

MINUTES
LICENSING COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH35 SOUTH, BOARD ROOM, AUSTIN, TX 78741
May 25, 2016—1:00 PM

Call to Order. Dr. Sina Nejad, P.E., P.Eng., Chair called the Licensing Committee of the Texas Board of Professional Engineers to order at 1:02 pm on May 25, 2016, at Texas Board of Professional Engineers, 1917 S. Interstate 35 in Austin, Texas. A quorum was present. (Note: all votes are unanimous unless noted)

1. Roll call and welcome visitors.

Sina Nejad, D.Eng., P.E., P.Eng.	Chair
Lamberto “Bobby” Ballí, P.E.	Member
Edward L. Summers, Ph.D.	Member
Kyle Womack, P.E.	Member

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

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
Robert Opiela, P.E.	Director of Licensing
Morgen Cuming, JD	Staff Attorney
Elizabeth Ledesma	Licensing Specialist
Dorothy Gonzales	Executive Assistant

Personal Appearances: Nathan Thomas Fuller, Khan Mostaque, John Makar, Zachary Paul Berferon, Kelechi W. Emelogu, James Travis, Gabriel Walton Tobin, Julio Cesar Chavarria, Eric Guthrie, Muhammed Hadiul Islam, Justin Acea Paris, Calvin Dea Crowdis, Elvis Boateng Dakwa, Ghassan Michael Naddaf.

Visitors. Kent O’Brien, P.E., Texas Department of Transportation (TxDOT); Bill Tucker, TxDOT; Cathy Norwood, P.E., Board Member; Albert Cheng, Board Member.

Dr. Nejad read the following ethics statement: *It is the primary obligation of the Texas Board of Professional Engineers to assure that Texas Engineers are held to the highest standard of competency, integrity, and honesty. Public safety depends upon that standard and consistency in our profession requires faithful and unwavering practice of honesty and integrity in all aspects of our lives not only when we sit at our desk.*

2. Public comment. None.

Discuss and Possibly Act on the Following (Agenda Items 3-11):

3. Discuss and possibly approve the February 10, 2016, Licensing Committee Minutes.

It was MOVED/SECONDED (Ballí/Womack) to approve the February 10, 2016, Licensing Committee minutes as submitted. A vote was taken and the MOTION PASSED.

Discuss and possibly act on applications for licensure: Personal Interviews.

Nathan Fuller. This applicant applied to take the PE exam. He came before the Committee due to an unreported criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incident, his experience, and lessons learned.

It was MOVED/SECONDED (Womack/Summers) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to approve the applicant to take the PE exam pending successful completion of the Level I (30 hour) Ethics course from Texas Tech and submittal of documentation to staff. A vote was taken and the MOTION PASSED.

Mostaque Khan. This applicant applied for licensure as a former Texas license holder. He came before the Committee due to completion of conditions from a previous Board action. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí /Womack) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to approve the applicant for licensure. A vote was taken and the MOTION PASSED.

John Makar. This applicant applied to take the PE exam. He came before the Committee due to a request for reconsideration of his application. He provided additional information that was not contained in his initial application. The Committee and applicant discussed the additional information and the specifics of his application.

It was MOVED/SECONDED (Womack/Summers) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to approve the applicant to take the PE exam. A vote was taken, and the MOTION PASSED.

Zachary Bergeron. This applicant applied for licensure. He came before the Committee due to a disclosed recent criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incident, his experience, and lessons learned.

It was MOVED/SECONDED (Ballí/Womack) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to approve the applicant for licensure. A vote was taken and the MOTION PASSED.

Kelechi Emelogu. This applicant applied to take the PE exam. He came before the Committee due to a disclosed recent criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incident, his experience, and lessons learned.

It was MOVED/SECONDED (Womack/Ballí) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

Travis James. This applicant applied to take the PE exam. He came before the Committee due to disclosed recent criminal incidents. He has completed the terms related to the criminal incidents. The Committee and applicant discussed the incidents, his experience, and lessons learned.

It was MOVED/SECONDED (Womack/Summers) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

Gabriel Tobin. This applicant applied to take the PE exam. He came before the Committee due to a disclosed recent criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incident, his experience, and lessons learned.

It was MOVED/SECONDED (Ballí /Womack) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to approve the applicant to take the PE exam pending successful completion of the Level I (30 hour) Ethics course from Texas Tech and submittal of documentation to staff. A vote was taken and the MOTION PASSED.

Julio Chavarria. This applicant applied to take the PE exam with an FE exam waiver. He came before the Committee due to an unreported criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incident, his experience, and lessons learned.

