

MINUTES
TEXAS BOARD OF PROFESSIONAL ENGINEERS
REGULAR QUARTERLY BOARD MEETING
1917 SOUTH INTERSTATE 35
AUSTIN, TX 78741
FEBRUARY 12, 2015 – 10:30 AM

Call to Order. Daniel O. Wong, Ph.D., P.E., Presiding Officer, called the Texas Board of Professional Engineers Regular Quarterly Meeting to order at 10:30 am on February 12, 2015, at the Texas Board of Professional Engineers, 1917 South Interstate 35, Austin, TX. (NOTE: all votes are unanimous unless noted.)

1. Roll Call and Welcome Visitors.

Daniel O. Wong, Ph.D., P.E.	Chair
Elvira Reyna	Vice-Chair-Public Member
Carry Ann Baker	Secretary - Public Member
Edward Summers, Ph.D.	Treasurer - Public Member
Lamberto “Bobby” Ballí, P.E.	Member
James “Jim” Greer, P.E.	Member (Excused Absence)
Sina Nejad, P.E., PEng.	Member
R. Kyle Womack, P.E.	Member
Sockalingam “Sam” Kannappan, P.E.	Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Mr. Edmundo Gonzalez, P.E., Mr. Jose I. Guerra, P.E., and Mr. Govind Nadkarni, P.E., Emeritus Board Members, were present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
Jeff Mutscher	Director of Finance
Robert Opiela, P.E.	Director of Licensing
Dewey Helmcamp, III JD	Staff Attorney
Clif Bond	Supervising Investigator
Dorothy Gonzales	Executive Assistant

Visitors. Jaime Ozuna; William Manning Jr., P.E.; John Clopton, P.E. (Inactive); Barbara Clopton; Richard Keelan, P.E.; Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Trish Smith, Executive Director, TSPE; Deanna Walker, Governor’s Office; Peyton McKnight, American Council of Engineering Companies (ACEC).

2. Public Comment.

Mr. John Clopton, P.E. (Inactive), addressed the Board to request that they consider having a committee that reviews the unauthorized practice of engineering in the state of Texas.

Mr. Keelan, P.E., addressed the Board to request that they reconsider the continuing education program 15 hour requirement and possibly do away with continuing education.

No action by the Board was taken on public comments.

3. **Consent Agenda.**

(The following items may be acted upon under Consent Agenda and are marked with an asterisk* on the Regular Quarterly Board Meeting Agenda)

- November 19, 2014, Licensing Committee Minutes
- November 20, 2014, Policy Advisory Opinion Committee Minutes
- November 20, 2014, Legislative Committee Minutes
- November 20, 2014, Regular Quarterly Board Meeting Minutes
- Administrative Reports, Outstanding Administrative Penalties Dismissed Cases, Cease and Desist Order, Agreements, Injunctions/Default Judgments
- Licensing Applications

It was MOVED/SECONDED (Ballí/Summers) to approve the Consent Agenda as presented. A vote was taken and the MOTION PASSED.

Discuss and Possibly Approve Board Minutes:

4. ***(Consent Agenda)** Discuss and possibly approve minutes of the November 20, 2014, Regular Quarterly Board Meeting Minutes

Discuss and Possibly Accept Committee Minutes:

5. ***(Consent Agenda)** November 19, 2014, Licensing Committee Minutes

6. ***(Consent Agenda)** November 20, 2014, Policy Advisory Opinion Committee Minutes

7. ***(Consent Agenda)** November 20, 2014, Legislative Committee Minutes

Agenda items 4-7 were approved under Consent Agenda, see agenda item #3.

Agenda item #18 taken out of order, see below.

Discuss and Possibly Act on the following agenda items (8-20):

8. Board Members' Activity Reports.

- Baker
- Ballí
- Greer
- Kannappan
- Nejad
- Reyna
- Summers
- Womack
- Wong

9. Emeritus Members' Activity Reports.

- Gonzalez
- Guerra
- Nadkarni

Agenda items 8-9 are exhibits included for information only, no action taken. Mr. Nadkarni commented that he would add that he attended the Faculty Licensure Task Force meeting in College Station.

10. Finance and Budget.

- FY15 1st Quarter Budget Report

Mr. Mutscher reviewed the budget report which was included as an exhibit with Board members. He also mentioned that the Board had gone through an internal audit. Results of the audit were good, and the report will be shared with Board members at the next scheduled Board meeting.

Discuss and Possibly Act on Issues Regarding Committee Reports or Items on the Committee Agendas:

11. **Legislative Committee.**

Ms. Baker reported that the Committee received information regarding bills that have been filed to date. She added that staff reviews all bills filed and tracks those related to engineers, business, agency, or personnel issues.

