texas engineer seal to a residential foundation design plan sheet that contained a caveat that indicated information regarding dimensions on the plan sheet may not be accurate and should be verified by the contractor. It was also alleged that Mr. DeLuca signed and affixed his Texas engineer seal to another residential foundation design plan sheet that had details that appeared to have been partially blocked out; but, were still legible which would tend to create confusion as to the applicability of those details. Therefore, it appears these plan sheets were misleading and could tend to create misleading impressions. The Board accepted a Consent Order signed by Mr. DeLuca for a Formal Reprimand and the assessment of a \$640.00 administrative penalty.

Belview Engineering, El Paso, Texas – Our File B-29699 – It was alleged that this firm used the word "Engineering" in its firm name and listed its name under the "Engineers-Professional" heading in the June 2006 El Paso classified telephone directory. Board records do not show any Texas licensed professional engineers with this firm nor is the firm registered with the Board. Therefore, the use of the word "Engineering" in this firm's name and its listing under the "Engineers-Professional" heading was an unlawful representation of this firm's ability to offer and/or provide engineering services. Attempts to obtain the firm's voluntary compliance were not initially successful; therefore, the Board accepted a

Consent Order signed by Mr. Jonathan Goldberg, President of the firm, to immediately delete the word "Engineering" from the firm's name, to discontinuing its listing under the "Engineers-Professional" heading in telephone directories and to cease and desist from any and all other representations that it can offer or provide engineering services in Texas until such time as it hires a Texas licensed professional engineer as a regular full-time employee and becomes registered with the Board. The firm was also assessed a \$780.00 administrative penalty.

Mr. Gilbert L. Rhoades, Pickwick Dam, Tennessee - File E-29611 – It was alleged that Mr. Rhoades represented himself as a Texas licensed professional engineer by using the title "Registered Professional Engineer – State of Texas" on his Resume of Qualifications and by affixing a Texas engineer seal and signing an expert opinion letter that was submitted in connection with a lawsuit filed in Texas in 2006. Board records showed that Mr. Rhoades' Texas engineer license expired on June 30, 1994, and became non-renewable on June 30, 1996. Therefore, his use of the "Registered Professional Engineer – State of Texas" title and his Texas engineer seal was unlawful. The Board accepted a Consent Order signed by Mr. Rhoades to cease and desist from any and all representations that he can offer or perform engineering services and from the actual practice of engineering in Texas and from any representations that he is licensed in Texas as a professional engineer until such time as he becomes re-licensed in Texas as a professional engineer. Mr. Rhoades was also assessed a \$630.00 administrative penalty.

Geo Strata Environmental Consultants, Inc., San Antonio, Texas – File B-29464 – It was alleged that this firm entered into eight contracts with a public entity of Texas which included a requirement for engineering services. Board records showed that there were no Texas licensed professional engineers associated with this firm nor was it registered with the Board at the time it entered into the contracts. Although, the firm did not provide engineering services in support of these contracts, ultimately hired a Texas licensed professional engineer as a regular full-time employee and became registered with the Board, the contracts constituted the offer of engineering services when the firm was not registered with the Board. The Board accepted an Agreed Board Order signed by Ms. Suzanne Green, President of the firm, and by the firm's attorney, which ordered the firm to pay a \$100.00 administrative penalty.

Parsons Infrastructure and Technology Group, Inc., Pasadena, California – File B-29662 - It was alleged that this firm's registration expired on January 31, 2007, and was not renewed until June 5, 2007. However, this firm continued to provide consulting engineering services to the public of Texas during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Tim Piering, Manager of Engineering and Technology, which ordered the firm to pay a \$500.00 administrative penalty.

Riggins-Moreland Engineering, Inc., Dallas, Texas – File B-29669 - It was alleged that this firm's registration expired on June 30, 2006, and was not renewed until March 29, 2007. However, this firm continued to provide consulting engineering services to the public of Texas during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. William P. Riggins, President, which ordered the firm to pay a \$500.00 administrative penalty.

Terracon Consultants, Inc., Lexana, Kansas – File B-29746 - It was alleged that this firm's registration expired on January 31, 2007, and was not renewed until April 27, 2007. However, this firm continued to provide consulting engineering services to the public of Texas during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. David R. Gaboury, Director, which ordered the firm to pay a \$500.00 administrative penalty.

Bryson Engineering, L.L.C., Ft. Worth, Texas – File B-29765 - It was alleged that this firm's registration expired on January 31, 2007, and was not renewed until June 14, 2007. However, this firm continued to provide consulting engineering services to the public of Texas during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Harold H. Hughes, P.E., Director, which ordered the firm to pay a \$500.00 administrative penalty.

Bufkin Design & Engineering, Inc., Austin, Texas – File B-29809 - It was alleged that this firm's registration expired on April 30, 2006, and became non-renewable on April 30, 2007. Although the firm became re-registered, this firm continued to represent its ability to offer and perform engineering services through its listing in the December 2006 Austin classified telephone directory under the heading of "Engineers-Professional" and actually provided consulting engineering services after the original firm registration expired and also after it became non-renewable. The Board accepted a Consent Order signed by Mr. James E. Bufkin, P.E., which ordered the firm to pay a \$750.00 administrative penalty.

* Indicates individuals who either agreed to complete a correspondence course in engineering ethics as part of closure of the case, or as a contingency requirement for probation.

May 10, 2007 Board Meeting Disciplinary Actions

* Mr. Daniel A. Shanahan, P.E. , Whitney, Texas – File D-29016 – It was alleged that after Mr. Shanahan recommended that a client replace three on-site septic system tanks and that after installation he would inspect the project and provide documents needed to obtain a permit from the permitting authority. Mr. Shanahan's recommendations were followed; however, the permitting authority did not approve the tank installations because the permit was required to have been obtained prior to installation. Therefore, it appears that Mr. Shanahan's recommendation did not comply with the prevailing codes and his actions suggested that he failed to act as a faithful agent of his client. The Board accepted an Agreed Board Order signed by Mr. Shanahan for a one year probated suspension of his Texas engineer license contingent upon his payment of a \$3,120.00 administrative penalty.

* Mr. James D. Wallace, P.E. , Lancaster, Texas – File D-29066 – It was alleged that Mr. Wallace designed a retaining wall shown on plan sheets bearing the firm title block of Classic Design Group instead of his firm's title block. It was also alleged that Mr. Wallace's retaining wall design was inadequate and not compliant with prevailing codes. Mr. Wallace acknowledged that he failed to require that his firm's title be shown on the design plans, that he did not disagree with allegations that the design was not adequate, and that he based his design on what his client could afford to construct. Therefore, it appears that Mr. Wallace designed a retaining wall that was not adequate and that did not comply with prevailing codes and that he signed and sealed design plans which created a misleading impression that Classic Design Group was the business entity responsible for the plans. The Board accepted a Consent Order signed by Mr. Wallace for a one year probated suspension of his Texas engineer license contingent upon his payment of a \$5,880.00 administrative penalty.

* Mr. John Raymond Holm, P.E. , Orange, Texas – File D-29195 – It was alleged that Mr. Holm signed and affixed his Texas engineer seal to a Texas Department of Insurance (TDI) WPI-2 form showing dates a roofing repair project were inspected and certifying the repairs complied with wind load codes for an Inland II area. However, documentation showed that the contract with the repair company was not signed nor were the repairs completed until after the inspection dates shown on Mr. Holm's WPI forms and that the location of the structure was actually in an Inland I area. Further, it was alleged that the person, an employee of Mr. Holm, who was identified as the person who conducted another inspection

after the repairs were completed, did not actually climb upon the roof of the structure. Therefore, it appears that the WPI-2 was false and misleading and the windstorm inspections may not have been conducted in a careful and diligent manner. The Board accepted a Consent Order signed by Mr. Holm for a one year probated suspension of his Texas engineer license contingent upon his payment of a \$1,900.00 administrative penalty.

Mr. James T. Martel , Murphy, North Carolina - File B-29421 – It was alleged that Mr. Martel represented himself as a Texas licensed professional engineer by using the designation “P.E.” after his name on a predominate use utility study (PUUS) and that he practiced engineering by performing the PUUS for a Texas client of the business that engaged Mr. Martel to do the PUUS. Board records showed that Mr. Martel is not now nor has he ever been licensed in Texas as a professional engineer. Therefore, Mr. Martel’s use of the designation “P.E.” on the PUUS and his practice of engineering in performing the PUUS was unlawful. The Board accepted a Consent Order signed by Mr. Martel to cease and desist from any and all representations that he can offer or perform engineering services, from the actual practice of engineering in Texas and from any representations that he is licensed in Texas as a professional engineer until such time as he becomes licensed in Texas as a professional engineer. Mr. Martel was also assessed a \$1,200.00 administrative penalty.

Dalrock Foundation Repair , Dallas, Texas – File B-29470 – It was alleged that this firm prepared foundation repair designs for a two story, 14 unit condominium building. Based on the size of the building, the engineering repair plans for this project were required to have been prepared by or under the direct supervision of a Texas licensed professional engineer. Board records do not show any Texas licensed professional engineers associated with this firm nor is this firm registered with the Board to offer and provide consulting engineering services. Therefore, this firm unlawfully offered and practiced engineering for this project. The Board accepted a Consent Order signed by Mr. Rex Hise, Owner, to cease and desist offering to perform or the actual performance of engineering services for projects that require the services of a Texas licensed professional engineer and from the representation that he can offer or perform engineering services until such time as the firm qualifies by hiring a full-time employee who is licensed in Texas as a professional engineer and the firm is registered with this Board. The firm was also assessed a \$1,440.00 administrative penalty.

Magnolia Global Energy, Ltd. , Fort Worth, Texas – File B-29515 - It was alleged that this firm’s registration expired on December 31, 2005, and was not renewed until January 24, 2007. However, during the expired period, this firm continued to represent its ability to offer and perform engineering services on its web page and actually provided consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Richard A. Sukup, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

Alpha Consulting Engineers, Inc. , San Antonio, Texas – File B-29575 - It was alleged that this firm’s registration expired on September 30, 2006, and was not renewed until February 8, 2007. However, during the expired period, this firm continued to represent its ability to offer and perform engineering services through its listing in the San Antonio classified telephone directory under the heading of “Engineers-Professional” and actually provided consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Scott S. Tak, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

RC Engineering, Inc. , San Antonio, Texas – File B-29593 - It was alleged that this firm’s registration expired on August 31, 2004, and became non-renewable on August 31, 2005. Although this firm became

re-registered on February 16, 2007, during the expired period and after its registration became non-renewable, this firm continued to represent its ability to offer and perform engineering services through its listing in the San Antonio classified telephone directory under the heading of "Engineers-Professional" and actually provided consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Rosario R. Carrillo, P.E., which ordered the firm to pay a \$750.00 administrative penalty.

* Indicates individuals who either agreed to complete a correspondence course in engineering ethics as part of closure of the case, or as a contingency requirement for probation.

February 8, 2007 Board Meeting Disciplinary Actions

* Mr. Lee Charles Page, Jr., P.E. , Waxahachie, Texas – Files D-28665 and D-28814 – It was alleged that after Mr. Page re-inspected a residential property he used copied verbatim text from another professional engineer's report, who had also inspected the same property, in a report issued by Mr. Page. Such action represented an unprofessional business practice. It was also alleged that in connection with a different residential property, Mr. Page prepared, signed and affixed his Texas engineer seal to an inspection report prior to the property being inspected. Such action was not in keeping with generally accepted engineering standards and procedures. The Board accepted an Agreed Board Order signed by Mr. Page and his attorney for a Formal Reprimand and assessed Mr. Page a \$1,490.00 administrative penalty.

Mr. Robert Lee Puckett , Memphis, Tennessee – File D-29089 - The Tennessee State Board of Architectural and Engineering Examiners issued Mr. 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 Mr. Puckett in Tennessee, Mr. Puckett's Texas engineer license was also subject to censure; therefore, the Board accepted a Consent Order signed by Mr. Puckett for a Formal Reprimand.

