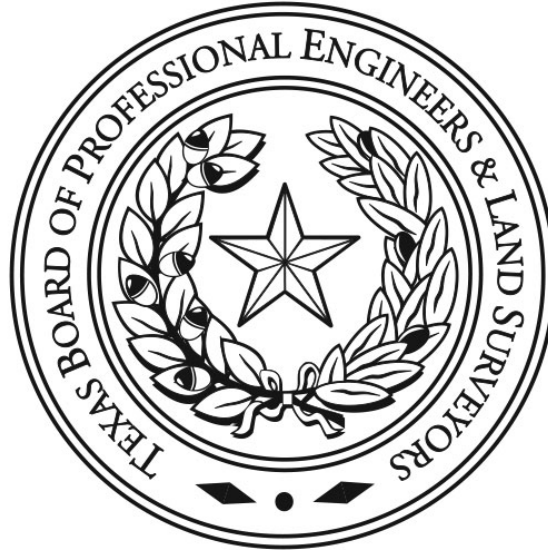


THE STATE OF TEXAS

TEXAS ENGINEERING AND LAND SURVEYING PRACTICE ACTS AND RULES CONCERNING PRACTICE AND LICENSURE



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Lines to the left of the text indicate rules which have changed since the last publication was released on February 2, 2021. Changes to tables are indicated with a gray background.

This statute and rule handbook is intended as a reference document only and all official statutes and rules are located at the links below:

Official statute text available at:

<https://statutes.capitol.texas.gov/Docs/OC/htm/OC.1001.htm>

<https://statutes.capitol.texas.gov/Docs/OC/htm/OC.1071.htm>

Official Rules in Texas Administrative Code available at:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=3&ti=22&pt=6](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=3&ti=22&pt=6)

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(b) A person not licensed by the board shall not use, cause to be used, affix, or cause to be affixed or in any other manner, regardless of the means, attach or in any way depict an engineering seal or a representation of an engineering seal without the express permission of the currently active licensee.

Source Note: The provisions of this §137.37 adopted to be effective May 20, 2004, 29 TexReg 4878; amended to be effective April 27, 2008, 33 TexReg 3267; amended to be effective December 25, 2012, 37 TexReg 9933; amended to be effective December 11, 2016, 41 TexReg 9705

SUBCHAPTER C: PROFESSIONAL CONDUCT AND ETHICS

§137.51 GENERAL PRACTICE

(a) In order to safeguard, life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the rules relating to professional conduct in this title shall be binding on every person holding a license authorized to offer or perform engineering services in Texas.

(b) License holders having knowledge of any alleged violation of the Act and/or board rules shall cooperate with the board in furnishing such information or assistance as may be required.

(c) A license holder shall respond to the board in writing to all written requests for information regarding all inquiries under the jurisdiction of the board within 21 days of receipt or by the date specified in board correspondence. A license holder shall fully comply with final decisions and orders of the board. Failure to comply with these matters will constitute a separate offense of misconduct and will subject the license holder to any of the penalties provided under §1001.451(2), (3), or (4) and §1001.502 of the Act.

(d) Any license holder who directly or indirectly enters into any contract, arrangement, plan, or scheme with any person, firm, partnership, association, or corporation or other business entity which in any manner results in a violation of §137.77 of this title (relating to Firm Registration Compliance) shall be subject to legal and disciplinary actions available to the board. Professional engineers shall perform or directly supervise the engineering work of any subordinates as characterized in §131.81(10) of this title (relating to Definitions). Under no circumstances shall engineers work in a part-time arrangement with a firm not otherwise in full compliance with §137.77 of this chapter (relating to Firm Registration Compliance) in a manner that could enable such firm to offer or perform professional engineering services.

(e) A licensed professional engineer may offer or perform engineering services on a full or part-time basis as a firm (including a sole practitioner) or other business entity if registered pursuant to the requirements of Chapter 135 of this title (Relating to Firm Registration).

