

**MINUTES**  
**ENFORCEMENT COMMITTEE MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**1917 IH-35 SOUTH, BOARD ROOM, AUSTIN, TEXAS**  
**November 17, 2016— 9:00 am**

**CALL TO ORDER.** Lamberto “Bobby” Ballí, P.E., Chair called the Enforcement Committee of the Texas Board of Professional Engineers to order at 9:01 am on November 17, 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.**

Lamberto “Bobby” Ballí, P.E.	Chair
Catherine Norwood, P.E.	Member
Edward Summers	Member
Kyle Womack, P.E.	Member

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
Dave Daigle	Director of Compliance & Enforcement
Morgen Cuming, JD	Staff Attorney
Dorothy Gonzales	Executive Assistant

**Visitors.** Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Kent O’Brien, P.E., TxDOT; Rick Guerra, P.E., TSPE President Elect; Sara Wolff, Office of the Attorney General.

**2. Public comment.** None.

**DISCUSS AND POSSIBLY ACT ON THE FOLLOWING ITEMS (AGENDA ITEMS 3-9):**

**3. Discuss and possibly approve the August 18, 2016, Enforcement Committee Meeting minutes.**

It was MOVED/SECONDED (Womack/Norwood) to approve the August 18, 2016 Enforcement Committee Minutes as submitted. A vote was taken and the MOTION PASSED.

**4. Discuss a review of the Sanction Table and Worksheet.**

Mr. Daigle discussed with the Committee the potential for changes to the current sanction worksheet and ways to clarify the format and calculations. Dr. Summers had questions about the format and function of the worksheet. It was MOVED/SECONDED (Womack/Norwood) to recommend to the Board at its Regular Quarterly Board meeting on November 17, 2016, to approve the revised sanction worksheet. A vote was taken and the MOTION PASSED 3-1 (Dr. Summers).

**5. Discuss and possibly act on Informal Conference Schedule.**

Ms. Cuming introduced to the Committee options on scheduling informal conferences ahead of time, the options were included as an exhibit. After careful consideration and discussion, the Committee selected an option to preschedule informal conferences for year.

It was MOVED/SECONDED (Summers/Womack) to recommend to the Board at its Regular Quarterly Board meeting on November 17, 2016, to approve option 1 as recommended by the Committee. A vote was taken and the MOTION PASSED.

**6. Discuss and possibly adopt the following rules.**

- Chapter 137 Compliance and Professionalism
  - §137.5 Notification of Name Change, Address Change, Employer Change, and Criminal Convictions
  - §137.17 Continuing Education Program
  - §137.31 Seal Specifications

- §137.33 Sealing Procedures
- §137.37 Sealing Misconduct
- §137.63 Engineers' Responsibility to the Profession
- Chapter 139 Enforcement
  - §139.13 Filing a Complaint
  - §139.15 Processing a Complaint
  - §139.17 Investigating a Complaint
  - §139.19 Final Resolution of Complaint
  - §139.31 Enforcement Actions for Violations of the Act
  - §139.35 Sanctions and Penalties
  - §139.47 Probation

Mr. Howell commented that the rules listed above were published in the Texas Register for comment. He reported that no comments were received.

It was MOVED/SECONDED (Womack/Norwood) to recommend to the Board at its Regular Quarterly Board meeting on November 17, 2016, to adopt the rules listed as published in the Texas Register. A vote was taken and the MOTION PASSED.

**7. Compliance & Enforcement Report.**

Mr. Daigle gave Committee members an update of the changes and workload in the Compliance & Enforcement Division. The report was included as an exhibit. No action required.

**8. Issues for consideration and schedule next meeting.** None.

**9. ADJOURN.**

It was MOVED/SECONDED (Summers/Norwood) to adjourn the meeting at 9:32 a.m. A vote was taken and the MOTION PASSED.

Date Committee approved minutes as submitted:	February 16, 2017
Date Board accepted minutes:	February 16, 2017