It was MOVED/SECONDED (Ballí/Summers) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to approve the FE exam waiver and the applicant to take the PE exam pending successful completion of the Level I (30 hour) Ethics course from Texas Tech and submittal of documentation to staff. A vote was taken and the MOTION PASSED.

Eric Guthrie. This applicant applied for licensure. He came before the Committee due to an unreported criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incident, his experience, and lessons learned.

It was MOVED/SECONDED (Summers/Womack) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to approve the applicant for licensure pending successful completion of the Level I (30 hour) Ethics course from Texas Tech and submittal of documentation to staff. A vote was taken and the MOTION PASSED.

Muhammed Islam. This applicant applied for licensure as a former Texas license holder. He came before the Committee due to an unreported criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incident, his experience, and lessons learned.

It was MOVED/SECONDED (Ballí/Summers) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to approve the applicant for licensure pending successful completion of the Level I (30 hour) Ethics course from Texas Tech and submittal of documentation to staff. A vote was taken and the MOTION PASSED.

Justin Paris. This applicant applied for licensure. He came before the Committee due to an unreported criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incident, his experience, and lessons learned.

It was MOVED/SECONDED (Ballí/Womack) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to approve the applicant for licensure pending successful completion of the Level I (30 hour) Ethics course from Texas Tech and submittal of documentation to staff. A vote was taken and the MOTION PASSED.

Elvis Dakwa. This applicant applied for licensure. He came before the Committee due to a Board decision reached during circulation of this application. The application was circulated to the Board because of one

or more unfavorable references of his reference providers. The Committee and applicant discussed the specifics of his application.

It was MOVED/SECONDED (Ballí/Summers) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to deny application. The applicant may reapply after 1 year of additional creditable experience and provide two favorable references with specific knowledge of recent experience. A vote was taken and the MOTION PASSED.

Ghassan Naddaf. This applicant, a former Texas license holder, applied for licensure requesting a waiver of the PE exam. He came before the Committee due to a Board decision reached during circulation of this application. His application was circulated to the Board because of a request to waive the PE exam. In addition, the applicant came before the Committee due to a disclosed recent criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incident, his experience, and lessons learned.

It was MOVED/SECONDED (Ballí /Summers) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to hold the application provide two additional years of creditable experience with two additional favorable references. The applicant must reappear before the Licensing Committee when terms completed.

Committee members discussed Mr. Naddaf's incident further and agreed that an ethics course would also benefit the applicant. Mr. Ballí and Dr. Summers agreed to amend the original motion.

It was MOVED/SECONDED (Ballí /Summers) to recommend to the Board at its Regular Quarterly Meeting on May 26, 2016, to hold the application pending complete Level III (90 hour) ethics course and providing two additional years of creditable experience with two additional favorable references. The applicant must reappear before the Licensing Committee when terms completed. A vote was taken and the MOTION PASSED.

4. Discuss and possibly approve the following rule proposals to be posted in the Texas Register.

- **Engineers-in-Training.**
 - **§ 133.41, Experience Evaluation.**
 - **§ 133.43, Supplemental Experience Record.**

Mr. Howell explained that §§133.41 and 133.43 are changes proposed to encourage engagement of Engineers-in-Training (EITs) while they are gaining the experience required to apply for a license. This change will help enhance their experience by allowing EITs to include job-related training and engineering organization activities as part of their application information.

It was MOVED/SECONDED (Ballí/Womack) to recommend to the Board at its Regular Quarterly Board meeting on May 26, 2016, to approve to publish § 133.41, Experience Evaluation, and § 133.43, Supplemental Experience Record, in the Texas Register for comment.

- **International temporary license to include S. Korea applicants in accordance with Mutual Recognition Agreement.**
 - **§ 133.27, Application for Temporary License for Engineers Currently Licensed Outside the United States.**

Mr. Howell explained that the proposed rule change is to incorporate the recently signed Mutual Recognition Agreement with S. Korea into the current Board rule regarding temporary licensure.. The rules are to be posted for comment.

It was MOVED/SECONDED (Womack/Summers) to recommend to the Board at its Regular Quarterly Board meeting on May 26, 2016, to approve to publish §133.27, Application for Temporary License for Engineers Currently Licensed Outside the United States for comment in the Texas Register. A vote was taken and the MOTION PASSED.