Mr. Mark H. Madorsky, P.E. , Houston, Texas – File D-29091 – It was alleged that Mr. 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. Such action demonstrated a lack of care and diligence. The Board accepted an Agreed Board Order signed by Mr. Madorsky for a Formal Reprimand and assessed him a \$1,590.00 administrative penalty.

Mr. Joseph Wayne Thompson, P.E. , Houston, Texas – File D-29357 – It was alleged that Mr. Thompson falsely reported on his June 2006 Texas engineer license renewal that he had completed his required continuing education. The Board accepted a Consent Order signed by Mr. Thompson to refuse to renew his Texas engineering license in the future.

Mr. David Webb Catter, P.E. , Woodland Park, Colorado – File D-29358 – It was alleged that Mr. Catter falsely reported on his June 2006 Texas engineer license renewal that he had completed his required continuing education. The Board accepted a Consent Order signed by Mr. Catter for a Formal Reprimand and assessed him a \$1,800.00 administrative penalty.

Mr. James Gary Dennis , Riggins, Idaho – File D-29347 – It was alleged that on September 16, 2006, Mr. 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. Board

records showed that Mr. Dennis' Texas engineer license expired on September 30, 2004, and became non-renewable on September 30, 2006. Therefore, his use of his Texas engineer seal and his practice of engineering for the Sherman, Texas, project was unlawful. The Board accepted a Consent Order signed by Mr. Dennis to cease and desist from any and all representations that he can offer or perform engineering services and from the actual practice of engineering in Texas and from affixing his Texas engineer seal on any and all documents issued in Texas until such time as he becomes re-licensed in Texas as a professional engineer. Mr. Dennis was also assessed a \$500.00 administrative penalty.

Kang Tang , Taipei, Taiwan, - File B-29193 – It was alleged that on December 19, 2005, Mr. Tang represented himself as a Texas licensed professional engineer and practiced engineering by affixing his Texas engineer seal on structural design plans for a project in Highland Park, Texas, and on July 10, 2006, he affixed his Texas engineer seal on a Structural Engineer Affidavit. Board records showed that Mr. Tang's Texas engineer license expired on March 31, 1993, and became non-renewable on March 31, 1995. Therefore, his use of his Texas engineer seal and his practice of engineering for the Highland Park, Texas, project was unlawful. The Board accepted a Consent Order signed by Mr. Tang to cease and desist from any and all representations that he can offer or perform engineering services and from the actual practice of engineering in Texas and from affixing his Texas engineer seal on any and all documents issued in Texas until such time as he becomes re-licensed in Texas as a professional engineer. Mr. Tang was also assessed a \$3,150.00 administrative penalty.

Peter G. Thornfield, dba TASS Architectural & Engineering Consulting Services , Fort Worth, Texas – File B-29343 – It was alleged that Mr. Thornfield 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. Board records do not show that Mr. Thornfield is licensed in Texas as a professional engineer, that no Texas licensed professional engineers have claimed association with his business nor that his business is registered with the Board. Therefore, his use of the word "Engineering" in his business name and his apparent practice of engineering were unlawful. The Board accepted a Consent Order signed by Mr. Thornfield to cease and desist from any and all representations that he can offer or perform engineering services, from the actual practice of engineering in Texas and to immediately delete the word "Engineering" from his business name until such time as his business hires a Texas licensed professional engineer as a full-time employee and his business is registered with the Board. Mr. Thornfield was also assessed a \$440.00 administrative penalty.

Alliance Wood Group Engineering , Houston, Texas – File E-29299 – It was alleged that the web page for this firm listed employees as Texas licensed professional engineers by using the designation "P.E." after their names with a Houston, Texas, contact telephone number. Board records showed that two of the identified individuals had been licensed in Texas as professional engineers; but, their Texas engineer licenses had expired becoming non-renewable; and that the other two individuals had never been licensed in Texas as professional engineers. Therefore, the representation of these individuals as being licensed in Texas as professional engineers through the use of the designation "P.E." after their names with a Houston, Texas, contact telephone number was unlawful. The Board accepted a Consent Order signed by Mr. Terrance N. Ivers, P.E., to cease and desist from representing company employees as being Texas licensed professional engineers who are not licensed in Texas as professional engineers until such time as they become licensed in Texas as professional engineers. It was agreed that in accordance with a Board policy letter, individuals who are not licensed in Texas as professional engineers; but who are licensed as professional engineers in another state could be identified as a professional engineer

provided that the state of licensure was also identified with the text "Not Licensed in Texas." The firm was also assessed a \$1,290.00 administrative penalty.

Wai-Wize I, L.P. , Dallas, Texas – File B-29214 – It was alleged that this firm entered into a contract with a public entity of Texas which included a requirement for engineering services. Although this firm currently has a Texas licensed professional engineer as a full-time employee and the firm is registered with the Board, Board records showed that at the time of the contract there were no Texas licensed professional engineers associated with this firm nor was it registered with the Board. Therefore, entering into a contract that required engineering services constituted an unlawful offer and/or attempt to provide engineering services. The Board accepted a Consent Order signed by Mr. Duke Hamilton which ordered the firm to pay a \$250.00 administrative penalty.

Abrahamson & Associates , Amarillo, Texas – File B-29367 - It was alleged that this firm's registration expired on July 31, 2006, and was not renewed until October 20, 2006. However, the firm continued to provide consulting engineering services in Texas when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. George Abrahamson, which ordered the firm to pay a \$500.00 administrative penalty.

Zinser/Grossman Structural, L.L.C. , Dallas, Texas – File B-29374 - It was alleged that this firm's registration expired on September 30, 2006, and was not renewed until November 15, 2006. However, the firm continued to provide consulting engineering services in Texas when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Charles E. Grossman, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

* Indicates individuals who either agreed to complete a correspondence course in engineering ethics as part of closure of the case, or as a contingency requirement for probation.

November 9, 2006 Board Meeting Disciplinary Actions

Mr. Girish Dhoribhai Patel , Houston, Texas – File D-1439 – It was alleged that Mr. Patel signed and affixed his Texas engineer seal to a WPI-2 form submitted to the Texas Department of Insurance (TDI) certifying that a new structure was in compliance with windstorm codes. A subsequent inspection of the structure by TDI disclosed that construction was not complete and anchorage methods appeared to be inadequate. TDI notified Mr. Patel of the deficiencies and requested that he submit additional documentation to support his certification; however, Mr. Patel did not respond to TDI's request. Therefore, it appears that the WPI-2 was misleading and the construction did not meet applicable windstorm codes. It was also alleged that Mr. Patel failed to notify the Board that he had formed his own sole proprietorship and was conducting consulting engineering work under that business entity without having registered the business with the Board. Further, it was alleged that Mr. Patel failed to promptly respond to the Board's inquiry regarding the above-mentioned allegations. As a result of a Formal Hearing held at the State Office of Administrative Hearings, Austin, Texas, the Board issued Mr. Patel a Final Order suspending his Texas engineer license for two years and assessed him a \$8,100.00 administrative penalty.

* Rudolph Frederick Klein, P.E. , San Antonio, Texas – File D-27756 – It was alleged that Mr. Klein submitted initial concrete estimates in support of progress payments for a county road repair project that created a misleading impression as to the amount of concrete poured by the contractor because he had directed the contractor to account for the concrete in a manner that differed from the general

design specifications or plans. It was also alleged that Mr. Klein failed to sign and seal the plan sheets first issued for the project. Further, it was alleged that Mr. Klein failed to promptly respond to the Board's inquiry regarding the above-mentioned allegations. The Board accepted an Agreed Board Order signed by Mr. Klein and his attorney for a one year probated suspension of his Texas engineer license contingent upon his payment of a \$5,360.00 administrative penalty.

Mr. Luis Lemus , Bellaire, Texas – File D-27883 – It was alleged that Mr. Lemus prepared signed and sealed structural engineering design plans for two Holiday Inn Express Hotels and one Comfort Suites Hotel constructed in Texas that had significant structural deficiencies which, had they not been discovered during construction, could have endangered the health, safety, welfare and property of the public of Texas. The Board accepted the voluntary surrender of Mr. Lemus' Texas engineer license and voted to revoke that license.

Mr. Lawrence R. Atwood, P.E. , Garland, Texas – File D-28851 - It was alleged that Mr. Atwood certified he had completed the required 15 hours of continuing education when he renewed his Texas engineer license. Subsequently, he was notified that his continuing education records were required to be submitted to the Board for audit; however, Mr. Atwood failed to respond to that request. As a result, Mr. Atwood was notified that a Board inquiry had been initiated to address this matter and he was again requested to submit his continuing education records for audit. Mr. Atwood again failed to respond to this second inquiry and eventually acknowledged during a telephone call initiated by a Board investigator that he had not completed his continuing education. Therefore, in addition to his failure to promptly respond to a Board inquiry, Mr. Atwood's certification that he had completed his continuing education was false. The Board accepted a Consent Order signed by Mr. Atwood that the Board will refuse to renew his Texas engineer license.

Cates, Courtney and Roebuck, L.P. , Fort Worth, Texas – File B-29192 – It was alleged that this firm entered into a contract with a public entity of Texas which included a requirement for engineering services. Board records showed that there were no Texas licensed professional engineers associated with this firm nor was it registered with the Board. Therefore, entering into a contract that required engineering services constituted an unlawful representation of the firm's ability to offer and/or provide engineering services. The Board accepted a Consent Order signed by Mr. Steve Roebuck, Partner of the firm, for the firm to cease and desist from entering into future contracts that require engineering services and from any and all other representations that the firm can offer and/or perform engineering services 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. The firm was also assessed a \$1,500.00 administrative penalty.

Oceaneering International, Inc. , Houston, Texas – File B-28865 - It was alleged that this firm was notified by letters dated March 23 and April 20, 2006, that it was not registered with the Board. Although the firm did become registered on August 18, 2006, it was not until the firm was notified of the Board's intent to take administrative action against it. However, it represented the ability to offer and perform engineering services through its web page at www.oceaneering.com and presumably provided engineering services during a period when it was not registered. The Board accepted a Consent Order signed by Mr. George R. Haubenreich, Jr., which ordered the firm to pay a \$500.00 administrative penalty.

H. G. Lehman III, P.E. , San Antonio, Texas – File B-29211 - It was alleged that the firm registration for Mr. Lehman's sole proprietorship expired on September 30, 2005, and was not renewed until

September 1, 2006. However, the business continued to provide consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Lehman which ordered the business to pay a \$500.00 administrative penalty.

DaRam Engineers, Inc. , Houston, Texas – File B-29232 - It was alleged that this firm's registration expired on January 31, 2004, and became non-renewable on January 31, 2005. Although the firm submitted a new application to become re-registered on September 1, 2006, it continued to represent the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the November 2005 Houston classified telephone directory and actually provided engineering services during a period when it did not have a current firm registration and when it was no longer registered with the Board. The Board accepted a Consent Order signed by Mr. Barry D. Adkins, P.E., which ordered the firm to pay a \$650.00 administrative penalty.

Montemayor Engineering, Inc., dba Montemayor, Hansen, Garcia, Villafranco and Associates , Brownsville, Texas – File F-28977 - It was alleged that this firm's registration expired on June 30, 2005, and was not renewed until May 24, 2006. However, this firm continued to provide consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Manuel Montemayor, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

* Indicates individuals who either agreed to complete a correspondence course in engineering ethics as part of closure of the case, or as a contingency requirement for probation.

August 9, 2006 Board Meeting Disciplinary Actions

Mr. Francois T. Mouawad, P.E., Huffman, Texas – File D-28006 – It was alleged that Mr. Mouawad failed to maintain the security of his Texas engineer seal which created an opportunity for a person to use his seal and affix it on an engineering plan sheet that was submitted to a city for permitting without Mr. Mouawad's knowledge. It was also alleged that during the investigation of this matter, Mr. Mouawad misled Board investigators by claiming he was involved with the design for the project; but, later acknowledged that he did not perform any engineering work on the project. Thus, in addition to the apparent lack of security of his Texas engineer seal, Mr. Mouawad's actions did not appear to be honest or ethical. The Board accepted a Consent Order signed by Mr. Mouawad and his attorney for a Formal Reprimand and the assessment of a \$200.00 administrative penalty.

