Professional Practice Update & Ethics

PE LS

Texas Board of Professional Engineers and Land Surveyors

Presentation Team

PELS
Texas Board of Professional Engineers and Land Surveyors

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Webinar Instructions

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- Webinar audio can be heard through your computer speakers or phone.
- All attendees will be in Listen-only mode.
- During the presentation, use the Question feature in the webinar software, not the chat feature or the hand raising feature.
- If there are questions, not addressed, please email the presenter.
- A pdf of the slides is available on the TBPELS website.

Webinar Instructions

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- Documentation of attendance for Continuing Education purposes will be the follow up email from the Webinar system.
- Sent within 24 hours. Check spam or junk mail filters.
- No certificate will be issued.
- If registered as a group, please keep and distribute a sign-in sheet for all attendees with the follow up email from the Webinar system.

Agenda

PE LS
Texas Board of Professional Engineers and Land Surveyors

- About the Board
- Core Functions
- Professional Responsibility
- Scenarios
- Board Activities

About TBPELS

PELS
Texas Board of Professional Engineers and Land Surveyors

- State Agency charged with the licensure and oversight of professional engineering and land surveying in Texas
- Authorized by law – Texas Legislature
- Board of Directors
  - Appointed by Governor
  - Rules and Policy
- Information: https://pels.texas.gov

Regulation of Surveying and Engineering in Texas

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- 1919- Initial Land Surveying Board established for surveying of public lands.
- 1937 – Texas Board of Professional Engineers established in response to New London School Explosion.
- 1955 – Additional Land Surveying Board established for surveying of private land.

New London – 1937

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Regulation of Surveying and Engineering in Texas

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- 1979 – Two surveying boards merged to form Texas Board of Professional Land Surveying.

- 2019 – Texas Board of Professional Engineers and Texas Board of Professional Land Surveying merged to form Texas Board of Professional Engineers and Land Surveyors.

TBPELS Board

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Nine Members - Appointed by Governor

- 5 Licensed Professional Engineers
- 1 Registered Professional Land Surveyor
- 3 Public Members
- 1 Ex-Officio Representative from GLO
- Standard term is 6 years

TBPELS Board

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Texas Board of Professional Engineers and Land Surveyors

Dr. Sina Nejad, PE, PEng	**Beaumont – Chairman**
Ademola Adejokun, PE	Arlington
Albert Cheng (public)	Houston
Karen Friese, PE	Austin – Vice Chair
Coleen Johnson, RPLS	Leander
Dr. Marguerite “Margo” McClinton Stoglin (Public)	Grand Prairie - Secretary
Roberto Moreno, PE	El Paso
Catherine Norwood, PE	Midland
Mark Neugebauer, RPLS, LSLS	Austin
Kiran Shah (public)	Richmond – Treasurer

TBPELS Staff

PE LS
Texas Board of Professional Engineers and Land Surveyors

- 37 Staff members, Austin
  - Lance Kinney, PhD, PE - Executive Director
  - Michael Sims, PE - Compliance & Enforcement
  - Rick Strong, PE - Licensing & Registration
  - Mason Schoolfield- Operations

TBPELS Mission

PE LS
Texas Board of Professional Engineers and Land Surveyors

Public Health, Safety, and Welfare

Our mission is to protect the health, safety, and welfare of the people of Texas through the licensure and registration of qualified individuals as professional engineers and land surveyors, compliance with applicable laws and rules, and education about engineering and land surveying.

By the Numbers (June 2026)

PE LS
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ENGINEERING

- 162,500 Texas PE licenses granted since 1937
- Approximately 78,000 current PE licensees
- Over 11,000 engineering firms

SURVEYING

- 7,200 RPLS registrations granted since 1955
- Approximately 2,700 current registrants
- Approx 58 current licensed state land surveyors
- Approximately 1,300 surveying firms

Professional Licensing and Registration

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System to Protect the Public:

- Sets the minimum standards for licensure as a Professional Engineer and registration as a Professional Land Surveyor
- Sets continuing practice and competence standards
- Sets ethical and professional standards
- Compliance with these standards of professional practice
- Standards for indicating competence (titles, seals, etc.)
- Prevents unqualified individuals from offering or practicing where it could endanger the public

Professional Licensing

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Fields that are regulated and licensed vary among individual states. Among regulated fields are health care professionals (medical doctors, nurses); psychologists; lawyers; teachers; engineers; ...- *Wikipedia*

