



August 12, 2024

Mr. Mark Goodson, P.E.
Goodson Engineering
Via e-mail

Re: Formal Response to Request for Policy Advisory Opinion Regarding Peer Reviews of Forensic Engineering Reports

Dear Mr. Goodson:

The Texas Board of Professional Engineers and Land Surveyors (Board) met in public session on May 21, 2024, and approved this response to your request, dated August 8, 2024.

Request:

You seek guidance on the following issues:

- Engineering firms are often engaged to conduct forensic work to assess any damage caused by natural disasters. A professional engineer goes to the field to investigate and prepares a report and sends it to a supervisor who is also an engineer for peer and/or technical review. The supervisor makes edits to the report without informing the authoring engineer of the changes and sends the report to the client. Is this practice consistent with Board rules?

Response:

The practice of a supervising engineer making edits to a forensic report without informing the authoring engineer is not consistent with best practices and may be a violation of several Board rules.

Board rules emphasize transparency and communication. Specifically, Board Rule 137.33(i) states a license holder, as a third party, may alter, complete, correct, revise, or add to the work of another license holder when engaged to do so by a client, provided:

- the first license holder is notified in writing by the second license holder of the engagement immediately upon acceptance of the engagement; and
- any work altered, completed, corrected, revised, or added to shall have a seal affixed by the second license holder. The second license holder then becomes responsible for any alterations, additions or deletions to the original design including any effect or impact of those changes on the original license holder's design.

While peer or technical reviews are standard practice to ensure accuracy and quality, the process should be conducted transparently. Communication between collaborating engineers is always best practice. However, the issue of whether editing the work could be a violation of Board rules is dependent on the specific arrangement.

If the authoring engineer does not intend to sign and seal the report and it will only be issued under the seal of the supervisory engineer conducting a peer review, the supervising engineer would not be in violation of Board rules if he or she edited the reported and did not provide communication about the edits as the report is only being issued under the supervisory engineer's seal and signature. However, best practice would still be to discuss the edits with the authoring engineer.

If the authoring engineer intends to sign and seal the report and the supervisory engineer also will sign and seal the report, any edits should be discussed with the authoring engineer and a collaborative resolution should be achieved if both seals with remain on the report.

If the authoring engineer and the supervisory engineer are unable to come to a collaborative resolution and the supervisory engineer is firm in the edits to the report, the authoring engineer's seal and signature should be removed from the report so the authoring engineer is not signing and sealing something with which he or she does not agree.

Please note that in all scenarios in which the supervisory engineer elects to sign and seal the report, he or she is taking ownership for the report and is now responsible to the Board if any issues or complaints associated with the report arise (in addition to the authoring engineer if his or her seal also remains on the issued report). Also, the supervisory engineer should ensure that he or she had enough involvement with the creation of the report to comply with Board Rule 137.33(b) which allows license holders to only seal work done by them or performed under their direct supervision.

In summary, while the supervising engineer's role in reviewing and enhancing the report is important, the process should be collaborative and transparent. The authoring engineer should be made aware of and agree to any changes made to his or her report to ensure compliance with professional standards and Board rules.

Conclusion:

No new Policy Advisory Opinion will be developed for this request as the Board rules adequately address the issues at hand.

If you have any further questions, please contact Mr. Michael Sims, P.E., Director of Compliance & Enforcement at 512.440.7723.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Kinney". The signature is fluid and cursive, with the first name "Lance" and last name "Kinney" clearly distinguishable.

Lance Kinney, Ph.D., P.E.
Executive Director

LK:MZS