* Dr. Clement W. Adegoke-Anthony, P.E., Dallas, Texas – File D-28027 – It was alleged that Dr. Adegoke-Anthony signed and sealed engineering drawings during a period when his Texas engineer license was in an expired status. It was also alleged that Dr. Adegoke-Anthony signed and sealed an engineering report that was issued by a firm where he was not employed; thus, he aided and abetted the misleading impression that this firm was responsible for the preparation of the report. The Board accepted an Agreed Board Order signed by Dr. Adegoke-Anthony for a Formal Reprimand.

* Mr. David Allen Galvan, P.E., San Antonio, Texas – File D-28041 – It was alleged that Mr. Galvan accepted compensation from a client to provide engineering services in connection with re-platting a subdivision project and agreed to complete the required engineering work within 120 days. However, Mr. Galvan did not complete the project. Therefore, it appears that he was not a faithful agent of his client and not conduct his business affairs in an honest and ethical manner. It was also alleged that Mr. Galvan signed and sealed a drainage report for a different project during a period when his Texas engineer license was in an expired status and that he reported to the Board that the document was not

required to be sealed. However, the city responsible for permitting the project did require that document to be sealed; thus, in addition to sealing a document on an expired license, Mr. Galvan provided false or misleading information to the Board. The Board accepted an Agreed Board Order signed by Mr. Galvan for a two year probated suspension of his Texas engineer license contingent upon his payment of a \$4,320.00 administrative penalty.

* Mr. Nicolae Fratila, P.E., Houston, Texas – File D-28398 - It was alleged that Mr. Fratila attempted to have a client of his employer terminate an existing contract with his employer and engage him as an individual to perform the needed engineering services. Such action created a potential for a conflict of interest which was not reported to involved parties in writing and indicated that Mr. Fratila was not acting as a faithful agent of his employer at the time. The Board accepted an Agreed Board Order signed by Mr. Fratila and his attorney for a two year probated suspension of Mr. Fratila's Texas engineer license contingent upon his payment of a \$2,000.00 administrative penalty; however, it was agreed that if Mr. Fratila successfully completes the engineering ethics course, the administrative penalty would be waived.

Mr. Earl F. McKinney, Lexington, Kentucky – File D-28638 – The Kentucky State Board of licensure for Professional Engineers and Land Surveyors issued Mr. McKinney a Final Order revoking his Kentucky professional engineer license for sealing plans that apparently were not prepared by him nor under his direct supervision for Kentucky projects. Based upon the action taken against Mr. McKinney in Kentucky, Mr. McKinney's Texas engineer license was also subject to censure; therefore, the Board accepted Mr. McKinney's voluntary surrender of his Texas engineer license and ordered that his Texas engineer license be revoked.

Mr. Joe W. Ezzell, P.E., Irving, Texas – File D-28870 – It was alleged that Mr. Ezzell signed and sealed engineering designs for a residential structure. During construction, the second floor beams began to deflect and subsequent analysis disclosed that the primary members spacing and depth specified by Mr. Ezzell was insufficient for supporting the dead loads, let alone the total design loads. Therefore, Mr. Ezzell failed to perform accurate calculations for his design which represented a failure to protect the health, safety, property and welfare of the public and demonstrates a failure to be a faithful agent of his client. The Board accepted a Consent Order signed by Mr. Ezzell for a two year probated suspension of his Texas engineer license contingent upon his payment of a \$3,600.00 administrative penalty.

Mr. Joseph M. Dross, Gatesville, Texas – File E-26926 – It was alleged that Mr. Dross identified himself as a "Professional Engineer" by using the designation "P.E." after his name on a business card bearing the firm name of Dross-Gaedke & Associates, Inc. Board records showed that Mr. Dross has never been licensed in Texas as a professional engineer. Therefore, Mr. Dross' use of the "P.E." designation was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted a Consent Order signed by Mr. Cliff Couch, Esq., Mr. Dross' attorney who had a power of attorney to sign on behalf of Mr. Dross, that Mr. Dross must cease and desist from using the title "Professional Engineer" and/or designation "P.E." to identify himself in Texas until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Dross was also ordered to pay a \$1,230.00 administrative penalty.

* Indicates individuals who either agreed to complete a correspondence course in engineering ethics as part of closure of the case, or as a contingency requirement for probation.

May 25, 2006 Board Meeting Disciplinary Actions

Mr. Clifford O'Neal Ward, P.E., Houston, Texas – File D-28043 – It was alleged that Mr. Ward issued a report claiming that deflection of the second floor of a residential structure under construction was caused by defective building materials; however, investigation by two other professional engineers disclosed that the second floor was actually under-designed by the original designer. Thus, Mr. Ward's report created a misleading impression regarding the likely cause of the deflection. It was further alleged that although Mr. Ward designed other aspects of the residential structure, he failed to ensure his firm's title block was shown of the pertinent plan sheet; therefore, the plan sheet created a misleading impression as to what business entity was responsible for those designs. The Board accepted a Consent Order signed by Mr. Ward for a two year probated suspension of his Texas engineer license contingent upon his payment of a \$5,400.00 administrative penalty.

Mr. Ronald A. Voss, P.E., Corpus Christi, Texas – File D-28463 - It was alleged that Mr. Voss signed and affixed his Texas engineer seal to a WPI-2 form that was submitted to the Texas Department of Insurance (TDI) certifying that the structure of a residence complied with the windstorm code provisions. Subsequent TDI inspections identified several construction deficiencies. Although Mr. Voss' employee performed the inspection of the residence, which Mr. Voss relied on, the WPI-2 could tend to create a misleading impression as to the compliance of the construction. It was further alleged that the Texas engineer seal Mr. Voss affixed to the WPI-2 form did not completely comply with the approved Texas engineer seal design criteria. The Board accepted a Consent Order signed by Mr. Voss for a Formal Reprimand and the assessment of a \$960.00 administrative penalty.

Mr. Saeed Daniali, P.E., Edmonds, Washington – File D-28663 – It was alleged that during a period when Mr. Daniali was not licensed in Texas as a professional engineer, he provided engineering services to a public entity in Texas. Investigation disclosed that Mr. Daniali's original Texas engineer license expired on December 31, 1999, and became non-renewable on December 31, 2001. Although Mr. Daniali became re-licensed in Texas as a professional engineer on September 15, 2005, documentation disclosed that he performed engineering services in Texas on behalf of his firm, which was not registered with the Board, and identified himself as a Texas licensed professional engineer between December 2004 and July 2005. Therefore, it appeared that his practice of engineering and representation of being a Texas licensed professional engineer between December 2004 and July 2005, was unlawful. The Board accepted a Consent Order signed by Mr. Daniali assessing him a \$1,000.00 administrative penalty.

Mr. James R. Orr, AIA, Brownwood, Texas – File B-28461 – It was alleged that Mr. Orr practiced engineering by preparing structural, mechanical and electrical design plans for a commercial building of approximately 7,080 sq.ft. of total floor area. Board records did not show that Mr. Orr was licensed in Texas as a professional engineer; therefore, it appeared that his preparation of the structural, mechanical and electrical design plans for this project constituted the unlawful practice of engineering. The Board accepted a Consent Order signed by Mr. Orr to cease and desist from the practice of engineering and from any and all representations that he can offer and/or perform engineering services in Texas until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Orr was also ordered to pay a \$2,600.00 administrative penalty.

Allpro Consulting Group, Inc., Richardson, Texas – File B-28750 - It was alleged that this firm's registration expired on October 31, 2005, and was not renewed until March 3, 2006. However, during the expired period, this firm continued to provide consulting engineering services during a period when

it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Joji M George, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

Garcia Engineering, Inc., El Paso, Texas – File B-28836 - It was alleged that this firm's registration expired on November 30, 2005, and was not renewed until March 22, 2006. However, during the expired period, this firm continued to provide consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Armando Garcia, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

* Indicates individuals who either agreed to complete a correspondence course in engineering ethics as part of closure of the case, or as a contingency requirement for probation.

February 23, 2006 Board Meeting Disciplinary Actions

Mr. Gregory Alan Manry, P.E., Kingwood, Texas – File D-28566 – It was alleged that Mr. Manry failed to submit his continuing education records to the Board for audit and that he failed to promptly respond to the Board's repeated requests that he submit his continuing education records. The Board accepted a Consent Order signed by Mr. Manry for a two year probated suspension of his Texas engineer license contingent upon his payment of a \$2,520.00 administrative penalty.

Essayon Engineering & Development, Inc., Irving, Texas – File B-28514 - It was alleged that this firm's registration expired on April 30, 2005, and was not renewed until November 14, 2005. However, during the expired period, this firm continued to provide consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. David G. McSwain, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

Hannon Engineering, Inc., Hurst, Texas – File B-28525 - It was alleged that this firm's registration expired on December 31, 2004, and was not renewed until November 9, 2005. However, during the expired period, this firm continued to represent its ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the January 2005 Dallas classified telephone directory and actually provided consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Mark B. Hannon, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

* Indicates individuals who either agreed to complete a correspondence course in engineering ethics as part of closure of the case, or as a contingency requirement for probation.

November 30, 2005 Board Meeting Disciplinary Actions

* Mr. Daniel P. Hejl, Jr., P.E., Austin, Texas – Files D-26967 and D-27887 – It was alleged that Mr. Hejl prepared and submitted a permit application to the Texas Commission on Environmental Quality (TCEQ) Municipal Solid Waste Permits Section (MAWPS) for a landfill project on behalf of a Texas county in which the text of the application appeared to be copied from a different permit application for a different project in a different county which had been prepared by a different Texas licensed professional engineer. In a separate incident, it was again alleged that Mr. Hejl prepared and submitted another permit application to the TCEQ MAWPS for another landfill project on behalf of a Texas county in which the text of the application appeared to be copied from a different permit application for a different project in a different county which had been prepared by a different Texas licensed professional engineer. Therefore, the permit applications contained misleading and inaccurate information which was not supported by adequate modeling, calculations or analysis. Further, Mr. Hejl

did not consider the environmental impact of his actions; failed to meet all applicable professional practice requirements of federal, state and local statutes, codes, regulations, rules or ordinances in these instances; failed to act as a faithful agent for his client and involved parties; and his actions constituted gross negligence with a potential for endangerment of the health, safety or property of the public which were not in keeping with generally accepted engineering standards or procedures. The Board accepted an Agreed Board Order signed by Mr. Hejl and his attorney for a three year probated suspension of Mr. Hejl's Texas engineer license contingent upon his payment of a \$8,500.00 administrative penalty and the submission of a written plan of corrective measures implemented by Mr. Hejl to prevent future violations similar to those that precipitated these matters.

Mr. Edgar Albert Guilbeau, P.E. , Pearland, Texas – File D-27759 – It was alleged that Mr. Guilbeau performed an engineering inspection of a residential structure for a client prior to the purchase of a residence in which he opined, without taking elevation measurements, that a slant in the floor was due to an uneven pour of the foundation during construction. After the purchase of the residence, a different professional engineer hired by the client to again inspect the structure determined that considerable differential movement of the foundation had occurred requiring the installation of numerous piers to stabilize the structure. After the repairs, a third professional engineer hired by the client inspected the residence and determined that Mr. Guilbeau's inspection was not sufficient to form an opinion as to degree of differential movement of the foundation. Therefore, Mr. Guilbeau's structural inspection gave a misleading impression regarding the condition of the foundation and his actions indicate he did not act as a faithful agent of his client. The Board accepted a Consent Order signed by Mr. Guilbeau and his attorney for a Formal Reprimand and the assessment of a \$2,640.00 administrative penalty.