- Most of these fields impact the public one person at a time.
- The work done by engineers and surveyors has the potential to affect *many.*

Public Perception of Licensure

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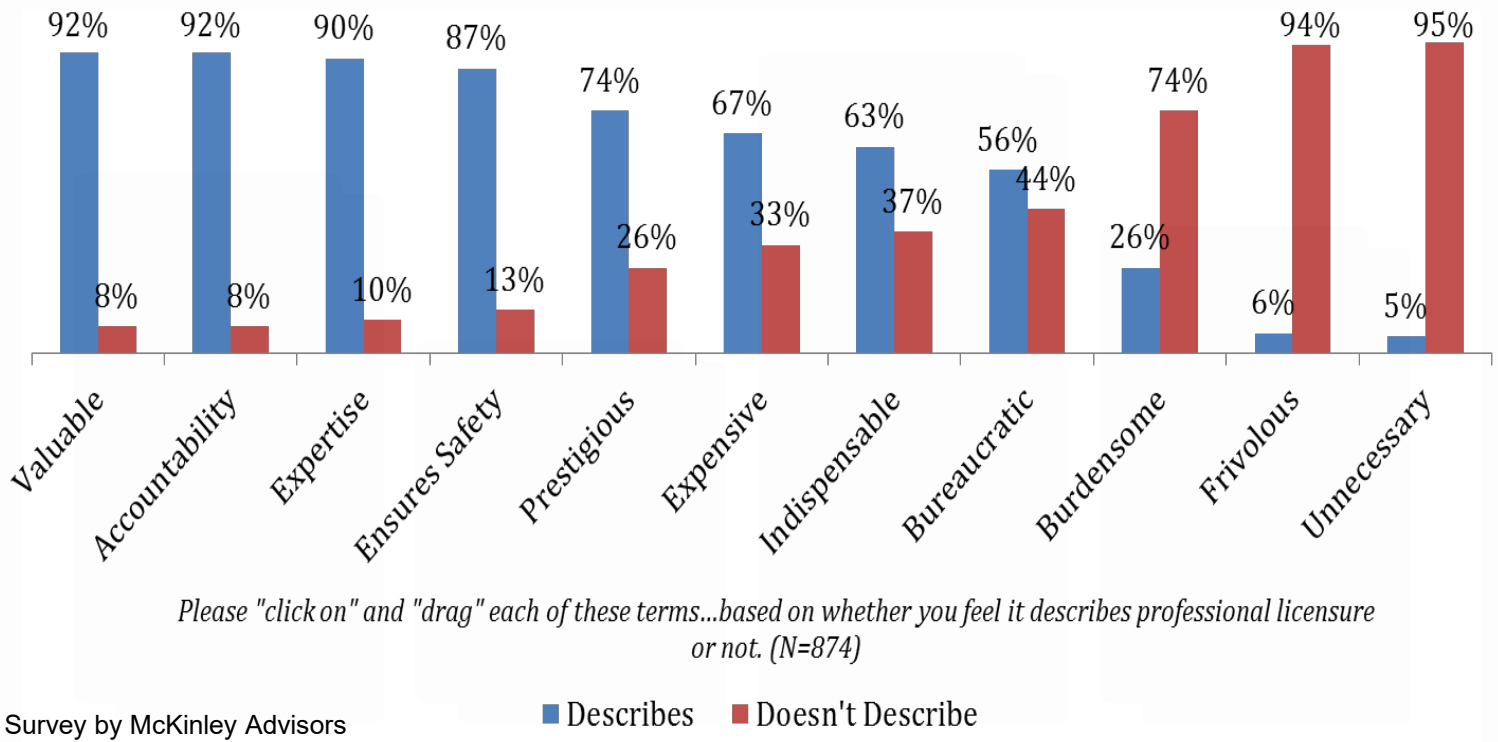

Survey by McKinley Advisors

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Protection of Public Health, Safety, Welfare

Professional Practice and Responsibility
Ethics, Professionalism, Competence

Professional Licensure

Ethics

Education

Experience

Exams

Professional Responsibility: Ethics

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- Protection of Public Health, Safety, Welfare
- Ethical responsibilities and expectations
  - Avoid Conflicts of Interest
  - Be a Faithful Agent
  - Be prepared to have a dissenting opinion, if necessary
  - Obligation to be aware of violations of the Acts or Board rules.

How does this protect the public?

