

TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Policy Statement

Approved By TBPELS Board at November 19, 2020 Board Meeting

Title: Criminal History Policy for Licensees and Registrants – Professional Engineers and Professional Land Surveyors

Policy Determination:

Under Board Rule 137.5 and 138.5, professional engineer licensees and professional land surveying registrants, respectively, are required to notify the Board of any misdemeanor or felony convictions within 30 days of the action.

In addition, at the time of annual renewal, all licensed engineers and registered land surveyors are asked to state whether he or she has, since the last renewal, been convicted of an offense for a felony or misdemeanor. The board may also, at its discretion, submit identifying information to the Texas Department of Public Safety and or other appropriate agencies requesting records for a licensee or registrant. All reported convictions will be documented in the licensee or registrant's board record and referred to the Compliance & Enforcement Division for review.

Board Rule 139.43 states that upon review of the reported criminal convictions, the Board may take any of the standard enforcement actions. Any felony convictions which result in incarceration shall result in revocation of the license.

Reported convictions meeting all of the following conditions may be handled by the Executive Director and staff without referral to the board:

- The conviction was a single occurrence during the previous year;
- The conviction was of misdemeanor level, not felony; and
- There was no incarceration associated.

Pursuant to the Texas Occupations Code, Chapter 53, the Board considers convictions for the following crimes to directly relate to the practice of engineering and/or land surveying due to the adverse impact each of these crimes has on the special trust and ethical duties a Professional Engineer and Professional Land Surveyor owes to the client and the public involving honesty, integrity, fidelity, and the exercise of good judgement and character:

- any felony or misdemeanor which involves disregard for the health, safety, or welfare of the general public or individuals, including violent crimes or crimes involving drugs or alcohol;

- any felony or misdemeanor of which theft, fraud or deceit is an essential element;
- any felony or misdemeanor which demonstrates a lack of professional judgment expected of a Professional Engineer or Professional Land Surveyor;
- any felony or misdemeanor involving financial or other loss for a client(s) or the public; or
- any felony or misdemeanor reflecting adversely upon the client's fitness to practice engineering or surveying.

If a licensee or registrant's self-reported criminal conviction or the results of a staff initiated criminal history record check indicate that a conviction for any of the above felony or misdemeanor has occurred, a formal enforcement case may be opened.

Staff will consider the factors found in the Texas Occupations Code, Chapter 53 when evaluating the proposed resolution to any opened enforcement case.

Applicable Rules:

Title 22 Texas Administrative Code §137.5 Notification of Name Change, Address Change, Employer Change, and Criminal Convictions

Title 22 Texas Administrative Code §138.5 Notification of Name Change, Address Change, Employer Change, and Criminal Convictions

Title 22 Texas Administrative Code §139.43 License Holder with Criminal Convictions

Statutory Authority:

Texas Occupations Code §1001.2035 Rules on Consequences of Criminal Conviction

Texas Occupations Code §1001.272 Criminal History Record Information Requirement for License Issuance

Texas Occupations Code §1001. 277 Criminal History Record Information Requirement for License Renewal

Texas Occupations Code, Chapter 53 Consequences of Criminal Conviction

Other References:

N/A

Keywords:

Criminal Convictions

Licensees

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