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September 30, 1998

Mr. David B. Voorhis, Ph.D., P.E.
c/o David Voorhis & Associates
281-A Mooring Circle
Austin, TX 78734-4152

Dear Dr. Voorhis:

RE: Texas Engineering Practice Act (Act)
Our File H-17077

We are in receipt of your letter dated August 26, 1998, wherein you asked us to provide you a letter describing how the [redacted] Well Number 6 pressure front calculations were in violation of the Act and what actions the Board could take on individuals who were found in violation of not affixing their engineer seal to such calculations.

Section 15(c) of the Act sets forth the requirement for public officials to only accept engineering documents that bear the seal of a licensed engineer and that they should report violations of the Act to the proper authorities. Likewise, Board Rule 131.166 sets forth the documents that are required to be sealed by the licensed engineer. In this case, if the pressure front engineering calculations were submitted to the Railroad Commission of Texas (Commission), they should have been sealed by the licensed engineer who prepared the calculations. If the calculations were not sealed, then the Commission should have rejected the submittal and informed the Board of the infraction by the person submitting the calculations.

The suggested sanctions for licensees and unlicensed individuals who violate the Act or board rules is set forth in Board Rule 131.167. It appears that based on the information provided in this inquiry, the suggested sanction for license holders would be a one year suspension of their engineer license and a fine of \$1,500. If an unlicensed individual prepares or submits an engineering document to a public entity this would be considered to be the illegal practice of engineering and the suggested sanction for that action is a Cease and Desist Order and a fine of \$2,000. I have enclosed a copy of the Act for your review.

As you are aware, we closed our inquiry of the alleged infractions by the Commission because we could not conclusively identify who committed a violation of the Act or board rules. Based on our inquiry, we have been assured by Mr. Mike Regan, Executive Director of the Commission, that when pressure front calculations are submitted to the Commission for permitting, they will be bear the seal of a Texas licensed engineer. I have enclosed a copy of the letter from Mr. Regan containing that information.

Hopefully, we have responded to your questions.

Sincerely,

A handwritten signature in black ink that reads "John R. Speed".
John R. Speed, P.E.
Executive Director

JRS:PDC:dpt

Enclosures: As stated