Mr. Kyle Van Corey, P.E. , Dallas, Texas – File D-27955 – It was alleged that Mr. Corey was notified by letters dated November 19 and December 16, 2004, that his firm, Coreco Engineering Corporation, was not registered with the Board; however, Mr. Corey did not submit an application for his firm to become registered until June 2, 2005. Since December 2003, Mr. Corey's firm represented the ability to offer and perform engineering services through its listings under the "Engineers-Professional" heading in the December 2003 and January 2005 Dallas classified telephone directories when it was not registered with the Board. In addition, it was also alleged that although, Mr. Corey, initially responded to the inquiry regarding his firm's lack of registration via a facsimile sent letter on January 12, 2005, advising that he would submit the requested documentation by January 13, 2004, the documentation was not received and Mr. Corey failed to respond to repeated telephone calls continuing to elicit compliance. As a result, the above-referenced disciplinary file was opened and Mr. Corey was notified by letter dated March 9, 2005 of that action and he was asked to respond with detailed rebuttal statement and include a firm registration application by April 4, 2005. As of April 19, 2005, Mr. Corey had not responded; therefore, it was determined that Mr. Corey had failed to promptly respond to a Board inquiry. The Board accepted an Agreed Board Order signed by Mr. Corey for a Formal Reprimand and the assessment of a \$1,500.00 administrative penalty.

Mr. Maher Fawzi Qaddumi, P.E. , Houston, Texas – Files D-27857 and D-27956– It was alleged that Mr. Qaddumi encouraged and allowed his son, who is not licensed in Texas as a professional engineer, to sign Mr. Qaddumi's name in conjunction with his Texas engineer seal on documents during times he was absent from his office. Thus, Mr. Qaddumi failed to sign his own name to engineering documents and his allowance of his son to sign his name was an unprofessional business practice. It was also alleged that in another incident, Mr. Qaddumi released a preliminary engineering design document that bore his Texas

engineer seal; but, that was not signed nor did the document contain an appropriate caveat addressing why it was released from his control and the limitations of its use. The Board accepted an Agreed Board Order signed by Mr. Qaddumi for a Formal Reprimand and the assessment of a \$2,000.00 administrative penalty.

* Mr. Daren Jon Nielsen, P.E. , League City, Texas – File D-28154 – It was alleged that Mr. Nielsen and two other Texas licensed professional engineers, while full-time employees of a consulting engineering business, formed their own consulting engineering company without the knowledge or consent of their full-time employer. Further, email communications between Mr. Nielsen and the other two professional engineers during their regular work hours with their full-time employer reflected their intent to form their new company and utilize their employer's data and resources and discussions about setting up their new company's web page, email accounts, pricing for services and proposals or solicitations to perform engineering services. Therefore, Mr. Nielsen's actions were considered to be unethical and unprofessional and demonstrated a failure to act as a faithful agent of his employer. The Board accepted an Agreed Board Order signed by Mr. Nielsen and his attorney for a Formal Reprimand and the assessment of a \$3,000.00 administrative penalty.

* Mr. Kurt Bernard Ederhoff, P.E. , Houston, Texas – File D-28155 – It was alleged that Mr. Ederhoff and two other Texas licensed professional engineers, while full-time employees of a consulting engineering business, formed their own consulting engineering company without the knowledge or consent of their full-time employer. Further, email communications between Mr. Ederhoff and the other two professional engineers during their regular work hours with their full-time employer reflected their intent to form their new company and utilize their employer's data and resources and discussions about setting up their new company's web page, email accounts, pricing for services and proposals or solicitations to perform engineering services. Therefore, Mr. Ederhoff's actions were considered to be unethical and unprofessional and demonstrated a failure to act as a faithful agent of his employer. The Board accepted an Agreed Board Order signed by Mr. Ederhoff and his attorney for a Formal Reprimand and the assessment of a \$3,000.00 administrative penalty.

* Mr. Matthew Thomas McBurnett, P.E. , Houston, Texas – File D-28156 – It was alleged that Mr. McBurnett and two other Texas licensed professional engineers, while full-time employees of a consulting engineering business, formed their own consulting engineering company without the knowledge or consent of their full-time employer. Further, email communications between Mr. McBurnett and the other two professional engineers during their regular work hours with their full-time employer reflected their intent to form their new company and utilize their employer's data and resources and discussions about setting up their new company's web page, email accounts, pricing for services and proposals or solicitations to perform engineering services. Therefore, Mr. McBurnett's actions were considered to be unethical and unprofessional and demonstrated a failure to act as a faithful agent of his employer. The Board accepted an Agreed Board Order signed by Mr. McBurnett and his attorney for a Formal Reprimand and the assessment of a \$3,000.00 administrative penalty.

Mr. Albert C. Alaniz III, P.E. , Corpus Christi, Texas – File D-28174 - It was alleged that Mr. Alaniz was paid by a client to perform a windstorm inspection of a property and to file the WPI-2 form with the Texas Department of Insurance. Although Mr. Alaniz completed the inspection, after five months his client had never received a copy of the WPI-2 form; thus, his client had to hire another Texas licensed professional engineer to re-inspect the property and file the WPI-2 form. Therefore, Mr. Alaniz's actions were not honest or ethical and indicate he did not act as a faithful agent of his client. The Board accepted a Consent Order signed by Mr. Alaniz for a one year suspension of his Texas engineer license

with the last nine months to be probated contingent upon his payment of a \$3,300.00 administrative penalty.

Industrial Handling Engineers, Inc. , Houston, Texas – File B-28125 - It was alleged that this firm's registration expired on September 30, 2004, and was not renewed until August 3, 2005. However, during the expired period, this firm continued to represent the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the November Houston classified telephone directory and actually provided consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Donald P. Reilly, which ordered the firm to pay a \$500.00 administrative penalty.

* Indicates individuals who either agreed to complete a correspondence course in engineering ethics as part of closure of the case, or as a contingency requirement for probation.

August 11, 2005 Board Meeting Disciplinary Actions

eVolve, Incorporated , McKinney, Texas – File B-27826 – It was alleged that this firm's web page identified an employee as an "Engineer, used the words "Engineers" and "Engineering", and phrases such as, "eVolve's team of engineers...", "Engineering and systematic evaluation...", "We do this by using various engineering tools...", Combining human factors engineering..." and "She combines engineering and business acumen...". In response to the Board's inquiry regarding these representations of the ability to offer and provide engineering services, Ms. Vicki Missar, President of the firm, advised that the engineering services provided by the firm are not performed by nor under the direct supervision of a Texas licensed professional engineer. Board records show that this firm does not have a Texas licensed professional engineer as a regular full-time employee; therefore, it appeared this firm was unlawfully offering and performing engineering services for the public of Texas. The Board accepted a Consent Order signed by Mr. Missar, to cease and desist from offering to perform and/or the actual performance of engineering services in Texas, to immediately discontinue the use of the words "Engineer", "Engineers" and "Engineering" in its web page advertisements and any and all other representations that the firm can offer or perform engineering service in Texas until such time as the firm hires a Texas licensed professional engineer as a regular-full time employee and the firm is registered with the Board. The firm was also ordered to pay a \$1,520.00 administrative penalty.

Mejia & Rose, Brownsville, Texas – File B-27560 - It was alleged that this firm's registration expired on January 31, 2004, and was not renewed until October 22, 2004. However, this firm continued to provide consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. James Edward Rose, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

Monaghan Engineering, Inc. , Dripping Springs, Texas – File B-27929 - It was alleged that this firm was notified by letter dated March 2, 2005, that it was not registered with the Board; however, the firm did not become registered until May 13, 2005. Since September 2004, this firm represented the ability to offer and perform engineering services through its listing under the "Engineers-Electrical" heading in the September 2004 Austin classified telephone directory when it was not registered with the Board. The Board accepted a Consent Order signed by Mr. Michael H. Monaghan, P.E., which ordered the firm to pay a \$100.00 administrative penalty.

MetroTex Design Associates, Inc. , Austin, Texas – File B-27936 - It was alleged that this firm's registration expired on January 31, 2005, and was not renewed until May 11, 2005. However, this firm continued to provide consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Phil L. Scott, Jr., which ordered the firm to pay a \$500.00 administrative penalty.

Realty Engineering, Inc. , Canyon Lake, Texas – File B-27938 - It was alleged that this firm's registration expired on January 31, 2005, and was not renewed until March 23, 2005. However, this firm continued to provide consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Norman L. Cooper, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

Geomatrix Consultants, Inc. , Austin, Texas – File B-27953 - It was alleged that this firm's registration expired on January 31, 2005, and was not renewed until March 24, 2005. However, this firm continued to provide consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Phil Bullock which ordered the firm to pay a \$500.00 administrative penalty.

C. H. Guernsey & Company , Oklahoma City, Oklahoma – File B-27962 - It was alleged that this firm's registration expired on December 31, 2004, and was not renewed until March 24, 2005. However, this firm continued to represent the ability to offer and perform engineering services through the listing of its Amarillo, Texas, office under the "Engineers-Professional" heading in the March 2005 Amarillo-Canyon classified telephone directory during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Carl N. Stover, Jr., which ordered the firm to pay a \$100.00 administrative penalty.

Walton & Associates Consulting Engineers, Inc. , Bryan, Texas – File B-28000 - It was alleged that this firm's registration expired on January 31, 2005, and was not renewed until April 7, 2005. However, this firm continued to provide consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Ned E. Walton, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

Engineering Spectrum, Incorporated , Issaquah, Washington – File B-28072 - It was alleged that this firm's registration expired on October 1, 2004, and was not renewed until May 12, 2005. However, this firm continued to represent the ability to offer and perform engineering services through the listing of its San Antonio, Texas, office under the "Engineers-Professional" heading in the November 2004 San Antonio classified telephone directory during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Rafael L. Gomez, which ordered the firm to pay a \$100.00 administrative penalty.

Givler Engineering, Inc. , Castle Hills, Texas – File B-28090 - It was alleged that this firm's registration expired on December 31, 2004, and was not renewed until May 16, 2005. However this firm continued to provide consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Lindley David Givler, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

May 19, 2005 Board Meeting Disciplinary Actions

* Mr. Carmen Piunno, P.E., Spring, Texas - File D-26969 - It was alleged that Mr. Piunno prepared design plans in connection with the construction of a commercial property which were not in compliance with local codes and that it required multiple design submittals to the local permitting authority that resulted in delays to complete the project. Therefore, the multiple plan submittals displayed Mr. Piunno's lack of knowledge of codes and regulations within the locale of the project. The Board accepted an Agreed Board Order signed by Mr. Piunno and his attorney issuing Mr. Piunno a Formal Reprimand and assessing him a \$1,500.00 administrative penalty.

* Mr. Horacio Castillo, Kingsville, Texas - Files D-26795 and D-27018 - It was alleged that Mr. Castillo signed and affixed his Texas engineer seal to a document showing new electrical loadings incurred by changing the original electrical engineering design of an existing building that was being renovated. Mr. Castillo did not appear to have education and/or experience necessary to adequately and competently perform electrical engineering nor did he notify the original professional engineer of the modification to his original electrical engineering design. It was also alleged that as consulting County Engineer, Mr. Castillo signed and affixed his Texas engineer seal to a final inspection report certifying that an elevated water storage tank had been completed in accordance with plans and specifications and to a certificate of construction completion document for a water well. However, follow-up inspections by county officials disclosed that the interior paint on the elevated tank was deficient and that neither Mr. Castillo nor an employee under his direct supervision actually inspected the interior of the tank; and that electrical power had not been connected to the water well. Further, it was alleged that as consulting County Engineer, Mr. Castillo signed and affixed his Texas engineer seal to a final inspection report, signed a certificate of construction completion and signed and affixed his Texas engineer seal to "As-Built" plans certifying and/or showing that 11,000 feet of water main and six fire hydrants had been installed along a highway in the county. However, Mr. Castillo acknowledged that only 5,200 feet of water main and four fire hydrants had been installed and that he had not conducted a site inspection to verify the installation of the water main and fire hydrants. Therefore, Mr. Castillo's certifications and "As-Built" plans were misleading and his actions displayed his lack of care, diligence and failure to act as a faithful agent of his client which is considered to be a level of negligence. The Board accepted an Agreed Board Order signed by Mr. Castillo and his attorney for a three year suspension of Mr. Castillo's Texas engineer license with the final 30 months to be probated contingent upon Mr. Castillo's payment of a \$10,000.00 administrative penalty and his submission of revised set of "As-Built" plans to the county.