Source Note: The provisions of this §137.51 adopted to be effective May 20, 2004, 29 TexReg 4878; amended to be effective September 4, 2006, 31 TexReg 7124; amended to be effective December 10, 2006, 31 TexReg 9833; amended to be effective December 21, 2008, 33 TexReg 10176; amended to be effective December 11, 2011, 36 TexReg 8376

§137.53 ENGINEER STANDARDS OF COMPLIANCE WITH PROFESSIONAL SERVICES PROCUREMENT ACT

(a) A licensed engineer shall not submit or request, orally or in writing, a competitive bid to perform professional engineering services for a governmental entity unless specifically authorized by state law and shall report to the board any requests from governmental entities and/or their representatives that request a bid or cost and/or pricing information or any other information from which pricing or cost can be derived prior to selection based on demonstrated competence and qualifications to perform the services.

(b) For the purposes of this section, competitive bidding to perform engineering services includes, but is not limited to, the submission of any monetary cost information in the initial step of selecting qualified engineers. Cost information or other information from which cost can be derived must not be submitted until the second step of negotiating a contract at a fair and reasonable cost.

(c) This section does not prohibit competitive bidding in the private sector.

Source Note: The provisions of this §137.53 adopted to be effective May 20, 2004, 29 TexReg 4878; amended to be effective June 4, 2007, 32 TexReg 2996

§137.55 ENGINEERS SHALL PROTECT THE PUBLIC

(a) Engineers shall be entrusted to protect the health, safety, property, and welfare of the public in the practice of their profession. The public as used in this section and other rules is defined as any individual(s), client(s), business or public entities, or any member of the general population whose normal course of life might reasonably include an interaction of any sort with the engineering work of the license holder.

(b) Engineers shall not perform any engineering function which, when measured by generally accepted engineering standards or procedures, is reasonably likely to result in the endangerment of lives, health, safety, property, or welfare of the public. Any act or conduct which constitutes incompetence or gross negligence, or a criminal violation of law, constitutes misconduct and shall be censurable by the board.

(c) Engineers shall first notify involved parties 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 to proper civil or criminal authorities.

(d) Engineers should strive to adequately examine the environmental impact of their actions and projects, including the prudent use and conservation of resources and energy, in order to make informed recommendations and decisions.

Source Note: The provisions of this §137.55 adopted to be effective May 20, 2004, 29 TexReg 4878

§137.57 ENGINEERS SHALL BE OBJECTIVE AND TRUTHFUL

(a) Engineers shall issue statements only in an objective and truthful manner. The issuance of oral or written assertions in the practice of engineering shall not be:

- (1) fraudulent;
- (2) deceitful; or
- (3) misleading or shall not in any manner whatsoever tend to create a misleading impression.

(b) Engineers should strive to make affected parties aware of the engineers' professional concerns regarding particular actions or projects, and of the consequences of engineering decisions or judgments that are overruled or disregarded.

(c) The engineer shall disclose a potential conflict of interest to a potential or current client or employer upon discovery of the possible conflict.

(d) A potential conflict of interest exists when an engineer accepts employment when a reasonable probability exists that the engineer's own financial, business, property, or personal interests may affect any professional judgment, decisions, or practices exercised on behalf of the client or employer. An engineer may accept such an employment only if all parties involved in the potential conflict of interest are fully informed in writing and the client or employer confirms the knowledge of the potential conflict in writing. An engineer in a potential conflict of interest employment shall maintain the interests of the client and other parties as provided by §137.61 of this title (relating to Engineers Shall Maintain Confidentiality of Clients) and other rules and statutes.

Source Note: The provisions of this §137.57 adopted to be effective May 20, 2004, 29 TexReg 4878; amended to be effective September 4, 2006, 31 TexReg 7124; amended to be effective December 21, 2008, 33 TexReg 10176; amended to be effective March 15, 2018, 43 TexReg 1441

§137.59 ENGINEERS' ACTIONS SHALL BE COMPETENT

(a) Engineers shall practice only in their areas of competence.

