

## AUGUST 2010 MEETING

Wednesday, August 11, 2010  
3:30 - 4:45 pm

### ETHICS WORKSHOP

**Speaker:** C.W. Clark, P.E., Director of Compliance & Enforcement Division at Texas State Board of Professional Engineers, Tel. 512-440-7723.

*As Director of the Compliance & Enforcement Division of the Texas Board of Professional Engineers, Mr. Clark manages the day-to-day operations of the division to include policy advisory opinions, compliance reviews of continuing education audits, seal imprint approvals, investigations of enforcement cases against violators, and providing outreach programs to educate the public and licensed engineers on engineering matters pertaining to the Board and the Engineering Practice Act.*

*Before joining the State of Texas, Mr. Clark worked in private industry as an Electrical Engineer with Motorola, Inc. in Austin for 21 years, and prior to that, eight years with Texas Instruments in Dallas. Mr. Clark is a BSEE graduate of Southern Methodist University and a member of the Institute of Electrical and Electronics Engineers (IEEE). C.W. and his wife, Jan, have two adult children and live in the Austin area. C.W. and Jan have also been active with foster parenting and over the past 32 years have had the great pleasure of fostering more than 245 infants and children.*



### WORKSHOP SUMMARY

To an audience of about 70 at the HESS Club, Mr. Clark presented a one-hour workshop on ethics designed to fulfill the Texas Board of Professional Engineers' annual one-hour ethics requirement needed to maintain a PE license. Aided by his slide presentation, Mr. Clark spoke about recent changes in the TBPE organization, recent Texas legislature law changes, and disciplinary case histories. He also answered numerous questions about the TBPE's philosophy and interpretation of its rules.

Some points made by Mr. Clark during the workshop included:

- To date, the board has not disciplined any firms for not including their "F" number on their documents.
- License holders should keep their PDH documentation for three years though it is unlikely the board will go back that far. The board shreds its records after three years.
- Engineers are required by the rules to report all code violations by other engineers that come to their attention.
- The errors by other engineers that a license holder describes in a certificate of merit or discovers during a lawsuit must be reported to the board. However it is okay to wait until the lawsuit settles to report the error unless the error is considered to be a life safety issue.
- Engineers' seals are not required to be used when writing a certificate of merit against another engineer since that is a legal document for use only in the court system.

- Unprofessional language is not well defined by the rules. To avoid receiving complaints for use of unprofessional language, make sure the language in your reports is objective and not simply attacks of another license holder.
- Anonymous complaints are accepted and acted upon by the board. However they should not be emailed otherwise your name will be included in the case history. To be truly anonymous, send a letter with no return address. However doing so means you will not be kept informed of the actions taken by the board during the investigation.
- TDI works together with TBPE in that when TDI sees an obvious violation by a license holder, they will send a complaint to the board.
- The board treats all disciplinary cases like criminal investigations. The complainant has the burden of proof and the proof needs to be objective. The board will especially consider if the license holder has had past violations and whether the public was harmed.
- The percent of complaints that are ruled violations is currently running about 50% when submitted by the public and 80% when submitted by other license holders, the latter being higher because engineers are more aware of their rules.
- After an informal hearing, the respondent may request a formal hearing conducted in the court known as State Office of Administrative Hearings (SOAH). SOAH is unfavorable to revoking licenses. So far the only licenses revoked in Texas have been where the license holder voluntarily surrendered his or her license.

**[PAST PRESENTATIONS \(click here\)](#)**