Mr. Alfonso Quintanilla, McAllen, Texas - File D-27666 - It was alleged that Mr. Quintanilla was licensed in Texas as a professional engineer in error. Therefore, Quintanilla agreed to voluntarily surrender his Texas engineer license after which the Board ordered the license to be revoked without prejudice and he was allowed to immediately re-apply for a new Texas professional engineer license.

Mr. Ronald Richard Federici, P.E., Metairie, Louisiana - File D-27355 - It was alleged that Mr. Federici filed an affidavit on behalf of a plaintiff regarding a law suit in connection with an accident along a ditch in which he stated he had reviewed information related to an engineering firm concerning work the firm had done in the past for a flood control district and opined that the work was deficient and fell below the standard of care and that the firm had failed to provide recommendations on how to prevent washouts and deterioration of a drainage channel. However, the only information available to Mr. Federici regarding work done by the firm for the flood control district was two reports concerning different issues and for different sites unrelated to the property that was the subject of the law suit.

Therefore, Mr. Federici's assertions were false and misleading or tended to create a misleading impression regarding the firm in question. The Board accepted a Consent Order signed by Mr. Federici and his attorney for a Formal Reprimand and the assessment of a \$1,300.00 administrative penalty.

Mr. Justin Jay Loucks, P.E., Carrollton, Texas - File D-27735 - It was alleged that Mr. Loucks, an employee of a city in Texas responsible for reviewing and approving plans for fire protection systems submitted to the city, also had an employment relationship with a private firm that submits fire protection plans to the city for approval. Mr. Loucks failed to provide written notification to the city or to the private firm of the potential for a conflict of interest due to his employment with both entities. The Board accepted a Consent Order signed by Mr. Loucks for a one year probated suspension of this Texas engineer license contingent upon his payment of a \$1,200.00 administrative penalty.

* Mr. Garland M. Horton, Jr., P.E., Amarillo, Texas - File D-27736 - It was alleged that Mr. Horton signed and affixed his Texas engineer seal to an engineering design sheet that contained foundation, lighting and power design and/or specifications for a commercial building that were drawn by a CAD firm and only bore the title block of the CAD firm. Although Mr. Horton performed the foundation design and directed the drawing of the sheet, his lack of care and diligence in reviewing the drawing prior to signing and sealing it resulted in a sheet bearing his signature and seal that contained the lighting and power design information that he did not perform. Further, by not requiring that his business title block be shown on the sheet, Mr. Horton aided and abetted the misleading impression that the CAD firm was the responsible business entity for the designs. The Board accepted a Consent Order signed by Mr. Horton for a one year probated suspension of the Texas engineer license contingent upon his payment of a \$1,500.00 administrative penalty.

Mr. Donald S. Peebles, P.E., Bedford, Texas - File D-27755 - It was alleged that Mr. Peebles signed and affixed his Texas engineer seal to several sets of engineering design plans for a subdivision development project that were submitted to a local permitting authority that were found to be deficient and not in compliance with local subdivision regulations. After each submittal, Mr. Peebles was notified of the needed corrections; however, subsequent submittals failed to show complete compliance. Mr. Peebles acknowledged that upon receipt of the notifications, he prepared revised drawings incorporating the needed corrections and provided that information to his drafting person to prepare new plans sheets. Although the drafting person incorporated some of the needed changes, he did not show those changes on all pertinent plan sheets, nor did Mr. Peebles thoroughly review the revised plans to verify that all the changes and/or additions had been made prior to his signing, sealing and re-submitting the revised sheets to the permitting authority. Therefore, Mr. Peebles' designs did not comply with all the required subdivision regulations and his failure to show due diligence by not thoroughly reviewing each revised plan led to numerous submittals and undue delays of his client's project. The Board accepted a Consent Order signed by Mr. Peebles for a two year probated suspension of his Texas engineer license contingent upon his payment of a \$2,520.00 administrative penalty.

Mr. Sanat Kantilal Parikh, P.E., Missouri City, Texas - File D-27757 - The Florida Board of Professional Engineers issued Mr. Parikh a Final Order assessing him a \$2,000.00 fine regarding his signing and sealing plans that apparently were not prepared by him nor under his direct supervision for a Florida project on behalf of a firm that did not have a certificate of authorization to provide engineering services in Florida. Based upon the action taken against Mr. Parikh in Florida, Mr. Parikh's Texas engineer license was also subject to censure; therefore, the Board accepted a Consent Order signed by Mr. Parikh for a two year probated suspension of his Texas engineer license.

Mr. Keith C. Strimple, P.E., Lake McQueeney, Texas - File D-27828 - It was alleged that Mr. Strimple signed and affixed his Texas engineer seal to foundation design plans for a residence making specific specifications regarding the size and location of rebar and the placement of sandbags needed in one area to create a backwall. Mr. Strimple also signed and affixed his Texas engineer seal to a letter certifying that the foundation had been constructed within the intent of his design. However, during a pre-pour inspection conducted by the buyer of the residence, it was noted that there were areas where the rebar was smaller and placed differently than specified and no sandbags were placed where specified. Mr. Strimple acknowledged that one of the rebar sizes specified on the design plans was a typographical error, that an installed rebar sized different than what was specified would not compromise the structural integrity of the foundation and that the reference to sand bags was a "dated" reference and should have read "sandbags or equivalent". Therefore, Mr. Strimple's specifications on his design plans and his pre-pour certification letter which did not detail the apparent changes from his original design were false and/or misleading and created a misleading impression as to what was constructed and of the ultimate structural integrity of the foundation. The Board accepted a Consent Order signed by Mr. Strimple for a two year probated suspension of his Texas engineer license contingent upon his payment of a \$3,800.00 administrative penalty.

Mr. Michael Clinton Strother, Jasper, Texas - File B-26935 - It was alleged that on or about July 2003, Mr. Strother prepared engineering design plans for a gazebo to be built for a county courthouse and identified himself as the County Engineer for the county. Board records show that Mr. Strother had been licensed in Texas as a professional engineer at one time; however, his Texas engineer license expired on June 30, 1993, and became non-renewable on June 30, 1995. Therefore, Mr. Strother's practice of engineering in preparing the engineering design plans and specifications for the county project and his use of an "Engineer" title were unlawful. The Board accepted a Consent Order signed by Mr. Strother to cease and desist from the practice of engineering, from any and all representations that he can offer and/or perform engineering services and from using any "Engineer" title not authorized by law in Texas until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Strother was also ordered to pay a \$1,480.00 administrative penalty.

A-E-I, Bedford, Texas - File B-27586 - It was alleged that this firm's registration expired on January 31, 2004, and was not renewed until December 29, 2004. However, during the expired period, this firm continued to provide consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Ms. Linda L. McClellan, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

Graham-Martin, Ltd., Grand Prairie, Texas - File B-27669 - It was alleged that this firm's registration expired on May 31, 2002, and became non-renewable on May 31, 2003. Although a new firm registration application was submitted on December 13, 2004, this firm continued to represent the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the December 2003 Greater Dallas classified telephone directory and had actually provided consulting engineering services during a period when its registration was expired and after it was no longer registered. The Board accepted a Consent Order signed by Mr. William Graham, P.E., which ordered the firm to pay a \$750.00 administrative penalty.

Curtis Neal and Associates Consulting Engineers, San Antonio, Texas - File B-27682 - It was alleged that this firm was notified by letter dated October 28, 2004, that it was not registered with the Board; however, the firm did not become registered until February 28, 2005. Since October 2003, this firm represented the ability to offer and perform engineering services through its listing under the

"Engineers-Professional" heading in the November 2003 San Antonio classified telephone directory and actually provided consulting engineering services when it was not registered with the Board. The Board accepted a Consent Order signed by Mr. Curtis E. Neal, Jr., P.E., which ordered the firm to pay a \$250.00 administrative penalty.

Michael Baker, Jr. Inc., Moon Township, Pennsylvania - File B-27915 - It was alleged that this firm's registration expired on January 31, 2005, and was not renewed until March 4, 2005. However, during the expired period, this firm continued to represent the ability to offer and perform engineering services in Texas through its listing under the "Engineers-Professional" heading in the September 2004 Greater Austin Verizon classified telephone directory and had actually provided consulting engineering services for Texas projects during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. H. James McKnight, Esq., which ordered the firm to pay a \$500.00 administrative penalty.

Mr. Robert H. Reeves, Dallas, Texas - File B-27825 - It was alleged that Mr. Reeves identified himself as a professional engineer by using the designation "P.E." after his name on a business card and on a written proposal submitted to a Texas city representing this ability to provide environmental engineering services. Board records showed that Mr. Reeves has never been licensed in Texas as a professional engineer. Although an investigation produced evidence that Mr. Reeves was not practicing engineering in Texas and that he was licensed as a professional engineer in another state, it appears that his use of the designation "P.E." after his name in the Texas report was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted a Consent Order signed by Mr. Reeves to cease and desist from any and all representations that he can offer and/or perform engineering services in Texas, from using the designation "P.E." after his name or any and all representations that he is a Texas licensed professional engineer until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Reeves was also ordered to pay a \$200.00 administrative penalty.

Childress Engineering Services, Inc., Richardson, Texas - File E-27830 - It was alleged that this firm identified Mr. Mark P. Godfrey, an employee, as a "Professional Engineer" with the designation "P.E." after his name on a business card. Board records did not show that Mr. Godfrey has never been licensed in Texas as a professional engineer. Although, Mr. Godfrey is licensed as a professional engineer in another state, it appears that this firm's use of the title "Professional Engineer" and the designation "P.E." to identify Mr. Godfrey on business cards was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted a Consent Order signed by Mr. Tony Childress, P.E., to cease and desist from using the title "Professional Engineer" and/or designation "P.E." to identify any of its employees in Texas until such time as the respective employee is duly licensed in Texas as a professional engineer. The firm was also ordered to pay a \$360.00 administrative penalty.

Mr. Scott Lee Harvey, Roanoke, Texas - File E-27848 - It was alleged that Mr. Harvey represented himself as a Texas licensed professional engineer by using the designation "P.E." after his name in a letter; by stating he was licensed in Texas as a professional engineer, license number 85374, in an employment application submitted to a potential employer in Texas; by stating he was registered in Texas as a professional engineer, license number 82797 in a resume submitted to another potential employer in Texas; and by creating or having created Texas professional engineer seals, license numbers 82797, 85374 and 85797. It was also alleged that Mr. Harvey, performed engineering services in support of 21 projects for which he signed his name and affixed one of the above-mentioned Texas professional engineer seals to documents for the projects. Board records show that Mr. Harvey has never been licensed in Texas as a professional engineer and investigation disclosed that he has never been licensed

as a professional engineer in any other state. Therefore, his claim of being licensed and registered in Texas as a professional engineer, his use of the designation "P.E.", his creation and use of Texas professional engineer and his practice of engineering in Texas were unlawful acts. The Board accepted a Consent Order signed by Mr. Harvey to cease and desist from any and all representations that he can offer and/or perform engineering services in Texas, from the actual practice of engineering in Texas, from using the designation "P.E." after his name or any and all representations that he is a Texas licensed professional engineer and from affixing Texas profession engineer seals on any and all engineering documents until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Harvey was also ordered to pay a \$10,000.00 administrative penalty.

January 26, 2005 Board Meeting Disciplinary Actions

Mr. Paul Garza, Jr., P.E., Laredo, Texas - File D-26948 - It was alleged that Mr. Garza signed and affixed his Texas engineer seal to 15 WPI-2 forms that were submitted to the Texas Department of Insurance (TDI) certifying that the re-roofing applications for apartment units complied with the wind load code provisions of the Southern Building Code. Subsequent TDI inspections identified several construction deficiencies; thus, TDI requested that Mr. Garza submit justification substantiating his certifications. Mr. Garza ultimately advised TDI that he had engaged a roofing contractor to address TDI's concerns; but, he did not provide specific details showing if or how the deficiencies were addressed. Later inspections by TDI again identified numerous deficiencies and although TDI requested additional information from Mr. Garza, he did not respond. Therefore, it appears these re-roofing projects did not meet the applicable code and the WPI-2 forms were misleading. Mr. Garza's failure to provide the requested substantiating information to TDI suggests that his involvement in the inspection of the projects was not adequate, objective or truthful. The Board accepted a Consent Order signed by Mr. Garza for a Formal Reprimand and the assessment of a \$500.00 administrative penalty.