- You are expected to know the right thing to do and to do the right thing when engaged in professional practice.

Professional Responsibility: Ethics

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- 2023 Gallup Poll
  - "Please tell me how you would rate the honesty and ethical standards of people in these different fields."
  - % Very High / High

Nurses	78%
Veterinarians	65%
Engineers	**60%**
Dentists	59%
Medical Doctors	56%

Professional Responsibility: Professionalism

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- Protection of Public Health, Safety, Welfare
- Communication
  - Honesty
  - Clarity (not misleading)
  - Respectful of all parties
  - Maintain Public Trust
  - Timely communication with the TBPELS

How does this protect the public?

- You are expected to be complete and correct in your practice.

Professional Responsibility: Competence

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- Competence is gained by Education and Experience; Measured by examinations
- Texas uses nationally accepted standards but considers each application independently.
- Texas does not license by discipline, but Professional Engineers and Land Surveyors must not practice outside of their competence.
  - See Board Rules §137.59(a) and §138.59(a).

Professional Responsibility

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- As a licensed or registered professional, you have:
  - A wide range of actions
  - A wide range of options
  - Legal Obligations
  - Ethical Obligations
  - To protect the health, safety, and welfare of the public

- Professional Responsibility

Texas Engineering Practice Act

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- Chapter 1001 of Texas Occupations Code
  - Part of State of Texas laws. Any changes must be done by Legislature
  - Defines practice of engineering
  - Exemptions from licensure
  - Structure of the Board, including the establishment of a Surveying Advisory Committee
  - Powers of the Board
  - Disciplinary and enforcement authority
  - Policy Advisory Opinions

Professional Land Surveying Practices Act

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- Chapter 1071 of Texas Occupations Code
  - Part of State of Texas laws. Any changes must be done by Legislature
  - Defines professional surveying and state land surveying
  - Outlines the individual and firm registration processes
  - Overview of the practice of land surveying

Board Rules

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- 22 Texas Administrative Code Chapters 131-140
- Board rules are adopted and amended by vote of the Board after opportunity for public comment
- Expand upon provisions of The Texas Engineering Practice Act and Professional Land Surveying Practices Act
- Board rules must have foundation in statutory authority granted to the Board by the Legislature via the Acts

Board Rules – Chapters

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Engineering

Ch 131 – Organization and Administration
Ch. 133 – Licensing
Ch 135 – Firm Registration
Ch 137 – Compliance and Professionalism
Ch 139 – Enforcement
Ch 140 – Criminal History

Surveying

Ch. 131 – Organization and Administration
Ch. 134 – Registration and Licensing
Ch 136 – Firm Registration
Ch 138 – Compliance and Professionalism
Ch 139 – Enforcement
Ch 140 – Criminal History

https://pels.texas.gov/downloads/lawrules.pdf

Professional Responsibility

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- Board Rules, Ch 137, Subchapter C; Ch 138, Subchapter C
  - Signing and Sealing
  - Direct Supervision / Responsible Charge
  - Objective and Truthful
  - Care and Diligence
  - Actions of Others
  - Aiding and Abetting
  - Codes and Ordinances
  - Continuing Education

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Signing and Sealing

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- Signing and Sealing indicates:
  - The work was done by the professional OR
  - Under the direct supervision of the professional
  - The work is complete and accurate
  - Preliminary work if properly notated (permit, bidding, etc.)
  - Responsible parties if more than one professional
  - Date issued
  - Revisions
- Signing and Sealing indicates your professional responsibility for the work.

Recent Board Activities

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- Fraudulent / Stolen Seals
  - Websites that offer professional services
  - Protect your physical seal / electronic seal
  - Look up names and numbers on sealed documents on TBPELS roster
  - Domestic / Non-US

Scenario – Direct Supervision - Engineering

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You are a licensed professional engineer and supervise others who perform engineering work on your projects under your direct supervision.

After you signed, sealed, dated and issued engineering plans for the design of a hotel, it was found that the design of the support columns holding up an awning over the hotel entry was inadequate and if not corrected could result in the collapse of the awning.

During the project, one of your engineers in training (EIT) performed the column analysis which you used to complete the design.

Scenario – Direct Supervision - Engineering

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If a complaint against you was filed with the Board what level of responsibility do you and your EIT bear for the apparent inadequate design of the columns with respect to Board rules?

