

**MINUTES
REGULAR QUARTERLY BOARD MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 S. IH 35
Austin, Texas 78741
May 17, 2018—10:30 AM**

Call to Order. Daniel O. Wong, Ph.D., P.E., Presiding Officer, called the Regular Quarterly Board meeting of the Texas Board of Professional Engineers to order at 10:30 a.m. at the Texas Board of Professional Engineers at 1917 S. IH 35, Austin, TX. A quorum was present. (NOTE: all votes are unanimous unless noted.)

1. Roll Call and welcome visitors.

The following Board members were present:

Daniel O. Wong, Ph.D., P.E.	Chair
Sina Nejad, Ph.D., P.E., P.Eng	Secretary
Edward Summers, Ph.D.	Treasurer
Albert Cheng	Public Member
Catherine Norwood, P.E.	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. Jose I. Guerra, P.E., and Edmundo Gonzalez, P.E., Advisory Members, were present.

The following Board members were absent:

Lamberto Ballí, P.E.	Member	(Excused)
Sam Kannappan, P.E.	Vice Chair	(Excused)
Elvira Reyna	Public Member	(Excused)

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
Cristabel Bodden	Executive Assistant

Visitors: Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Peyton McKnight, P.E., American Counsel for Engineering Companies (ACEC); Kent O'Brien, P.E., Texas Department of Transportation (TXDOT); David Shatte, Office of the Attorney General; Trish Smith, P.E., TSPE.

2. Public comment. There were no public comments at this Board meeting.

3. Consent Agenda.

(The following items may be acted upon under [Consent Agenda](#) and are highlighted in blue on the Regular Quarterly Board Meeting Agenda)

- February 14, 2018, Licensing Committee Minutes (**See agenda item #5**)
- February 15, 2018, Policy Advisory Opinion Committee Minutes (**See agenda item #6**)

- February 15, 2018, General Issues Committee Minutes (**See agenda item #7**)
- February 15, 2018, Enforcement Committee Minutes (**See agenda item #8**)
- February 15, 2018, Regular Quarterly Board Meeting Minutes (**See agenda item #4**)
- Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (**See agenda item #16**)
- Licensing Applications (**See agenda item #19**)

It was MOVED/SECONDED (Summers/Norwood) to adopt the **Consent Agenda** as submitted. A vote was taken and the MOTION PASSED.

Discuss and Possibly Approve Board Minutes:

4. (**Consent Agenda**) February 15, 2018, Regular Quarterly Board Minutes

Discuss and Possibly Accept Committee Minutes:

5. (**Consent Agenda**) February 14, 2018, Licensing Committee Minutes
6. (**Consent Agenda**) February 15, 2018, Policy Advisory Opinion Committee Minutes
7. (**Consent Agenda**) February 15, 2018, General Issues Committee Minutes
8. (**Consent Agenda**) February 15, 2018, Enforcement Committee Minutes

Agenda items 5-8 were approved under **Consent Agenda**, see above.

Discuss and Possibly Act on the following agenda items (9-22):

9. Board Members' Activity Reports.

- Ballí
- Cheng
- Kannappan
- Nejad
- Norwood
- Reyna
- Summers
- Womack
- Wong

10. Advisory Members' Activity Reports.

- Gonzalez
- Guerra
- Nadkarni

Agenda items 9-10 were included for information only, no action was required.

11. Performance Measures Review.

Mr. Howell reviewed the agency performance measures with the Board members. Mr. Howell relayed that there were 33 measures covering five and half years of data. The performance measures are included in the Strategic Plan and are reported per statute. No action was required.

12. Finance and Budget.

• FY18 2nd Quarter Budget.

Mr. Mutscher reviewed with Board members the 2nd Quarter Budget report and commented that the report shows that the Board is on target with revenues and expenses. No action required.

• FY19 Proposed Draft Budget.

Mr. Mutscher reviewed the draft of the Fiscal Year (FY) 2019 budget with Board members.

Dr. Summers added that he had reviewed the analysis of the budget with Mr. Mutscher and did not have any recommended changes.

Mr. Mutscher added that the proposed budget will be presented at the August Board meeting for the Board members to adopt. No action required.

Discuss and Possibly Act on Issues Regarding Committee Reports or Items on the Committee Agendas:

13. Licensing Committee Meeting Summary.

- **Personal Appearances from Licensing Applicants:**

- William Lee Bishop
- Bryan David Cline
- Jason Preston Dusha
- Jerry Hobbie
- Emily Layne Lane
- Atchyut Sappa
- Oliver Warren Williams

Dr. Nejad reported that the Committee had met and discussed and reviewed the personal appearance cases.