Mr. Joe Frank Nix, P.E., San Antonio, Texas - File D-27017 - It was alleged that Mr. Nix signed and affixed his Texas engineer seal to a traffic safety report stating that trees located on a property adjacent to a city highway were in conflict with established roadway design criteria. However, in a subsequent report Mr. Nix acknowledged that his previous opinion was in error and was based on an incorrect assumption of the design speed for the highway. Therefore, Mr. Nix's original report contained false and misleading information which reflected a lack of care and diligence and gave a misleading impression of the impact to safety. The Board accepted a Consent Order signed by Mr. Nix for a Formal Reprimand and the assessment of a \$840.00 administrative penalty

Mr. Manuel Flores, P.E., Los Fresnos, Texas - File D-27509 - It was alleged that Mr. Flores signed and affixed his Texas engineer seal to a mechanical and electrical design plan sheet for a warehouse project which showed incomplete and/or inaccurate loading, amperage and conductor sizing in the electrical riser diagram. Although these errors were identified and corrected prior to construction, such design deficiencies coupled with the fact that Mr. Flores' Board records reflect that his area of expertise and competence is civil engineering suggests that he performed an engineering design that was outside his area of competence and demonstrated a lack of care and diligence. The Board accepted a Consent Order signed by Mr. Flores for a two year probated suspension of his Texas engineer license contingent upon his payment of a \$1,500.00 administrative penalty. Mr. Flores also agreed to cease and desist from the practice of electrical engineering until such time as he successfully passes the National Council of Examiners for Engineering and Surveying electrical engineering examination.

Industrial Design Associates, Inc., dba IDA Engineering, Inc., Dallas, Texas - File B-27155 - It was alleged that this firm was notified by letter dated March 1, 2004, that it was not registered with the Board;

however, a firm registration application was not submitted until May 4, 2004. Since February 2003, this firm represented the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the August 2003 Waco classified telephone directory and actually performed consulting engineering services when it was not registered with the Board. The Board accepted a Consent Order signed by Mr. Nasrollah Jafarzadeh, P.E., which ordered the firm to pay a \$250.00 administrative penalty.

Apex Geoscience, Inc., Tyler, Texas - File B-27604 - It was alleged that this firm's registration expired on January 31, 2004, and was not renewed until October 13, 2004. However, during the expired period, this firm continued to represent the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the December 2003 Greater Dallas classified telephone directory and had actually performed consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. David A. Wright, P.E., which ordered the firm to pay a \$500.00 administrative penalty.

Abaco Consultants, Inc., San Antonio, Texas - File B-27619 - It was alleged that this firm's registration expired on October 31, 2002, and became non-renewable on October 31, 2003. Although a new firm registration application was submitted on November 5, 2004, this firm continued to represent the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the November 2003 Greater San Antonio classified telephone directory and had actually performed consulting engineering services during a period when its registration was expired and after it was no longer registered. The Board accepted a Consent Order signed by Mr. Porfirio Lozano which ordered the firm to pay a \$750.00 administrative penalty.

The Purdy Consultants, Dallas, Texas - File B-27712 - It was alleged that this firm's registration expired on January 31, 2002, and became non-renewable on January 31, 2003. Although a new firm registration application was submitted on December 13, 2004, this firm continued to represent the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the December 2003 Greater Dallas classified telephone directory and had actually performed consulting engineering services during a period when its registration was expired and after it was no longer registered. The Board accepted a Consent Order signed by Mr. James M. Purdy, P.E., which ordered the firm to pay a \$750.00 administrative penalty.

Mr. Charles Evan Still, Bryan, Texas - File B-27561 - It was alleged that Mr. Still stated in an oral deposition that he owned a business that provided consulting engineering services. In response to a Board inquiry regarding his statement, Mr. Still provided a copy of his business card showing "Consulting Engineering Services" as his company name with a Texas address and acknowledged that he performed the engineering services provided by his company in Texas. Board records did not show that Mr. Still has ever been licensed in Texas as a professional engineer nor that his company employed a Texas licensed professional engineer as a regular full-time employee or is registered with the Board. Therefore, Mr. Still's practice of engineering in Texas and his use of the word "Engineering" in his company name were unlawful. The Board accepted a Consent Order signed by Mr. Still to cease and desist from the practice of engineering and from any and all representations that he or his company can offer and/or perform engineering services in Texas, to immediately delete the word "Engineering" from his company's name and remove the word "Engineering" from all company documentation until such time as he becomes duly licensed in Texas as a professional engineer or hires a Texas licensed professional engineer as a regular full-time employee and his company is registered with the Board. Mr. Still was also ordered to pay a \$1,440.00 administrative penalty.

Mr. Greg Dean Martin, Georgetown, Texas - File B-27565 - It was alleged that Mr. Martin, doing business as Greg Martin Consulting, Inc., prepared a structural engineering assessment report dated July 23, 2004, for a Texas client and that he identified himself as a Texas licensed professional by using the designation "P.E." after his name in his signature block and by affixing a Texas engineer seal to the report. Board records showed that Mr. Martin's Texas engineer license expired on June 30, 1996, and became non-renewable on June 30, 1998. Board records also showed that his company was not registered with the Board. Therefore, Mr. Martin's practice of engineering, his use of the designation "P.E." after his name and his use of the engineer seal were unlawful. The Board accepted a Consent Order signed by Mr. Martin to cease and desist from the practice of engineering, from any and all representations that he or his company can offer and/or perform engineering services in Texas, from the use of the designation "P.E." after his name and from affixing his Texas engineer seal to any and all documents until such time as he becomes re-licensed in Texas as a professional engineer and/or hires a Texas licensed professional engineer as a regular full-time employee and his company is registered with the Board. Mr. Martin was also ordered to pay a \$3,500.00 administrative penalty.

Mr. Gerald K. Brown, Houston, Texas - File E-27169 - It was alleged that Mr. Brown identified himself as a professional engineer by using the designation "P.E." after his name on a report he prepared and submitted to a public entity in Texas. Board records showed that Mr. Brown has never been licensed in Texas as a professional engineer. Although an investigation produced evidence that Mr. Brown was not practicing engineering in Texas and that he was licensed as a professional engineer in another state, it appears that his use of the designation "P.E." after his name in the Texas report was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted a Consent Order signed by Mr. Brown to cease and desist from any and all representations that he can offer and/or perform engineering services in Texas, from using the designation "P.E." after his name or any and all representations that he is a Texas licensed professional engineer until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Sanders was also ordered to pay a \$250.00 administrative penalty.

Mr. Kyle B. Dotson, San Jose, California - File E-27332 - It was alleged that Mr. Dotson identified himself as a Licensed Safety Engineer and a professional engineer by using the designation "P.E." after his name on a mold remediation report he prepared and submitted to a public entity in Texas for a Texas property. Board records showed that Mr. Dotson has never been licensed in Texas as a professional engineer. Although an investigation produced evidence that Mr. Dotson was not practicing engineering in Texas and that he was licensed as a professional engineer in another state, it appears that his use of the engineer title and the designation "P.E." after his name in the Texas report was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted a Consent Order signed by Mr. Dotson to cease and desist from any and all representations that he can offer and/or perform engineering services in Texas, from using the designation "P.E." after his name or any and all representations that he is a Texas licensed professional engineer until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Sanders was also ordered to pay a \$210.00 administrative penalty.

Mr. Andreas O. Frank, Fort Worth, Texas - File E-27449 - It was alleged that Mr. Frank identified himself as a Senior Research Engineer and a professional engineer by using the designation "P.E." after his name on a business card for his employer, Applied Research Associates, Inc. Investigation did not produce any evidence that Mr. Frank was currently licensed as a professional engineer in any other state and Board records showed that Mr. Frank is not now nor has he ever been licensed in Texas as a professional

engineer. Therefore, it appears that his use of the designation "P.E." after his name was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted a Consent Order signed by Mr. Frank to cease and desist from any and all representations that he can offer and/or perform engineering services in Texas, from using the engineer title and the designation "P.E." after his name or any and all representations that he is a Texas licensed professional engineer until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Frank was also ordered to pay a \$1,140.00 administrative penalty.

October 7, 2004 Board Meeting Disciplinary Actions

Mr. Richard W. Peverley, P.E., Houston, Texas - Files D-1325, D-1326 and D-1332 - It was alleged that Mr. Peverley was hired by a client to conduct an engineering inspection of her home, to review an engineering report from a previous inspection, and to serve as an expert witness on her behalf. However, although the client provided Mr. Peverley with the previous inspection report and notified him in writing of the trial date, in deposition he stated that he had not been provided with the previous inspection report and that he was not aware of an upcoming trial date. It was also alleged that another client hired Mr. Peverley to conduct an engineering evaluation of a drain line installed by the builder of his home and to provide a written report. Although, the client paid Mr. Peverley in advance, he never produced the promised written report nor did he respond to numerous telephone calls from the client requesting the report or a refund. Further, it was alleged Mr. Peverley was hired by another client to conduct an engineering inspection of his residence and when the client received the engineering report, it was found that Mr. Peverley referenced a back yard swimming pool that did not exist. It was also found that Mr. Peverley affixed his Texas engineer seal to the report during a period when his Texas engineer license was suspended. Additionally, it was alleged that Mr. Peverley failed to promptly respond to the Board's request for information concerning his actions. The Board accepted an Agreed Board Order signed by Mr. Peverley and his attorney for a three year probated suspension of Mr. Peverley's Texas engineer license contingent upon his payment of a \$3,000.00 administrative penalty and the refunding of money to the client who paid for his services; but, who did not receive the promised written report.

* Mr. David Kenton Bulla, P.E., Fort Worth, Texas - File D-1372 - It was alleged that Mr. Bulla signed and affixed his Texas engineer seal to an initial inspection report for a nursing home citing numerous deficiencies with the installed trusses noting that they should have been rejected. Approximately five weeks later, Mr. Bulla issued a second inspection report bearing his signature and Texas engineer seal in which he stated that bracing, additional supports and replacement of substandard materials have resulted in the structure being safe. Based on this second report a certificate of occupancy was issued; however, after problems with the ceiling became noticeable, a new inspection indicated that the repairs certified by Mr. Bulla had not been performed and identified several trussed rafters that were near failure. The Board accepted an Agreed Board Order signed by Mr. Bulla for a three year probated suspension of his Texas engineer license contingent upon his payment of a \$500.00 administrative penalty.

Mr. Jerry L. Coffee, P.E., Plano, Texas - File D-26743 - It was alleged that Mr. Coffee signed and affixed his Texas engineer seal to a letter certifying that a foundation plan he prepared for a residence had been designed in accordance with various design criteria including those of the Post-Tensioned Institute and that the soil data represented the effective conditions for the construction site. However, it was later found that the soils report Mr. Coffee referenced on his foundation design plans were in fact not site specific, but were for a site in a different part of the subdivision. The Board accepted a Consent Order

signed by Mr. Coffee and his attorney for a two year probated suspension of Mr. Coffee's Texas engineer license contingent upon his payment of a \$1,850.00 administrative penalty.

Mr. Richard Vonley McGaughy, Sugar Land, Texas - File D-1444 - It was alleged that on May 6, 2003, Mr. McGaughy signed and affixed his Texas engineer seal to a foundation design plan. Board records showed that Mr. McGaughy's Texas engineer license expired on June 30, 2001, and it became non-renewable on June 30, 2003. Therefore, it appears that Mr. McGaughy's use of his engineer seal and his practice of engineering in connection with the foundation plan were unlawful. The Board accepted a Consent Order signed by Mr. McGaughy to cease and desist from the practice of engineering, from any and all representations that he can offer and/or perform engineering services, from his use of his Texas engineer seal and from any other representation that he is a Texas licensed professional engineer until such time as he becomes re-licensed in Texas as a professional engineer. Mr. McGaughy was also ordered to pay a \$440.00 administrative penalty.