A. You - 100%; Your EIT – 0%
B. You – 50%; Your EIT – 50%
C. You – 0%; Your EIT – 0% - The deficiency was caught and corrected.
D. You – 0%; Your EIT – 100%

Scenario – Direct Supervision - Engineering

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Answer:

A. You - 100%; Your EIT – 0%
B. You – 50%; Your EIT – 50%
C. You – 0%; Your EIT – 0% - The deficiency was caught and corrected.
D. You – 0%; Your EIT – 100%

As the licensed professional overseeing the work, it is your professional responsibility that all work is done correctly.

- You are in responsible charge.

Compliance & Enforcement

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- Technical / Ethical / Professionalism
- Approximately 600-650 Cases opened annually
  - ~500-550 Engineering Complaints per year
  - ~50 Surveying Complaints per year
  - About 60% resolved with Voluntary Compliance
  - About 30% receive guidance for violations or formal sanction
  - Less than 10% Dismissed

Enforcement – Board Actions

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- Reprimands (Formal and Informal)
- Suspension (possible probation)
- Refuse to Renew
- Revocation
- Cease and Desist Orders
- Emergency Suspension

Enforcement – Other Options

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- Ethics Courses
- $5,000 per violation per day (Eng) / $1,500 (LS)
- Restitution
- Technical Courses
- Practice limitations
- Civil or Criminal cases
  - Assisting Jurisdictional Authorities

Enforcement – Publication

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- By law, all violations, except informal reprimands, must be published
  - On TBPELS website by Board Meeting Date
  - Added to NCEES Enforcement Exchange (national database)
  - Published in the quarterly E-newsletter

Enforcement – Limitations

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- The Legislature has <u>not</u> given the Board the authority to:
  - Assess monetary damages
  - Settle a disputed property boundary
  - Insert itself into engineering or surveying decisions made by local governments or other state agencies
  - Force a licensee or registrant to “remedy” a problem
  - Investigate a registered firm’s business practices (billing, project timing, etc.)

Filing a Complaint

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- Mail, email, phone, facsimile – all are acceptable for initial contact
  - Anonymous complaints are accepted
- A complaint form or detailed letter via mail is needed to cover all the bases
  - Forms can be found Online
- Provide specific instances of violation
- Provide evidence to show probable cause

Preventing Violations

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- CLEAR:
  - Communication (between all parties)
  - Contract (expectations and responsibilities)
  - Calculations and designs (be prepared to support)
- Keep your Documentation

Most importantly – know the law and contact us if you have a question!

Policy Advisory Opinions

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- Provision Added to TEPA in 2003
- Surveying Added in 2025
- Allows Board to develop formal written interpretations of law and rules for specific or hypothetical 'Gray Areas'
- Guidance on Use of Artificial Intelligence
- ~70 interpretations for a variety of subjects
  - http://pels.texas.gov/policy.htm
- How to submit PAO Request / Forms at:
  - http://pels.texas.gov/Policy_Advisory.htm

Recent Board Activities

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- Legislative Session (2025)
- Bill Topics:
  - 2 year PE / PE Firm Renewals – SB681 - Ongoing
  - Decoupling FS and PS exams and other cleanup – SB1259 - Complete
  - Military, Military Spouse, Veteran Licensure – SB1818, HB5629 – Complete
- AI Policy (PAO Letter 71)
- Online Professional Services – Fraudulent Seals

Other Rule Changes

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- Rule Clean-up Package
  - Application Language
  - Removing TOEFL Exam
  - Other small clarifications
  - Proposed at May 2026 Meeting
- Revision of Experience Reporting for Engineering Applications
  - Revising SER format
  - Adopted at May 2026 Meeting
- Pocket Cards – moving to ‘on-demand’ download and print
  - Cost and procedure streamlining

New Two-Year Renewal System

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- All renewals will move to a two-year system
- All renewals will move to 6-month window model
- Renewal dates:
  - January 31 odd / even years
  - July 31 odd / even years
- $100 for 2-year renewal for PE and RPLS
- Firm renewal fees will 2x as well
- CE:
  - Will stay the same until changeover
  - PE - 30 hrs / 2 hrs ethics
  - RPLS – 24 hrs / 4 hrs ethics
- First 2-year renewals starting for PE with June 2026 Group

New Two-Year Renewal System – Mapping

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- PE
  - PE Quarters will be mapped to 6-month windows (starting June 2026)