(b) The engineer shall not perform any engineering assignment for which the engineer is not qualified by education or experience to perform adequately and competently. However, an engineer may accept an assignment which includes phases outside of the engineer's area of competence if those other phases are performed by qualified licensed professionals, consultants, associates, or employees.

(c) The engineer shall not express an engineering opinion in deposition or before a court, administrative agency, 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. Engineering opinions which are rendered as expert testimony and contain quantitative values shall be supported by adequate modeling or analysis of the phenomena described.

Source Note: The provisions of this §137.59 adopted to be effective May 20, 2004, 29 TexReg 4878; amended to be effective September 4, 2006, 31 TexReg 7124

§137.61 ENGINEERS SHALL MAINTAIN CONFIDENTIALITY OF CLIENTS

(a) The engineer may reveal confidences and private information only with a fully informed client's or employer's consent, or when required by law or court order; or when those confidences, if left undisclosed, would constitute a threat to the health, safety or welfare of the public.

(b) The engineer shall not use a confidence or private information regarding a client or employer to the disadvantage of such client or employer or for the advantage of a third party.

(c) The engineer shall exercise reasonable care to prevent unauthorized disclosure or use of private information or confidences concerning a client or employer by the engineer's employees and associates.

Source Note: The provisions of this §137.61 adopted to be effective May 20, 2004, 29 TexReg 4878

§137.63 ENGINEERS' RESPONSIBILITY TO THE PROFESSION

(a) Engineers shall engage in professional and business activities related to the practice of engineering in an honest and ethical manner.

(b) The engineer must:

(1) meet all of the applicable professional practice requirements of federal, state and local statutes, codes, regulations, rules, ordinances or standards in the performance of engineering services;

(2) exercise reasonable care or diligence to prevent the engineer's partners, associates, and employees from engaging in conduct which, if done by the engineer, would violate any provision of the Texas Engineering Practice Act, general board rule, or any of the professional practice requirements of federal, state and local statutes, codes, regulations, rules or ordinances in the performance of engineering services;

(3) exercise reasonable care to prevent the association of the engineer's name, professional identification, seal, firm or business name in connection with any venture or enterprise which the engineer knows, or should have known, is engaging in trade, business or professional practices of a fraudulent, deceitful, or dishonest nature, or any action which violates any provision of the Texas Engineering Practice Act or board rules.

(4) act as faithful agent for their employers or clients;

(5) conduct engineering and related business affairs in a professional manner in interactions with involved parties and employees. Unprofessional conduct may include, but is not limited to, misrepresentation in billing; sale and/or performance of unnecessary work; or conduct that harasses or intimidates another party; and

(6) practice engineering in a careful and diligent manner.

(c) The engineer shall not:

(1) aid or abet, directly or indirectly, any unlicensed person or business entity in the unlawful practice of engineering;

(2) maliciously injure or attempt to injure or damage the personal or professional reputation of another by any means. This does not preclude an engineer from giving a frank but private appraisal of engineers or other persons or firms when requested by a client or prospective employer;

(3) retaliate against a person who provides reference material for an application for a license or who in good faith attempts to bring forward an allegation of wrongdoing;

(4) give, offer or promise to pay or deliver, directly or indirectly, any commission, gift, favor, gratuity, benefit, or reward as an inducement to secure any specific engineering work or assignment;

(5) accept compensation or benefits from more than one party for services pertaining to the same project or assignment; or

(6) solicit professional employment in any false or misleading advertising.

(d) Engineers should strive to promote responsibility, commitment, and ethics both in the education and practice phases of engineering. They should attempt to enhance society's awareness of engineers' responsibilities to the public and encourage the communication of these principles of ethical conduct among engineers.

