

MINUTES
ENFORCEMENT COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
Thompson Conference Center
2405 Robert Dedman Dr., RM 2.120
Austin, Texas 78712
November 16, 2017— 10:00 am

CALL TO ORDER. Catherine Norwood, P.E., Chair called the Policy Advisory Opinion Committee meeting of the Texas Board of Professional Engineers to order at 10:00 am at the Thompson Conference Center at 2405 Robert Dedman Dr., Rm 2.120, Austin, TX. A quorum was present. (NOTE: all votes are unanimous unless noted.)

1. Roll call and welcome visitors.

The following Committee members were present:

Catherine Norwood, P.E.	Chair
Sam Kannappan, P.E.	Member
Kyle Womack, P.E.	Member
Edward Summers, Ph.D.	Member

A quorum was present. 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
Rick Strong, P.E.	Director of Licensing
Morgen Cuming, J.D.	Staff Attorney
Jeff Mutscher	Director of Financial Services
Clif Bond	Supervising Investigator
Dorothy Gonzales	Executive Assistant
Cristabel Bodden	Executive Assistant

Visitors: Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Gordon Duncan, P.E., TSPE; Jimmy Alan Hall; Peyton McKnight, American Counsel for Engineering Companies; Kent O'Brien, P.E., Texas Department of Transportation.

2. Public comment. None.

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

3. Discuss and possibly approve the following rule proposals to be posted in the Texas Register for comment.....presented by David Howell, P.E.
(Motion Required)

- Chapter 137
 - §137.57 Engineers Shall Be Objective and Truthful
 - §137.63 Engineers' Responsibility to the Profession

- Chapter 139
 - §139.19 Final Resolution of Complaint
 - §139.35 Sanctions and Penalties

Mr. Howell presented the proposed rule changes and clarified the difference between conflict of interest and actual conflict of interest. Mr. Howell discussed adding ADR to the enforcement case process rules to list it as an option instead of going through SOAH. Committee members concurred with staff on changing the wording in the rule from ‘possible’ to ‘potential’ in Chapter 139.

It was MOVED/SECONDED (Kannappan/Womack) to recommend to the Board at its Regular Quarterly Board meeting on November 16, 2017, to approve the changes discussed as submitted by staff. A vote was taken and the MOTION PASSED.

- 4. Compliance & Enforcement Report**.....presented by David Howell, P.E. (Report)
- Update on process improvements
 - Status on Compliance & Enforcement case load
 - Status of Continuing Education Audit(s)

Mr. Howell reported that this report is included to update Board members on process improvements within the Compliance & Enforcement division. He stated he would entertain questions from the Committee members as needed. No action taken.

Issues for consideration and schedule next meeting. No issues were discussed.

5. ADJOURN.

It was MOVED/SECONDED (Womack/Kannappan) to adjourn the meeting at 10:11 a.m. A vote was taken and the MOTION PASSED.

Date minutes were approved by Committee as submitted:	November 16, 2017
Date Board accepted minutes:	November 16, 2017

The committee may meet in closed session on any agenda item listed above as authorized by the Texas Open Meetings Act, Tex. Gov’t. Code Ann. Chapter 551.

Note: In accordance with Attorney General Opinion No. GA-0957, dated July 27, 2012, this is notification that some Board members who are not members of the Enforcement Committee may be present at this Committee meeting, and thereby create a quorum of the full Board. Board members other than the Enforcement Committee members are not authorized to deliberate or vote on matters before the Enforcement Committee. All matter reported out of this Committee will be presented to the full Board for deliberation and possible action.



Individuals needing auxiliary aids or services should contact the Texas Board of Professional Engineers at (512) 440-7723, in a timely manner.