It was MOVED/SECONDED (Nejad/Summers) to approve William Lee Bishop for licensure as recommended by the Licensing Committee. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Nejad/Summers) to approve Bryan David Cline for licensure as recommended by the Licensing Committee. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Nejad/Summers) to approve Jason Preston Dusha for licensure after successful completion of the Texas Tech Basic level 30-hour ethics course as recommended by the Licensing Committee. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Nejad/Summers) to approve Jerry Hobbie for licensure after successful completion of the Texas Tech Basic level 30-hour ethics course as recommended by the Licensing Committee. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Nejad/Summers) to approve Emily Layne Lane to sit for the PE exam as recommended by the Licensing Committee. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Nejad/Summers) to approve Atchyut Sappa for licensure as recommended by the Licensing Committee. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Nejad/Summers) to approve Oliver Warren Williams for licensure after successful completion of the Texas Tech Basic level 30-hour ethics course as recommended by the Licensing Committee. A vote was taken and the MOTION PASSED.

14. Policy Advisory Opinion Committee Meeting Summary.

- Discuss and possibly approve the response for:
 - Request for Policy Advisory Opinion regarding signing and sealing documents related to petrochemical plant design.

Mr. Womack reported that the Committee had met and discussed and reviewed the request for a Policy Advisory Opinion regarding signing and sealing documents related to petrochemical plant design.

Mr. Howell relayed that a formal letter had been written in response to these questions and request and that a formal Policy Advisory would not be initiated.

It was MOVED/SECONDED (Womack/Norwood) to approve the staff response to this anonymous request. A vote was taken and the MOTION PASSED.

Discuss and Possibly Act on Reports or Items reported by the Executive Director:

15. Executive Director's Report.

- **Daily Activity Report.**

Dr. Kinney mentioned his report is provided as an exhibit. No action required.

- **Strategic Plan/Journey Towards Excellence (JTE).**

Dr. Kinney relayed that Strategic Plan would be finalized and submitted by the deadline and information on the Staff retreat and final strategic plan would be provided to the Board. Dr. Kinney discussed that the teams continue to work hard on the JTE.

- **National Council of Examiners for Engineering and Surveying (NCEES).**

- **Southern Zone (SZ) Meeting – April 19-21, 2018.**

Dr. Kinney relayed that Board and Advisory members had attended the NCEES Southern Zone meeting in Virginia. Dr. Kinney presented a report with key components from the meeting for the Board to review.

- **NCEES Annual Meeting – August 15-18, 2018.**

Dr. Kinney relayed that the NCEES Annual meeting will be held in Scottsdale, Arizona and extended an invitation to all Board and Advisory members to attend the meeting. Several staff members will also attend this meeting.

- **Regional Advisory Meetings.**

- **Beaumont – March 28, 2018.**

- **Midland Meeting – Fall 2018.**

Dr. Kinney relayed that the kickoff Advisory meeting in Beaumont on March 28, 2018, was successful and had gone very well. There were great questions during the panel discussion, networking opportunities that arose, and positive feedback from the meetings and luncheon were received.

Dr. Kinney relayed that work for the Midland meeting would begin soon.

- **Outreach.**

Dr. Kinney thanked all the outreach presenters for their hard work and support. Dr. Kinney presented a summary of the State Science Fair to the Board for review. Mr. Howell relayed that it is a wonderful experience for both students and staff alike.

- **Kudos.**

Dr. Kinney thanked all the outreach presenters for their great work and support.

Discuss and Possibly Act on Enforcement/Disciplinary Matters:

16. (Consent Agenda) Administrative Reports, Outstanding Administrative Penalties, Case Pending Status Report, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases.

This Board agenda was approved under the [Consent Agenda](#), see Agenda item #3 above.

17. Consent Orders.

Informal Reprimands.

1. D-37458
2. D-37548
3. D-37624
4. D-37625

Non-Practice Violations.

- 5. Nick Manesh, P.E. – D-37549
- 6. Jeremy Alan Smith, P.E. – D-37554
- 7. Bijay Raj Aryal, P.E. – D-37414

It was MOVED/SECONDED (Nejad/Summers) to approve Consent Order Cases 1-7 as submitted. A vote was taken and the MOTION PASSED.

18. SOAH Final Board Order.

- Eduardo Carrasco – Case B-36613 [SOAH Docket No. 460-18-0695]

Ms. Cuming reviewed Mr. Carrasco’s case and presented the Final Board Order to the Board for their review and consideration.

It was MOVED/SECONDED (Summers/Norwood) to approve the SOAH Final Board Order as submitted by staff. A vote was taken and the MOTION PASSED.

Discuss and Possibly Act on Licensing Applications requiring board ruling:

19. (Consent Agenda) Licensing Applications.

- Approved for Exams
- Approved for Licensure
- Firms Approved
- Waivers – FE
- Waivers – PE
- Not Approved for Licensure.

This agenda item was approved under Consent Agenda, see above.

Discuss and Possibly Act on Other Matters.

20. Texas Board of Professional Engineers’ 2018 Board meeting and Informal Conference Schedules.

Dr. Kinney mentioned that the dates are included in the Board material. The next Board meeting is scheduled for August 23, 2018.

21. Issues from the Board member to consider for next scheduled Board Meeting.

No issues were discussed.

22. Adjourn.

It was MOVED/SECONDED (Summers/Womack) to adjourn the meeting at 11:57 a.m. A vote was taken and the MOTION PASSED.

Date the Board approved the minutes as submitted:

August 23, 2018.