Current Group	New Group	First 2-Yr Renewal
March	July Odd	July 2027
June	July Even	July 2026
September	Jan Even	Jan 2028
December	Jan Odd	Jan 2027

- RPLS – all current RPLS will move to January Odd
- RPLS – Dec 31, 2025 - $50; Dec 31, 2026 - $100 then for 2 year
- RPLS – Next renewal will be Jan 2029 (25 months)
- All new PEs and RPLSs will move to window prior to their registration being issued

Licensed Window	Renewal Date
Feb – July Odd	Jan 31 Even
Aug -Dec Odd / Jan Even	July 31 Even
Feb – July Even	Jan 31 Odd
Aug-Dec Even / Jan Odd	July 31 Odd

New Two-Year Renewal System - Mapping

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- Engineering and Surveying Firms
  - Will be mapped in a similar way to windows like the PEs
  - Starting July 2026

AI Policy Letter (PAO 71)

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- Licensees are ultimately responsible for any work product they sign and seal.
- AI is a tool available to engineers and surveyors to use.
- It is not meant to replace human in the loop and ultimate decision making by the licensee.
- Like any other tool, AI should not be relied upon without oversight and review by the licensee.
- Do not use AI to work on a project that you do not have competence for.
- Be aware of how AI uses and stores data to ensure confidentiality.

Fraudulent Engineering and Surveying Work from Online Marketplaces

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- TBPELS and other states are seeing a rise in reports of fraudulently sealed work offered through online marketplaces (Fiverr, Upwork, etc.)
- Some work by non-licensed individuals
  - Stolen seals
  - Fake seals
  - Plan stamping
- Online offering for work to be done by a Texas PE / RPLS but not licensed.
- Verify the work you receive.
  - Check TBPELS Roster
  - Contact PE / RPLS if you have questions.
- Working with AG, other states, NCEES on this issue.

Revised Experience Reporting

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- Change to process for reporting experience and references
- Coming later this summer
- Current system:
  - Supplementary Experience Record (SER)
  - Up to 12 pages
  - Narrative of experience
  - One reference for each engagement
  - Must be PE or RPLS
- Issues:
  - Trouble finding old references
  - Long documentation
  - Open ended – unclear what to write sometimes
  - Reviewers have to construct your experience over time
  - Old references don’t tell board that you are ready for licensure

Revised Experience Reporting

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- New system:
  - Aligns with NCEES Record System
  - Replacing Supplementary Experience Record (SER) with 2-part process
  - Part 1 – Experience Summary
    - 1-2 pages for each engagement
    - Need to get a verification from employer (PE, supervisor, HR, etc.)
    - Basic summary of what you did at that job.
  - Part 2 – Professional Competency Profile
    - Summary narrative of experience over ALL engagements
    - Listed by category – technical experience, design/analysis, professional skills, etc
    - 5 categories – approx. 1 page each
  - 3 references, but they are recent – they can comment on if you are ready for licensure NOW
- Improvements
  - No need to find references from years ago
  - Shorter, clarified documentation by category
  - More structure to guide filling out experience
  - Reviewers get summary of competencies
  - Recent references provide clearer guidance on suitability for licensure

Engagement – E-Newsletter

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- E-Newsletter goes out quarterly.
- If you are not receiving it and want it, update your e-mail address in ECHO.
- Also available on Board's website:
  - https://pels.texas.gov/enewsletter.htm

View as Webpage

PELS Texas Board of Professional Engineers and Land Surveyors

March 18, 2022

In This Issue
Focus on Compliance Feature Article
Corpus Christi Regional Advisory Conference
New and Reappointed Board Members
Board and Committee Meetings
Exam News
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Agency Vacancies

OUTREACH

PELS
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- Monthly Open Webinars.
- Face to Face Outreach or webinars available for your group, company, or conference.
- Work to accommodate based on staff availability.
- See Board website to request a presentation.

Fiscal Year	Attendees	Presentations
2018	23,104	168
2019	26,216	154
2020	25,216	91
2021	24,407	78
2022	24,908	82
2023	23,063	76
2024	26,104	76
2025	28,040	86

Engagement – Webinars

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- Professional Practice and Board Updates
  - Available addressing both professions or tailored to P.E. or R.P.L.S.
  - Monthly, Multiple sessions during renewal months (general)
  - Sign up online
- FE Exam / Why become a PE? (Students)
- FS Exam / Why become an RPLS? (Students)
- How to Apply (EITs and SITs)

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Thank You

Questions and Answers

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