

MINUTES
POLICY ADVISORY OPINION COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH-35 SOUTH, BOARD ROOM
AUSTIN, TEXAS
August 17, 2017— 9:00 am

CALL TO ORDER. Kyle Womack, P.E., Chair called the Policy Advisory Opinion Committee meeting of the Texas Board of Professional Engineers to order at 9:00 am at the Texas Board of Professional Engineers at 1917 IH35 S., Austin, TX. A quorum was present. (NOTE: all votes are unanimous unless noted).

1. Roll call and welcome visitors.

R. Kyle Womack, P.E.	Chair
Lamberto “Bobby” Ballí, P.E.	Member
Dr. Sina Nejad, P.E.	Member
Albert Cheng	Member (absent)

Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board.

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
Dave Daigle, P.E.	Director of Compliance & Enforcement
Rick Strong, P.E.	Director of Licensing
Morgen Cuming, J.D.	Staff Attorney
Clif Bond	Investigating Supervisor
Dorothy Gonzales	Executive Assistant

Visitors. Peyton McKnight, American Counsel for Engineering Companies (ACEC); Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Kent O’Brien, P.E., Texas Department of Transportation; Jose Ballí.

2. Public comment. None.

DISCUSS AND POSSIBLY ACT ON THE FOLLOWING ITEMS (AGENDA ITEMS 3-6):

3. Discuss and possibly accept the request for an advisory opinion

- **EAOR 43 Policy Advisory Request Regarding a Texas Real Estate Commission (TREC) licensed inspector providing an opinion on a residential foundation and its relation to the practice of engineering.**

Mr. Daigle presented the Committee a policy advisory request submitted by a professional engineer in Texas. The request asked whether or not a licensed real estate inspector following the Texas Real Estate Commission standards and practice are performing the work of a Professional Engineer when rendering an opinion as to the performance of a foundation.

Mr. Daigle reported that he, Dr. Kinney, and Mr. Howell met with Texas Real Estate Commission's Executive Director, Deputy General Counsel, and government affairs officials to discuss the request and have developed a plan regarding stake holder meetings between the two agencies.

The Committee members discussed the plan and the possibility of overlap. Mr. Womack agreed that the agency coordination was important to make sure they are both in agreement before issuing an opinion. Mr. Ballí recommended that agreements should be very transparent. Dr. Kinney added that TREC is very engaged and willing to work on this opinion together.

It was MOVED/SECONDED (Ballí/Nejad) to recommend to the Board to accept EAOR43 Texas Real Estate Commission (TREC) related to a licensed inspector providing an opinion on a residential foundation and its relation to the practice of engineering as recommended by staff. A vote was taken and the MOTION PASSED.

4. Report on review of Policy Advisory Opinions after the Legislative Session.

Mr. Daigle reported that all of the current Policy Advisory Opinions have been internally reviewed to ensure that laws passed during the 85th Legislative Session did not affect any of the approved Policy Advisory Opinions issued by the Board. No changes were recommended.

5. Issues for consideration and schedule next meeting.

None.

6. ADJOURN.

It was MOVED/SECONDED (Nejad/Ballí) to adjourn the meeting at 9:14am. A vote was taken and the motion passed.

Date minutes were approved by the Committee as submitted: November 16, 2017.

Date minutes were accepted by the Board: November 16, 2017