Mr. Mufid A. Abdulqader, Richardson, Texas - File A-27446 - It was alleged that Mr. Abdulqader's Texas engineer license expired on March 31, 2001, and became non-renewable on March 31, 2003. However, during a review of his application to become re-licensed in Texas as a professional engineer, it was noted that he continued to perform engineering services and used his Texas engineer seal on plans and specifications for city projects after his Texas engineer license had expired, which was confirmed by his supervisor. The Board accepted a Consent Order signed by Mr. Abdulqader to cease and desist from the practice of engineering unless he is supervised by a Texas licensed professional engineer, from his use of his Texas engineer seal and from any other representation that he is a Texas licensed professional engineer until such time as he becomes re-licensed in Texas as a professional engineer. Mr. Abdulqader was also ordered to pay a \$500.00 administrative penalty.

Mr. R. Alan Shubert, P.E., El Paso, Texas - File E-27019 - It was alleged that Mr. Shubert identified himself as a professional engineer by using the designation "P.E." after his name on his business card as an employee of a political subdivision of the state of Texas. Investigation disclosed that Mr. Shubert was licensed as a professional engineer in another state; however, Board records showed that at the time Shubert used this business card, he was not licensed in Texas as a professional engineer. Although, Mr. Shubert became licensed in Texas as a professional engineer on March 8, 2004, it appears that his use of the designation "P.E." after his name prior to his licensure in Texas was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted a Consent Order signed by Mr. Shubert which ordered him to pay a \$250.00 administrative penalty.

Mr. R. L. "Dick" Sanders, Abilene, Texas - File E-27041 - It was alleged that Mr. Sanders identified himself as a professional engineer by using the designation "P.E." after his name on his business card for a private firm. Investigation did not produce any evidence that Mr. Sanders was licensed as a professional engineer in any state and Board records showed that Mr. Sanders is not now nor has he ever been licensed in Texas as a professional engineer. Therefore, it appears that his use of the designation "P.E." after his name was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted a Consent Order signed by Mr. Sanders to cease and desist from any and all representations that he can offer and/or perform engineering services in Texas, from using the designation "P.E." after his name or any and all representations that he is a Texas licensed professional engineer until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Sanders was also ordered to pay a \$1,170.00 administrative penalty.

Mr. Hyde Griffith, Pearland, Texas - File E-27333 - It was alleged that Mr. Griffith identified himself as a professional engineer by using the designation "P.E." after his name on his business card as an employee of a Texas university. Investigation disclosed that Mr. Griffith was licensed as a professional engineer in another state; however, Board records showed that at the time Mr. Griffith used this business card, he was not licensed in Texas as a professional engineer. Therefore, it appears that his use of the designation "P.E." after his name was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted a Consent Order signed by Mr. Griffith to cease and desist from any and all representations that he can offer and/or perform engineering services in Texas, from using the designation "P.E." after his name or any and all representations that he is a Texas licensed professional engineer until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Griffith was also ordered to pay a \$200.00 administrative penalty.

June 16, 2004 Board Meeting Disciplinary Actions

* Mr. Terrence Ortiz, P.E., Austin, Texas - File D-1309 - It was alleged that Mr. Ortiz as the structural engineer of record performed the design of cast-in-place suspended concrete beams and perimeter columns for school construction project. Due to a mathematical error or an omission of a load calculation by Mr. Ortiz, the concrete columns developed stress cracks during construction which necessitated repairs and led to cost overruns. Therefore, it appears that this error or omission, when measured by generally accepted engineering standards and procedures, indicated that Mr. Ortiz's engineering for this project was not performed in a competent manner. The Board accepted an Agreed Board Order signed by Mr. Ortiz for a three year probated suspension of his Texas engineer license contingent upon his payment of a \$3,000.00 administrative penalty.

Mr. Bhupendrakumar V. Patel, P.E., Irving, Texas - File D-1419 - It was alleged that an advertisement flyer prepared and issued by Mr. Patel appeared to represent an offer to seal electrical design drawings that may not have been prepared by him or under his direct supervision. It was further alleged, that Respondent failed to promptly respond to letters dated October 18, November 31 and December 31, 2002, from the Board questioning his advertisement. When Mr. Patel finally responded, it was confirmed that Mr. Patel had not actually participated in any "plan stamping" schemes; however, it appears that his advertisement could have created a misleading impression that his offer of this service was legal. It was also alleged that Mr. Patel's firm performed consulting engineering services during a period when it was not registered with the Board. The Board accepted an Agreed Board Order signed by Mr. Patel for a Formal Reprimand and assessed him a \$1,000.00 administrative penalty.

Mr. Sylvester J. Crooks, P.E., Premont, Texas - File D-27158 - It was alleged that Mr. Crooks signed and affixed his Texas engineer seal to ten WPI-2 forms that were submitted to the Texas Department of Insurance (TDI) certifying that multiple windstorm inspections were conducted by him or employees under his supervision. However, the individuals who performed the inspections were not Mr. Crooks' employees; therefore, it appears that the WPI-2 forms were misleading and Mr. Crooks signed and affixed his Texas engineer seal to documents that described engineering inspections that were not performed by him nor under his direct supervision. The Board accepted a Consent Order signed by Mr. Crooks for a Formal Reprimand and assessed him a \$1,680.00 administrative penalty.

Mr. James Vincent Ryan, Jr., P.E., Live Oak, Texas - File D-26897 - It was alleged that on September 19, 2003, Mr. Ryan performed a visual inspection of public works construction project and issued a written

report on letterhead under the heading "James V. Ryan, P.E. - Structural Engineer" bearing his signature and Texas engineer seal. Board records showed that Mr. Ryan's Texas engineer license expired on June 30, 2003, that he was employed by different consulting engineering firm and that his Texas engineer license was not renewed until February 6, 2004. Therefore, it appears that Mr. Ryan practiced engineering, identified himself as a professional engineer, used other "Engineer" titles and affixed his Texas engineer seal to a document during a period when his Texas engineer license was in an expired status. It also appears that Mr. Ryan failed to notify the Board of his change in employment when the change occurred. The Board accepted a Consent Order signed by Mr. Ryan for a Formal Reprimand and assessed him a \$560.00 administrative penalty.

Mr. Ramsey Bradbury dba Lawrence Engineering, Dallas, Texas - File B-16139 - It was alleged that Mr. Bradbury's use of the word "Engineering" in his business' name on its internet website, www.lawrenceengineering.com represents its ability to offer and perform engineering services for the public of Texas. Board records do not show any Texas licensed professional engineers employed by Mr. Bradbury's business nor that the business is registered with the Board. No productive steps were taken to effect voluntary compliance; therefore, it appears Mr. Bradbury's business name is an unlawful representation of its ability to offer and perform engineering services. The Board accepted a Consent Order signed by Mr. Bradbury to cease and desist from any offers to perform or the actual performance of engineering services and to delete the word "Engineering" from his business name and from its website until such time as the business hires a full-time employee who is licensed in Texas as a professional engineer and the business becomes registered with the Board. Mr. Bradbury was also ordered to pay a \$500.00 administrative penalty.

Mr. Gary Gene Olp, AIA, Dallas, Texas - File B-27010 - It was alleged that Mr. Olp altered original engineering design plans prepared by a Texas licensed professional engineer for a building construction project by affixing a notation requesting that bids be provided by contractors for wood framing and trusses to be used rather than the steel members designed by the professional engineer; thus, changing engineering specifications. These plans were subsequently submitted for permitting still bearing the original professional engineer's seal and signature. Board records do not show that Mr. Olp is licensed in Texas as a professional engineer; therefore, it appears that Mr. Olp's alterations represent engineering decisions and would constitute the unlawful practice of engineering. The Board accepted a Consent Order signed by Mr. Olp to cease and desist from the practice of engineering by making engineering decisions and by altering any design plans prepared by a Texas licensed professional engineer until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Olp was also ordered to pay a \$2,000.00 administrative penalty.

Wonderful Information & Control Systems, Inc., Spring, Texas - File F-26775 - It was alleged that this firm was originally incorporated as "Wonderful Engineering & Control Systems, Inc., and although it changed its name and deleted the word "Engineering", Mr. Michael C. Stoma, President, provided information that reflected the firm performed engineering services for the public of Texas. Board records do not show any Texas licensed professional engineers as full-time employees of the firm nor that the firm is registered with the Board. Therefore, it appears that the engineering services performed by this firm have been performed unlawfully. The Board accepted a Consent Order signed by Mr. Stoma to cease and desist from the performance of engineering services in Texas until such time as the firm hires a Texas licensed professional engineer as a full-time employee and becomes registered with the Board. The firm was also ordered to pay a \$2,000.00 administrative penalty.

Mr. Giovanni Occhipinti, Houston, Texas - File E-2811 - It was alleged that Mr. Occhipinti identified himself as a professional engineer by using the designation "P.Eng." after his name on his business card bearing the Texas address of the business CENTCO Environmental Services. Mr. Occhipinti is licensed in Canada as a professional engineer; however, Board records showed that he is not now nor has he ever been licensed in Texas as a professional engineer. Therefore, it appears that Mr. Occhipinti's use of the designation "P.Eng." after his name was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted an Agreed board Order signed by Mr. Occhipinti to cease and desist from any and all representations that he can offer or perform engineering in Texas and from using the designation "P.Eng." after his name or any and all representations that is a Texas licensed professional engineer until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Occhipinti was also ordered to pay a \$250.00 administrative penalty.

Mr. Jon Galle, Midland, Texas - File E-27077 - It was alleged that Mr. Galle identified himself as a "professional engineer" and used the designation "P.E." after his name on his resume showing his Texas address that was posted on a Monster Job internet website. Board records showed that Mr. Galle is not now nor has he ever been licensed in Texas as a professional engineer. Therefore, it appears that his use of the title "professional engineer" and the designation "P.E." after his name was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted a Consent Order signed by Mr. Galle to cease and desist from using the "professional engineer" title and the designation "P.E." after his name or any and all representations that he is a Texas licensed professional engineer until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Galle was also ordered to pay a \$1,500.00 administrative penalty.

The University of Texas Medical Branch, Galveston, Texas - File E-27094 - It was alleged that this entity identified Mr. Mark A. Hopper, an employee, as a professional engineer by using the designation "P.E." after his name on a business card. Board records did not show that Mr. Hopper has ever been licensed in Texas as a professional engineer; therefore, it appears that this entity's use of the designation "P.E." to identify Mr. Hopper on business cards was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted a Consent Order signed by Fred Williams, AIA, Director of Facilities Planning & Construction, to cease and desist from using the designation "P.E." to identify the entity's employees or any other representation that they are professional engineers in Texas until such time as the respective employee is duly licensed in Texas as a professional engineer. The entity was also ordered to pay a \$500.00 administrative penalty.

R. T. Wharton & Associates, Inc., Ontario, California - File B-27062 - It was alleged that between February 3, 2003 and April 8, 2004, this firm provided consulting engineering services for Texas projects. Board records did not show that this firm has registered with the Board and on February 2, 2004, this firm was notified of the potential firm registration violation; however, the firm did not submit its firm registration application until April 8, 2004. Therefore, the performance of the consulting engineering services in Texas was unlawful and the firm did not become registered within 30 days from the notice of the possible violation. The Board accepted a Consent Order signed by Mr. Ronald T. Wharton, P.E., which ordered the firm to pay a \$250.00 administrative penalty.