Source Note: The provisions of this §137.63 adopted to be effective May 20, 2004, 29 TexReg 4878; amended to be effective September 4, 2006, 31 TexReg 7124; amended to be effective December 21, 2008, 33 TexReg 10177; amended to be effective December 11, 2016, 41 TexReg 9705; amended to be effective March 15, 2018, 43 TexReg 1441; amended to be effective December 24, 2020, 45 TexReg 9205

§137.65 ACTION IN ANOTHER JURISDICTION

- (a) The engineer shall not practice or offer to practice engineering in any other jurisdiction in violation of the laws regulating the practice of professional engineering in that jurisdiction. A finding by such jurisdiction of illegal practice or offer to practice is misconduct and will subject the engineer to disciplinary action in Texas.
- (b) Any disciplinary actions taken by another jurisdiction on a matter which would constitute a violation of the Texas Engineering Practice Act or board rules shall be sufficient cause for disciplinary action by this board. A certified copy of the board Order or Final Action from another jurisdiction shall be sufficient evidence to take disciplinary action in this state.
- (c) Any complaint, referral or report that a Texas licensed professional engineer performing engineering related to Texas Occupations Code, §1001.068 in another state may be subject to disciplinary action by this board, if after investigation it is determined that the engineering work done in that other state was inadequate, deficient, incorrect or violated that state's law or rules regarding the practice of engineering.

Source Note: The provisions of this §137.65 adopted to be effective May 20, 2004, 29 TexReg 4878; amended to be effective December 25, 2012, 37 TexReg 9933

SUBCHAPTER D: FIRM AND GOVERNMENTAL ENTITY COMPLIANCE

§137.71 FIRM NAMES

Pursuant to §1001.405(e), a business entity that is not registered with the board may not represent to the public by way of letters, signs, or symbols as a part of any sign, directory, listing, contract, document, pamphlet, stationery, advertisement, signature, or business name that it is engaged in the practice of engineering by using the terms:

- (1) "engineer,"
- (2) "engineering,"
- (3) "engineering services,"
- (4) "engineering company,"
- (5) "engineering, inc.,"
- (6) "professional engineers,"
- (7) "licensed engineer,"
- (8) "registered engineer,"
- (9) "licensed professional engineer,"
- (10) "registered professional engineer,"
- (11) "engineered," or
- (12) any abbreviation or variation of those terms listed in (1)-(11) above, or directly or indirectly use or cause to be used any of those terms in combination with other words.

Source Note: The provisions of this §137.71 adopted to be effective May 20, 2004, 29 TexReg 4878; amended to be effective December 21, 2008, 33 TexReg 10177

§137.73 FIRM RECORD MODIFICATIONS

- (a) Each registered firm shall notify the board in writing not later than 30 days after a change in the business entity's:
- (1) physical or mailing address, electronic mail address, telephone or facsimile number or other contact information;
 - (2) officers or directors;
 - (3) employment status of the professional engineers of the firm;
 - (4) operation including dissolution of the firm or that the firm no longer offers to provide or is not providing engineering services to the public in Texas; or
 - (5) operation including addition or dissolution of branch and/or subsidiary offices.
- (b) Notice shall include, as applicable, the:
- (1) full legal trade or business name entity,
 - (2) the firm registration number,
 - (3) telephone number of the business office,
 - (4) name and license number of the license holder employed or leaving the entity,
 - (5) description of the change, and
 - (6) effective date of this change.

Source Note: The provisions of this §137.73 adopted to be effective May 20, 2004, 29 TexReg 4878; amended to be effective February 24, 2005, 30 TexReg 847; amended to be effective December 21, 2008, 33 TexReg 10177

§137.75 REGISTRATION RENEWAL AND EXPIRATION

- (a) The certificate of registration shall be valid until the last day of the twelfth month following the date of issuance of the certificate of registration. At least one month in advance of the date of the expiration, the board shall notify each firm holding a certificate of registration of the date of the expiration and the amount of the fee that shall be required for its renewal for one year. The renewal notice shall be mailed to the last address provided by the firm to the board. The certificate of registration may be renewed by completing the renewal application and paying the annual registration renewal fee set by the board. It is the sole responsibility of the firm to pay the required renewal fee prior to the expiration date, regardless of whether the renewal notice is received.
- (b) A certificate of registration which has been expired for less than one year may be renewed by completing the renewal statement sent by the board and payment of two (2) times the normal renewal fee. When renewing an expired certificate of registration, the authorized official of the firm shall submit a written statement of whether engineering services were offered, pending, or performed for the public in Texas during the time the certificate of registration was expired.