Dr. Wong added that Board members and staff do not lobby for or against any bill filed. The information received is just to keep them posted on possible changes to the Act and Rules.

12. **Licensing Committee.**

- **Personal Appearances from Licensing Applicants**

Mr. Ballí reported on the following personal appearances:

It was MOVED/SECONDED (Ballí/Summers) to accept the Licensing Committee's recommendation to allow the following applicants to take the PE exam: Ernest Blaszczyk, Kayli Browne, Laurence Thomas, Ray Thomas, and Kole Webber. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Summers) to accept the Licensing Committee's recommendation that Jonathan Caldwell and Brian Everitt be approved for a waiver of the FE exam, and they be allowed to take the PE exam. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Baker) to accept the Licensing Committee's recommendation to approve Jorge Gonzalez, Steven Kalinowski, and Jacob Reneson to be licensed in Texas. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/ Nejad) to accept the Licensing Committee's recommendation to approve Ivan Bass to take the PE exam after providing proof to staff that he has successfully completed the Level II Ethics course within one (1) year. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Womack) to accept the Licensing Committee's recommendation to approve Damon Johnson to be licensed in Texas after proof to staff of the successful completion of the Level I ethics course. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Baker) to accept the Licensing Committee's recommendation to hold the application for John Miner, require that he take and successfully complete the Level III Ethics course and reappear before the Licensing Committee to reconsider his request to get relicensed in Texas via a waiver of the FE and PE exam within less than one year. A vote was taken and the MOTION PASSED 5-3 (Womack, Summers, Kannappan voted against the motion).

- **Discussion of early professional engineer exam.**

Mr. Howell reported that staff provided a flow chart to the Licensing Committee showing the proposed process for allowing an applicant to take the PE exam before obtaining the required experience. He added that this change is in response to a change to NCEES model law and that other state boards have begun implementing. Mr. Howell added that staff will provide proposed draft rules to the Licensing Committee. The Licensing Committee directed staff to ask other state boards how they are addressing this matter, and provide additional research. Mr. Ballí added that he would also like to solicit comments from engineering societies.

- **Continuing Education Program.**

Mr. Kinney reported that there was a question from the last Board meeting regarding self-certification of attendance at conferences. The Board does accept self-certification for continuing education documentation. The Board has corresponded with a couple of organizations that provide self-certification and made a request that they include a signature line on the forms that they provide to training attendees. Mr. Ballí added that it is not the Board's policy to pre-approve what engineers take regarding continuing education.

13. Policy Advisory Opinion Committee.

Ms. Baker reported that the Committee recommended the approval EAOR#37 and that it be posted on our web site.

- **Discussion and possible approval of EAOR#37 - Utility & Telephone Company Exemptions**

It was MOVED/SECONDED (Baker/) to approved EAOR#37 as submitted by staff. A vote was taken and the MOTION PASSED.

Ms. Baker also reported that the Committee accepted a new request, EAOR#39, regarding On Farm-Energy Audits and directed staff to start research and assigned Dr. Edward Summers as the Board liaison to work with staff on this matter. No action required by the full Board at this time.

Discuss and Possibly Act on Reports or Items reported by the Executive Director:

14. Executive Director's Report.

- **Activity Report.** Mr. Kinney reported that his activity is included as an exhibit, and would answer questions as needed.

- **Visibility and Outreach Strategic Plan.** Mr. Kinney reported that Board staff designed and printed two additional brochures to hand out as part of our visibility and outreach goals. He added that an additional brochure covering PSPA is being worked on as a team effort with the architects and surveyors. In addition, a small article was included in the Texas Municipal League (TML) newsletter. The Board staff will also be participating in Science Fair in Austin; sponsoring two senior level engineering categories and special awards at the State Science and Engineering Fair in San Antonio; and participating in Math Counts in Austin.

- **Strategic Plan/JTE.** Mr. Kinney commented that as part of our Journey Toward Excellence, Board members and staff engaged in the State Employee Charitable Campaign, and were recognized for having the highest per capita participation of all small state agency.

- **NCEES.** Mr. Kinney encouraged the Board members to participate on the NCEES committees. Mr. Nadkarni commented that Texas Board members and staff have been active in past years.