April 22, 2004 Board Meeting Disciplinary Actions

Mr. Victor Silvas Medina , P.E., Corpus Christi, Texas - Files D-1357 and D-1367 - It was alleged that Mr. Medina provided a letter to a building official indicating he was the engineer in charge of all inspections for a structure he listed as a commercial property and that he would ensure city and windstorm codes

would be met. Subsequently, the Texas Department of Insurance (TDI) received a complaint concerning the structure regarding a letter signed and sealed by Mr. Medina certifying that the structure was a residential structure and that construction complied with city and windstorm codes; however, the city believed codes were not being adhered to and an inspection by TDI inspectors disclosed that the structure was still under construction. Based upon the inspection, TDI requested that Mr. Medina provide additional information to demonstrate that the structure complied with the cited codes; but, Mr. Medina never responded to TDI's request. Therefore, it appears Mr. Medina's certification letter was misleading and his failure to provide TDI with the requested information was not in keeping with generally accepted engineering standards and procedures. It was also alleged that during a period when Mr. Medina's Texas engineer license was Suspended, he participated in 44 projects that required building permits, issued 89 plan sheets bearing his Texas engineer seal, used the designation "P.E." after his signature on 10 documents and issued 29 plan sheets under his firm name, Medina Engineering and Surveying, that were not signed or sealed. Therefore, it appears that Mr. Medina continued to perform engineering services while his Texas engineer license was Suspended and he continued to use "Engineering" in his company name while his firm did not employ a Texas licensed professional engineer whose license was in good standing with the Board. The Board accepted an Agreed Final Order signed by Mr. Medina for a four year suspension of his Texas engineer license.

Mr. Olen Ray Long, P.E., Celina, Texas - File B-16198 - It was alleged that Mr. Long's original Texas engineer license expired on March 31, 1988, and was not renewed; thus, it became non-renewable on March 31, 1990; however, on June 6, 2003, Mr. Long affixed his Texas engineer seal to a report bearing his company name "Long Engineering" and signed the report with the designation "P.E." after his name. Board records also showed that his firm was not registered with the Board. Although, Mr. Long became re-licensed in Texas as a professional engineer on January 14, 2004, and his firm became registered, it appears that his practice of engineering and his identification as being a registered professional engineer in connection with the June 6, 2003 letter was unlawful. The Board accepted a Consent Order signed by Mr. Long assessing him a \$3,740.00 administrative penalty.

Atraco, Inc., dba Engineering Mechanics Company, Houston, Texas - File B-16208 - It was alleged that this firm did not submit its application to become registered with the Board until on or about December 1, 2003. However, since January 1, 2002, this firm has represented the ability to offer and perform engineering services through its listing under the Engineers-Professional" heading in the October 2002 Houston classified telephone directory and actually performed consulting engineering services when it was not registered with the Board. The Board accepted a Consent Order signed by Mr. Michael A. Freeman, P.E., which ordered the firm to pay a \$250.00 administrative penalty.

January 15, 2004 Board Meeting Disciplinary Actions

Mr. Gene Ganesh Karkal, P.E., San Antonio, Texas - File D-1370 - It was alleged that Mr. Karkal signed his name and affixed his Texas engineer seal to steel structural design plans for a nursery greenhouse which had a structural failure during construction and signed a letter submitted to a public entity to obtain a certificate of occupancy stating he was the engineer of record for the project, had prepared the original design and had inspected the construction work. It was also alleged that since the predominate amount of engineering experience and education at the time Mr. Karkal became licensed as a professional engineer in Texas was mechanical engineering, he was not competent to perform structural engineering. Investigation disclosed that Mr. Karkal had not prepared the design plans, was not the engineer of record nor had he inspected the construction project. Therefore, it appears that Mr. Karkal signed his name and affixed his Texas engineer seal to documents containing engineering work he was not

competent to perform, that he did not personally perform the engineering design depicted on the plans, nor were they prepared under his direct supervision. It also appears that the certificate of occupancy letter contained false, deceitful, fraudulent and misleading information. The Board accepted an Agreed Board Order signed by Mr. Karkal for a five year suspension of his Texas engineer license and the assessment of a \$5,000.00 administrative penalty.

Mr. Michael Diaz, P.E., League City, Texas - File D-1435 - It was alleged that on September 12, 2000, Mr. Diaz signed and affixed his Texas engineer seal to a WPI-1 form for a home owner that was submitted to the Texas Department of Insurance (TDI) certifying he would perform windstorm inspections for construction of a residence. As a result, TDI inspected the property and noted that construction methods did not comply with the prescriptive provisions of the windstorm code. TDI notified Mr. Diaz of the deficiencies and informed him of the need to submit plans, calculations and inspection reports to TDI to confirm compliance prior to the submittal of a WPI-2 for the project. However, Mr. Diaz failed to respond to TDI's concerns and thus, a Certificate of Compliance needed for the home owner to obtain windstorm insurance, was never issued. Therefore, it appears Mr. Diaz was not a faithful agent of his client and did not meet the practice requirements of state statutes and codes which is contrary to generally accepted engineering standards and procedures. The Board accepted a Consent Order signed by Mr. Diaz for a one year probated suspension of his Texas engineer license contingent upon his payment of a \$1,500.00 administrative penalty.

Mr. Horace Hooper, Everman, Texas - File B-16200 - It was alleged that Mr. Hooper prepared site and structural design plans bearing his Texas Interior Designer seal for a church project. Based upon the size of the church, these design plans would have had to have been prepared by a Texas licensed professional engineer. Board records show that Mr. Hooper is not now nor has he ever been licensed in Texas as a professional engineer. Therefore, Mr. Hooper's preparation of these design plans constitute the unlawful practice of engineering. The Board accepted a Consent Order signed by Mr. Hooper to cease and desist from the practice of engineering and from any and all representations that he can offer and/or perform engineering services in Texas until such time as he becomes duly licensed in Texas as a professional engineer. Mr. Hooper was also ordered to pay a \$600.00 administrative penalty.

Interra Hydro, Inc., Wichita Falls, Texas - File B-16256 - It was alleged that this firm submitted a proposal to a city in response to a Request for Proposal for professional engineering services. The firm's proposal also identified one of its employees, Mr. Walter B. Collins, as a professional engineer by using the designation "P.E." after his name. Board records did not show any Texas licensed professional engineers having claimed association with this firm nor that Mr. Collins was licensed in Texas as a professional engineer. Therefore, firm's the proposal was an unlawful representation that it had the ability to offer and/or perform engineering services in Texas and that Mr. Collins was a Texas licensed professional engineer. The Board accepted a Consent Order signed by Mr. Brian P. Duffy, President of the firm, to cease and desist from offering to perform and the actual performance of engineering in Texas until such time as the firm hires a Texas licensed professional engineer as a regular-full time employee and the firm is registered with the Board; and to also cease and desist from using the designation "P.E." or other professional engineer titles to identify its employees in Texas until such time as they become licensed in Texas as professional engineers. The firm was also ordered to pay a \$500.00 administrative penalty.

Luminator, Plano, Texas - File E-2842 - It was alleged that this firm identified Mr. John Gunter, an employee, as a professional engineer by using the designation "P.E." after his name on a business card. Board records did not show that Mr. Gunter has ever been licensed in Texas as a professional engineer; therefore, it appears that this firm's use of the designation "P.E." to identify Mr. Gunter on business

cards was an unlawful representation that he was licensed in Texas as a professional engineer. The Board accepted a Consent Order signed by Ms. Denise Boyd, Manager of Human Resources for the firm, to cease and desist from using the designation "P.E." or any other "Engineer" title not authorized by law to identify any of its employees in Texas until such time as the respective employee is duly licensed in Texas as a professional engineer. The firm was also ordered to pay a \$100.00 administrative penalty.

R. W. Pipeline Services, Inc., Corpus Christi, Texas - File B-15900 - It was alleged that this firm did not become registered with the Board until March 14, 2003. However, since November 2002, this firm has represented the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the April 2002 Corpus Christi Bay Area classified telephone directory and had actually performed consulting engineering services during a period when it was not registered with the Board. The Board accepted a Consent Order signed by Mr. Raymond A. Welch, P.E., which ordered the firm to pay a \$250.00 administrative penalty.

Lemus & Associates, L.L.C., Bellaire, Texas - File B-16188 - It was alleged that this firm did not become registered with the Board until September 22, 2003. However, since September 27, 2002, this firm has performed consulting engineering services during a period when it was not registered with the Board. The Board accepted a Consent Order signed by Mr. Luis Lemus, Jr., P.E., which ordered the firm to pay a \$250.00 administrative penalty.

Paton Controls (US), Inc., Baytown, Texas - File B-16231 - It was alleged that this firm did not become registered with the Board until September 13, 2003. However, since August 7, 2002, this firm has represented the ability to offer and perform engineering services through its listing under the "Engineers-Control Systems" heading in the July 2003 Baytown Regional classified telephone directory and had actually performed consulting engineering services during a period when it was not registered with the Board. The Board accepted a Consent Order signed by Mr. Jeffrey D. Markovich which ordered the firm to pay a \$250.00 administrative penalty.

Kalsi Engineering, Inc., Sugar Land, Texas - File B-16238 - It was alleged that this firm did not become registered with the Board until October 27, 2003. However, since July 31, 2002, this firm has represented the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the October 2002 Houston classified telephone directory and had actually performed consulting engineering services during a period when it was not registered with the Board. The Board accepted a Consent Order signed by Mr. M. S. Kalsi, Ph.D., P.E., which ordered the firm to pay a \$250.00 administrative penalty.

Klak Engineering, Houston, Texas - File B-16240 - It was alleged that this firm did not become registered with the Board until October 6, 2003. However, since July 31, 2002, this firm has represented the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the October 2002 Houston classified telephone directory and had actually performed consulting engineering services during a period when it was not registered with the Board. The Board accepted a Consent Order signed by Mr. Steven P. Klak, P.E., which ordered the firm to pay a \$250.00 administrative penalty.

Lamba Engineering, Houston, Texas - File B-16252 - It was alleged that this firm did not submit its application to become registered with the Board until on or about October 16, 2003. However, since August 7, 2002, this firm has represented the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the October 2002 Houston classified telephone

directory during a period when it was not registered with the Board. The Board accepted a Consent Order signed by Mr. Seyed M. Alavi, P.E., which ordered the firm to pay a \$100.00 administrative penalty.

Borsig Technologies, Incorporated dba Knighthawk Engineering, Houston, Texas - File B-16253 - It was alleged that this firm's registration expired on September 30, 2002, and was not renewed until September 8, 2003. However, during the expired period, this firm continued to represent the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the October 2002 Houston classified telephone directory and had actually performed consulting engineering services during a period when it did not have a current firm registration. The Board accepted a Consent Order signed by Mr. Kevin Sicking which ordered the firm to pay a \$500.00 administrative penalty.

Sigma Engineering Services, Houston, Texas - File B-16259 - It was alleged that this firm did not become registered with the Board until September 12, 2003. However, since August 14, 2002, this firm has represented the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the October 2002 Houston classified telephone directory and had actually performed consulting engineering services during a period when it was not registered with the Board. The Board accepted a Consent Order signed by Mr. Ahmed M. Abu-Shaaban, P.E., which ordered the firm to pay a \$250.00 administrative penalty.

Turk Engineering Corp., Houston, Texas - File B-16270 - It was alleged that this firm did not become registered with the Board until October 14, 2003. However, since August 2002, this firm has represented the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the October 2002 Houston classified telephone directory and had actually performed consulting engineering services during a period when it was not registered with the Board. The Board accepted a Consent Order signed by Ms. Jo Ann Turk, P.E., which ordered the firm to pay a \$250.00 administrative penalty.

Packer Engineering, Inc., Naperville, Illinois - File B-26709 - It was alleged that this firm did not submit its application to become registered with the Board until October 22, 2003. However, since September 12, 2002, this firm has represented the ability to offer and perform engineering services through its internet website advertisement at www.packerengineering.com showing an address of Packer Engineering, Inc. in Texas and had actually performed consulting engineering services during a period when it was not registered with the Board. The Board accepted a Consent Order signed by Dr. Kenneth F. Packer, P.E., which ordered the firm to pay a \$250.00 administrative penalty.

Westfield Engineering & Services, Inc., Houston, Texas - File B-26734 - It was alleged that this firm did not become registered with the Board until on or about November 14, 2003. However, since October 2002, this firm has represented the ability to offer and perform engineering services through its listing under the "Engineers-Professional" heading in the October 2002 Houston classified telephone directory during a period when it was not registered with the Board. The Board accepted a Consent Order signed by Mr. Ulhas Sardesai, P.E., which ordered the firm to pay a \$100.00 administrative penalty.

* Indicates individuals who either agreed to complete a correspondence course in engineering ethics as part of closure of the case, or as a contingency requirement for probation.