(c) If a certificate of registration has been expired for more than one year, the firm must re-apply for certification under the laws and rules in effect at the time of the new application and shall be issued a new certificate of registration serial number if the new application is approved.

(d) The renewal fee will not be refunded.

Source Note: The provisions of this §137.75 adopted to be effective May 20, 2004, 29 TexReg 4878

§137.77 FIRM REGISTRATION COMPLIANCE

(a) Any firm or other business entity shall not offer or perform engineering services to the public unless registered with the board pursuant to the requirements of Chapter 135 of this title (relating to Firm Registration).

(b) A firm shall provide that at least one full-time active license holder is employed with the entity and that the active license holder performs or directly supervises all engineering work and activities that require a license that is performed in the primary, branch, remote, or project office(s).

(c) An active license holder who is a sole practitioner shall satisfy the requirement of the regular, full-time employee.

(d) No engineering services are to be offered to or performed for the public in Texas by a firm while that firm does not have a current certificate of registration.

(e) A business entity that offers or is engaged in the practice of engineering in Texas and is not registered with the board or has previously been registered with the board and whose registration has expired shall be considered to be in violation of the Act and board rules and will be subject to administrative penalties as set forth in §§1001.501 - 1001.508 of the Act and §139.35 of this title (relating to Sanctions and Penalties).

(f) The board may revoke a certificate of registration that was obtained in violation of the Act and/or board rules including, but not limited to, fraudulent or misleading information submitted in the application or lack of employee relationship with the designated professional engineer for the firm.

(g) If a firm has notified the board that it is no longer offering or performing engineer services to the public, including the absence of a regular, full-time employee who is an active professional engineer licensed in Texas, the certificate of registration record will be placed in inactive status until the board is notified of resumed offering and services. If firm certificate of registration is inactive, the certificate of registration will expire under the same requirements of subsection (e) of this section unless renewed.

(h) All engineering documents released, issued, or submitted by or for a registered engineering firm, including preliminary documents, must clearly indicate the firm name and registration number.

(i) A firm registered under Chapter 135 of this title may voluntarily surrender the registration by submitting a request in writing provided that the firm:

(1) is in good standing; and

(2) does not have an enforcement case pending before the board.

(j) A firm registration that has been voluntarily surrendered may not be renewed. A firm which has voluntarily surrendered a registration may apply for a new registration.

Source Note: The provisions of this §137.77 adopted to be effective May 20, 2004, 29 TexReg 4878; amended to be effective January 1, 2006, 30 TexReg 8688; amended to be effective June 20, 2006, 31 TexReg 4862; amended to be effective December 10, 2006, 31 TexReg 9833; amended to be effective December 21, 2008, 33 TexReg 10178; amended to be effective June 13, 2010, 35 TexReg 4716

§137.79 STANDARDS FOR COMPLIANCE WITH PROFESSIONAL SERVICES PROCUREMENT ACT

When procuring professional engineering services, a governmental entity and/or its representative(s) shall comply with the requirements of Subchapter A, Chapter 2254, Texas Government Code and shall select and award on the basis of demonstrated competence and qualifications to perform the services for a fair and reasonable price and shall not select services or award contracts on the basis of competitive bidding.

Source Note: The provisions of this §137.79 adopted to be effective May 20, 2004, 29 TexReg 4878; amended to be effective December 21, 2008, 33 TexReg 10178

CHAPTER 138: COMPLIANCE AND PROFESSIONALISM FOR SURVEYORS

SUBCHAPTER A: INDIVIDUAL AND SURVEYOR COMPLIANCE

§138.1 LICENSE HOLDER DESIGNATIONS

(a) Pursuant to §1071.002 and §1071.251 of the Surveying Act, a Registered Professional Land Surveyor may use the following terms when representing himself or herself to the public:

(1) "registered professional land surveyor";

(2) "registered land surveyor";

(3) "registered surveyor";

(4) "professional land surveyor";

(5) "professional surveyor"; or

(6) any combination of words with or variation of the terms listed in paragraphs (1) - (5) of this subsection.