- **MBA Meeting.** Mr. Kinney reported that issues discussed at the NCEES Member Board Administrators committee meeting will be discussed further at the NCEES zone meeting.
- **Boards' President Assembly Meeting.** Mr. Kinney reported that he and Mr. Ballí attended the meeting. Discussions were about CBT for the PE Exam; internal systems that NCEES is upgrading; comity issues between state boards for licensure.
- **EPP Meeting.** Mr. Howell reported that the committee discussed NCEES policies regarding exams. Motions for any actions will be presented at the annual meetings.
- **Award Nominations for SZ and Annual Meeting.** Mr. Kinney invited Board members to notify Board staff if they wish to nominate anyone for the NCEES awards.
- **SZ/WZ combined meeting in May 2015.** Mr. Kinney commented that NCEES has approved two (2) funded delegates from each state board. Texas Board already has sent in the names of the funded delegates but if other Board members are interested in attending, please notify Ms. Gonzales for assistance with registration and travel arrangements. Mr. Kinney added that the NCEES annual meeting is in Williamsburg, VA, August 19-22, 2015.

- **Outreach.** Mr. Kinney thanked Board members and staff for their assistance with outreach presentations. He added that webinars are also a big success.

- Ethic 2015 Webinars (10am and 2pm session)
 - March 6, 2015; June 4, 2015; September 2, 2015
- Kudos

- **Staff Attorney Report.**

- SOAH Cases
- Suits Against the Board
- Status of Court Cases (Injunctions)

Mr. Helmcamp reviewed with Board members the staff attorney reports that are included as exhibits. Mr. Kinney commented that it is with great regret that he has to announce that Mr. Helmcamp will be retiring from the Board, and this may be his last meeting. He thanked Mr. Helmcamp for his services and great job he has done for and on behalf of the Board.

Discuss and Possibly Act on Enforcement/Disciplinary Matters:

15. *(Consent Agenda) Administrative Reports, Outstanding Administrative Penalties Dismissed Cases, Cease and Desist Order, Agreements, Injunctions/Default Judgments.

Report to full Board pursuant to Board rule §139.21

This agenda item was approved under Consent Agenda, see agenda item #3.

16. Agreed Board Order.

Informal Reprimands (In accordance with Board Rule 139.31(b) individual names are not listed)

1. D-35366 (Greer)

Practice Violations

2. Kent D. Tompkins, P.E. – D-35103 (Guerra)

It was MOVED/SECONDED (Ballí/Baker) to approve the Agreed Board Orders as submitted. A vote was taken and the MOTION PASSED.

17. Consent Orders.

Informal Reprimands (In accordance with Board Rule 139.31(b) individual names are not listed)

1. D-35481
2. D-35480
3. D-35482
4. D-35401
5. D-35567

Non-Practice Violations

6. Grenger Pei Yee Chang, P.E. – D-35530

Practice Violations

7. Phillip E. Johnson, P.E. – D-35250

Sanctions Against Non-License Holders

8. ACW Engineering and Construction, L.L.C. – B-35251
9. Graham B. Luhn, FAIA – B-35404
10. Site & Field Engineering, L.L.C. – B-34067

It was MOVED/SECONDED (Summers/Ballí) to approve Consent Orders 1-10 as submitted. A vote was taken, and the MOTION PASSED.

Revocation/Reissuance

11. William T. Manning, Jr., P.E. – D-35405

It was MOVED/SECONDED (Summers/Nejad) to approve Mr. Manning's Consent Order as submitted. A vote was taken and the MOTION PASSED.

Discuss and Possibly Act on Licensing Applications requiring board ruling:

18. Discuss and possibly act on request for reconsideration of denial of application by Licensing Committee
- Jaime Ozuna

Mr. Ozuna came before the full Board to appeal the August 28, 2014, Licensing Committee decision regarding his application. After further discussion with applicant and amongst the Board members the following motion was made.

It was MOVED/SECONDED (Summers/Womack) to refer the application back to the Licensing Committee to reconsider the requirement for two (2) years of additional experience. A vote was taken and the MOTION PASSED.

Chair returned back to the agenda, see agenda item #8.

19. ***(Consent Agenda) Licensing Applications.**

Vote or Reconfirm Votes Pursuant to Board Rule §133.87:

- Approved for Exams
- Approved for Licensure
- Firms Approved
- Not Approved for Exams
- Not Approved for Licensure
- Waivers – FE
- Waivers—PE
- Waivers—Both

This agenda item was approved under Consent Agenda, see agenda item #3 above.

Discuss and Possibly Act on Other Matters

20. Issues to consider for future meeting
A report regarding E-week activities to be presented to Board members.

Adjourn.

It was MOVED/SECONDED (Ballí/Reyna) to adjourn the meeting at 12:30 p.m. A vote was taken and the MOTION PASSED.

Date Board approved as submitted:

May 21, 2015