

MINUTES
POLICY ADVISORY OPINION COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH-35 SOUTH, BOARD ROOM, AUSTIN, TEXAS
November 21, 2013— 9:00 AM

CALL TO ORDER. Carry Baker, Committee Chair, called the Policy Advisory Opinion Committee meeting of the Texas Board of Professional Engineers (TBPE) to order at 9:00 a.m. on November 21, 2013, at the Texas Board of Professional Engineers, 1917 South Interstate 35, Austin, TX. (NOTE: All votes are unanimous, unless noted otherwise.)

1. Roll call and welcome visitors.

Carry A. Baker, JD	Chair
Sina Nejad, P.E., P. Eng.	Member
Edward Summers, Ph.D.	Member
Kyle Womack, 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, Jr., P.E, Emeritus Board Member was present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director/Director of Licensing
C.W. Clark, P.E.	Director of Compliance & Enforcement
Dewey Helmcamp, III JD	Staff Attorney
Dorothy Gonzales	Executive Assistant

- 2. Visitors.** Sam Kannappan, P.E., Board Member; Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Raghunath Dass, P.E.; Peyton McKnight, American Council of Engineering Companies (ACEC-Texas); Daniel O. Wong, Ph.D., P.E., Board Member; Jim Greer, P.E., Board Member
- 3. Public comment.** Mr. Raghunath Dass, P.E., asked about the Policy Advisory Opinion Committee's role and process. He commented on construction materials testing. Ms. Baker thanked Mr. Dass for his comment. No action required.

DISCUSS AND POSSIBLY ACT ON THE FOLLOWING ITEMS (AGENDA ITEMS 3-5):

4. Engineering Advisory Opinion Request.

• **Present for consideration and discussion, EAOR #34 – Industry Exemption.**

Mr. Clark commented that this is an existing policy advisory request, and a Board liaison was previously assigned. Staff met with Mr. Womack and drafted a response, and shared with Board members, TSPE, and ACEC for input. Staff and Mr. Womack agreed that additional research is needed, and is considering scheduling stakeholder meetings. The draft does not recommend changes in the law; it is an interpretation of existing statute. Mr. Kinney added that some informal conversation and feedback has been received from interested parties who have asked for additional time to develop a formal response. Ms. Baker directed staff to continue discussions with stakeholders.

• **Present for consideration and discussion; and possibly accept the request for further action, EAOR #36 – Construction Management**

Mr. Clark reported that this is a new request that came from ACEC Texas, requesting that the Board consider a policy advisory opinion on the engineering tasks associated with construction management. Staff recommends that the Committee accept the request and appoint a Board liaison to work with staff.

It was MOVED/SECONDED (Womack/Summers) to recommend to the Board at its Regular Quarterly Board meeting on November 21, 2013, to accept the request and appoint Mr. Sina Nejad, P.E., P.Eng., as the liaison to work with staff. A vote was taken and the MOTION PASSED.

- **Present for consideration and discussion; and possibly approve a revised response to EAOR #10 – Professional Engineer (PE) Title Use**

Mr. Clark reported this request is from an engineer not licensed in Texas, requesting to use “PE” in his title. In 2005, a similar policy advisory request was received, and the Board approved the staff’s response (included as an exhibit), describing the acceptable allowance for the use of “PE” if not licensed in Texas but licensed in another state. The request also asked if an engineer can solely identify themselves as “not licensed” in Texas without listing the state(s) that they are licensed. The request to modify EAOR#10 is from an engineer licensed in another state doing federal work in Texas. Federal employees are exempt from the licensing requirements of the Texas Engineering Practice Act. Staff recommendation is to amend EAOR#10 to allow engineers to identify themselves as “PE” as long as they identify “not licensed” in Texas with state(s) optional. Mr. Clark added that if a person has a Texas address and identifies themselves as a PE, the public may believe they are licensed in Texas. Mr. Kinney added that the Committee may also decide to leave the original response EAOR #10 as is.

It was MOVED/SECONDED (Womack/Summers) to recommend to the Board at its Regular Board meeting on November 21, 2103, to leave EAOR#10 as is. A vote was taken and the MOTION PASSED.

5. **Issues for consideration and schedule next meeting.**

Revisit unresolved policy advisory requests and present any new requests.

ADJOURN.

Ms. Baker, Committee Chair adjourned the meeting at 9:25 am.

Date Committee approved minutes as submitted:

February 13, 2014

Date Board accepted minutes:

February 13, 2014