(b) Pursuant to §1071.002 and §1071.251 of the Surveying Act, a Licensed State Land Surveyor may use the following terms when representing himself or herself to the public:

(1) "licensed state land surveyor"; or

(2) "licensed state surveyor".

(c) Certificates, seals, and other official documentation showing earlier terminology shall be considered valid for all purposes.

(d) License holders who have placed their license in an inactive status pursuant to §138.13 of this chapter (relating to Inactive Status) may use the terms in subsections (a) or (b) of this section but must include the term "inactive" or "retired" in conjunction with the designation.

Source Note: The provisions of this §138.1 adopted to be effective December 24, 2020, 45 TexReg 9206

§139.31 ENFORCEMENT ACTIONS FOR VIOLATIONS OF THE ACT OR BOARD RULES

(a) Under the authority and provisions of the Engineering Act and the Land Surveying Act, the board shall take action against a person or entity, upon determination that censure is warranted, for a violation of the Acts and/or board rules. An action may be composed of one or more of the following:

- (1) revocation of a license or registration;
- (2) suspension of a license or registration;
- (3) probation of a suspended license or registration;
- (4) refusal to renew a license or registration;
- (5) issuance of a formal or informal reprimand;
- (6) cease and desist order;
- (7) voluntary compliance agreement;
- (8) emergency suspension; or
- (9) assessment of an administrative penalty.

(b) All actions issued by the board will take the form of a Board Order and shall be permanently recorded and made available upon request as public information. Except for an informal reprimand, all enforcement actions shall be published in the board newsletter and on the board website, may be issued in a press release, and shall be transmitted to the National Council of Examiners for Engineering and Surveying.

(c) The respondent shall be afforded an opportunity to present rebuttals, arguments, and evidence prior to the initiation of disciplinary proceedings. If a respondent does not respond, the board may proceed with a contested case hearing at the State Office of Administrative Hearings.

Source Note: The provisions of this §139.31 adopted to be effective May 20, 2004, 29 TexReg 4882; amended to be effective December 10, 2006, 31 TexReg 9833; amended to be effective December 21, 2008, 33 TexReg 10181; amended to be effective December 17, 2013, 38 TexReg 9047; amended to be effective December 11, 2016, 41 TexReg 9706; amended to be effective December 25, 2020, 45 TexReg 9206

§139.33 INFORMAL SETTLEMENT CONFERENCES

If, after evaluation of the respondent's response a violation appears evident, the executive director shall initiate enforcement action. Before proceeding with the formal contested case hearing process, the respondent shall have an opportunity to resolve the allegations informally.

- (1) The executive director may also offer the respondent a Consent Order that will be presented to the board for acceptance or rejection. If the respondent declines such an offer, or if the board rejects it, the procedures in paragraphs (2) or (3) of this section will be followed.
- (2) The respondent may request an informal settlement conference to present additional evidence and discuss details of the allegation. Upon receipt of such a request the executive director shall schedule a conference at the board office or other location, and shall appoint an informal settlement conference committee composed of one board member or board representative, the executive director or executive director's designee, and legal counsel; the committee may meet and act provided that no more than one committee member is absent. Other persons designated by the respondent or the executive director may be present as resources or as legal counsel to respondent. The informal settlement conference committee shall hear the details of the allegations and shall recommend:
 - (A) dismissal;
 - (B) a proposal for an Agreed Board Order for disciplinary actions that will be presented to the board for acceptance or rejection; or
 - (C) scheduling of a formal hearing.
- (3) Any board action under this subsection which is not informally disposed by Agreed or Consent Order, will be considered a contested case and will be handled in accordance with applicable law and board rules.