5. Discuss and possibly approve accepting National Council of Examiners for Engineering and Surveying CPC Standards.

Dr. Kinney explained that National Council of Examiners for Engineering and Surveying (NCEES) has been working on mobility issues. One of the issues is continuing education. If an engineer is licensed in multiple states, one of the problems with maintaining licensure is that continuing education (CE) requirements don't necessarily align. For example, Texas requires 15 hours of continuing education each year which does not align with some other states. NCEES committees discussed and developed a model continuing education standard that includes 15 hours of CE annually with 1 hour of ethics, similar to Texas requirements. This standard has a calendar year reporting period as opposed to a quarterly renewal period as implemented in Texas. If Texas accepts to adopt this model standard as an option, the proposed rule change would be a shift in time and the option to choose to report continuing education by quarterly renewal period or by NCEES calendar year period. This change would make this common among state boards. He added that other state boards are thinking about going with the NCEES model law.

Staff was directed to get additional information and bring back to the next scheduled Licensing Committee for additional discussion and possible consideration.

6. International Licensure.

- Mutual Recognition Agreement (MRA) with S. Korea
- Mutual Recognition Agreement (MRA) with Spain
- Mutual Recognition Agreement (MRA) with México
- Mutual Recognition Agreement (MRA) with Canada

Dr. Kinney reported that the MRA with S. Korea was finalized March 10, 2016. Dr. Nejad congratulated Dr. Kinney and Board staff for working with S. Korea.

Dr. Kinney reported that Texas and Spain CICCIP (Colegio de Ingenieros de Caminos, Canales y Puertos) have visited Texas regarding an MRA with Spain. Representatives from the Texas Board were also invited to participate in the CICCIP International Conference. While at the International Conference there was the opportunity to also meet with representatives from Mexico to continue discussing MRA with them. Mr. Ballí reported on the conference experience and discussions. He added that the delegation from Spain will be attending the National Society of Professional Engineer (NSPE) Annual Meeting in June to continue the MRA discussions. He added that Dr. Wong encourages the discussions but want to make sure that Spain is aware the Texas licenses all disciplines of engineering not only civil engineers. Spain is interested in signing a Memorandum of Understanding (MOU) to continue discussions. Dr. Kinney commended Mr. Nadkarni's presentation at the International Conference. He added that engineering is being debated as part of the trade agreement between the European Union (EU) and the United States. Texas' agreement could be the first agreement with any of the European countries.

Mr. Ballí reported that Texas is working with Ing. Arganis who is the lead in the overarching professional committee that deals with engineering licensure agreements for Mexico. He is currently providing comments on a draft agreement that has been provided by the Texas Board. The last 4-5 years there has been some turmoil with engineering associations in Mexico. Ing. Arganis is working on getting the MRA signed with Texas. Next steps are for comments from the agreement. Mr. Ballí discussed some of the comments in the agreement, once translated, will be presented to the Committee for discussion and possible consideration.

Dr. Kinney reported that Engineers Canada (EC) reached out to the Texas Board regarding the upcoming review of the original MRA between TBPE and EC. The only edits to the original MRA are some references to a name change and everything else remains the same. Dr. Kinney asked for a possible motion to consider adoption of the revised MRA with Engineers Canada by the Board.

It was MOVED/SECONDED (Womack/Ballí) to recommend to the Board at its Regular Board meeting on May 26, 2016, to approve the revised MRA with Engineers Canada as submitted. A vote was taken and the MOTION PASSED.

7. Process for reference checks for all applicants.

Mr. Opiela commented that staff was directed by the Committee from the last Licensing Committee meeting to review the reference check process regarding one references signing on multiple Supplementary Experience Records (SERs). He added that he reviewed the TBPE rules and the process which staff reviews the SERs. He added that the rule allows for the reference provider to have knowledge of the applicant's work experience but does not necessarily have to be a direct supervisor. He commented that if staff has a question about an SER, they do call the applicant for clarification. Dr. Kinney mentioned that it is allowed for one reference provider to make more than one reference on SERs. Staff was directed to add to the reference checklist that if one reference provider is a reference on more than one SER, that a follow up with the reference provide be done to ensure that they are familiar with the applicant's work.

8. Licensing Director's Report.

- Results and statistics: Application and Examination Report

Mr. Opiela reviewed the director's report regarding the stats which was included as an exhibit.

9. Issues for consideration and schedule next meeting

Staff was directed to research other training courses that cover merit, honesty, and proper way of doing business to replace or to supplement the current Texas Tech Engineering Ethics course. Dr. Kinney mentioned that Texas Tech has offered to customize training. He will contact them to ask if they can help.

10. Adjourn.

Chairman adjourned the meeting at 4:45 p.m.

Date minutes approved by the Committee as submitted: August 17, 2016
Date Board accepted minutes: August 18, 2016