Source Note: The provisions of this §139.33 adopted to be effective May 20, 2004, 29 TexReg 4882; amended to be effective December 21, 2008, 33 TexReg 10181; amended to be effective December 25, 2020, 5 TexReg 9206

§139.35 SANCTIONS AND PENALTIES - ENGINEERING

(a) The board, the executive director, an administrative law judge, and the participants in an informal settlement conference may arrive at a greater or lesser sanction than suggested in these rules. The minimum administrative penalty shall be \$100 per violation. Pursuant to §1001.502(a) of the Act, the maximum administrative penalty shall be \$5,000.00 per violation of Chapter 1001 or a rule adopted or order issued under that chapter. Each day a violation continues or occurs is considered a separate violation for the purpose of assessing an administrative penalty. Allegations and disciplinary actions will be set forth in the final board order and the severity of the disciplinary action will be based on the following factors:

- (1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the prohibited act and 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.

(b) The following is a table of suggested sanctions the board may impose against license holders for specific violations of the Act or board rules. NOTE: In consideration of subsection (a)(1) - (6) of this section, the sanction issued could be less than or greater than the suggested sanctions shown in the following table. Also, for those suggested sanctions that list "suspension", all or any portion of the sanction could be probated depending on the severity of each violation and the specific case evidence.

Figure: 22 TAC §139.35(b):

CLASSIFICATION	VIOLATION	CITATION	SUGGESTED SANCTIONS
Engineering Misconduct	Gross negligence	§137.55(a), (b)	Revocation / \$5,000.00
	Failure to exercise care and diligence in the practice of engineering	§§137.55(b), 137.63(b)(6)	1 year suspension / \$2,500.00
	Incompetence; includes performing work outside area of expertise	§137.59(a), (b)	3 year suspension / \$5,000.00
	Misdemeanor or felony conviction without incarceration relating to duties and responsibilities as a professional engineer	§139.43(b)	3 year suspension / \$5,000.00
	Felony conviction with incarceration	§ 139.43(a)	Revocation / \$5,000.00
Licensing	Fraud or deceit in obtaining a license	§§1001.452(2) 1001.453	Revocation/\$5,000.00
	Retaliation against a reference	§137.63(c)(3)	1 year suspension/\$2,500.00
	Enter into a business relationship which is in violation of 137.77 (Firm Compliance)	§137.51(d)	1 year suspension / \$1,500.00
Ethics Violations	Failure to engage in professional and business activities related to the practice of engineering in an honest and ethical manner	§137.63(a)	2 year suspension / \$4,000.00
	Failure to design a structure associated with windstorm insurance that complies with cited windstorm code design criteria	137.63(b)(1)	1 year suspension / \$3,000.00
	Misrepresentation; issuing oral or written assertions in the practice of engineering that are fraudulent or deceitful	§§137.57(a)	2 year suspension / \$4,000.00
	Misrepresentation; issuing oral or written assertions in the practice of engineering that are misleading	§§137.57(a)	1 year suspension / \$1,500.00
	Conflict of interest	§137.57(c), (d)	2 year suspension / \$4,000.00
	Inducement to secure specific engineering work or assignment	§137.63(c)(4)	2 year suspension / \$4,000.00
	Accept compensation from more than one party for services on the same project	§137.63(c)(5)	2 year suspension / \$4,000.00
	Solicit professional employment in any false or misleading advertising	§137.63(c)(6)	1 year suspension / \$4,000.00
	Offer or practice engineering while license is expired or inactive	§§137.7(a) and 137.13(a) and (h)	1 year suspension / \$750.00
	Failure to act as a faithful agent to their employers or clients	§137.63(b)(4)	1 year suspension / \$2,500.00
	Reveal confidences and private information	§137.61(a), (b), (c)	Reprimand / \$2,500.00
	Attempt to injure the reputation of another	§137.63(c)(2)	1 year suspension / \$2,500.00
	Retaliation against a complainant	§137.63(c)(3)	1 year suspension / \$2,500.00
	Aiding and abetting unlicensed practice or other assistance	§§137.63(b)(3), 137.63(c)(1)	3 year suspension / \$5,000.00
	Failure to report violations of others	§137.55(c)	Reprimand / \$2,500.00
	Failure to consider societal and environmental impact of actions	§137.55(d)	Reprimand / \$2,500.00
	Failure to prevent violation of laws, codes, or ordinances	§137.63(b)(1), (2)	Reprimand / \$2,500.00
	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 suspension / \$2,500.00
	Competitive bidding with governmental entity	§137.53	Reprimand / \$2,500.00
	Falsifying documentation to demonstrate compliance with CEP	§§137.17(p)(2), (3), 137.63(a)	2 year suspension / \$4,000.00
	Action in another jurisdiction	§137.65(a) and (b)	Similar sanction as listed in this table if action had occurred in Texas
Failure to provide plans and/or specs to TDLR/RAS for assessment within 20 days of issuance	§§1001.452(5), 137.63(b)(1) and (2)	Informal Reprimand / \$750.00	
Improper use of Seal	Failure to safeguard seal and/or electronic signature	§137.33(d)	Reprimand / \$1,500.00

POLICY ADVISORY OPINIONS

TBPE accepts and acts on formal Policy Advisory Opinion requests and issues responses or opinions where appropriate. The following is a list of all the requests heard by the Policy Advisory Committee. The Board's interpretations, actions, and recommendations can be viewed/downloaded on our website at: <http://engineers.texas.gov/policy.htm>

Policy Number	Description	Date Adopted or Amended
1	Water Quality Planning	August 10, 2005
2	Metropolitan Transportation Planning	May 18, 2005
3	Structural or Mechanical Modifications to Building Roofs	October 6, 2004
4	Water Tank Rehabilitation	November 29, 2004
7	Construction Materials Engineering	Amended August 20, 2009
10	Professional Engineer (PE) Title Use	August 10, 2005
12	Professional Design of Indoor Antenna Systems	February 23, 2006
13	Specified Power Poles for Manufacture	August 10, 2005
14	PE Requirements for Telecomm/Datacomm Design	August 10, 2005
15	Use of Current Regulations in Design	August 9, 2006
16	PE's Engineering Areas of Competence	March 7, 2006
17	Forensic Engineering	February 23, 2006
18	Sealing Records Drawings	February 7, 2007
19	Commissioning of Engineered Systems (Buildings)	February 7, 2007
20	Engineer required for Building	August 9, 2006
21	Manufactured Buildings	Amended August 16, 2012
22	Conflict of Interest	May 9, 2007
23	Engineering Aspects of Facilities Assessment	August 20, 2009
24	Procurement of Engineering Services for Public Projects	August 20, 2009
25	Corrosion Protection Systems for Water Pipelines	February 25, 2010
26	Structural Integrity and Building Codes	August 20, 2009
28	Preliminary Documents	November 19, 2009
29	Engineering Aspects of Gas Turbine Acceptance Testing	February 25, 2010
30	Real Estate Inspection Reports and Engineering	February 25, 2010
31	Designated Engineering Representatives	AG Opinion Issued July 25, 2012; Board Approved on August 16, 2012
32	Texas Engineering Practice Act Board Rules and Staff Procedures	February 15, 2012
33	Direct Supervision and Engineering Discipline related to court testimony	May 24, 2012
34	Industry Exemption	May 21, 2014
35	Oil Well Production Casing String Design	May 23, 2013
36	Construction Management	May 21, 2014
37	Interpretation of Utility and Telephone Company Exemptions	Revoked May 5, 2015
38	Direct Supervision of Engineering Performed in Overseas Offices	November 20, 2014
39	On-Farm Energy Audits	February 11, 2016
40	Extent of Jurisdiction outside Texas	May 26, 2016
41	Firm Registration	February 16, 2017
43	TREC Inspector Providing an Opinion	November 16, 2017
44	Foundation Repair Methods	January 23, 2018
45	Electronic Signature	January 23, 2018
47	Texas PE Sealing Requirements for Offshore and Gas Facilities	August 23, 2018
48	Licensing Requirements for Contractors and Subcontractors	February 14, 2019