

**MINUTES
LICENSING COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 S. IH 35
Austin, Texas 78741
August 22, 2018—1:00 PM**

Call to Order. Mr. Lamberto Ballí, P.E., Chair, called the Licensing Committee meeting of the Texas Board of Professional Engineers to order at 1:02 p.m. at the Texas Board of Professional Engineers, 1917 S. IH 35, Austin, TX. (NOTE: all votes are unanimous unless noted.)

1. Roll call and welcome visitors.

Ms. Bodden called the roll. It was noted for the record that a quorum was present.

The following Committee members were present:

Lamberto Ballí, P.E.	Chair
Sina Nejad, Ph.D., P.E.	Member
Edward Summers, Ph.D.	Member
Kyle Womack, P.E.	Member

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
Michael Sims, P.E.	Director of Compliance and Enforcement
Morgen Cumming, JD	Staff Attorney
Cristabel Bodden	Executive Assistant

Visitors: Jason A. Danowsky, Attorney, and Kent O'Brien, P.E., Texas Department of Transportation, were present.

Personal Appearances: Brian Christopher Alexander, Joel Capper Rife, Sergio Flores Swain.

2. Public comment. None.

Discuss and Possibly Act on the Following (Agenda Items 3-9):

3. Discuss and possibly approve the May 16, 2018 Licensing Committee Meeting Minutes.

It was MOVED/SECONDED (Summers/Womack) to approve the May 16, 2018, Licensing Committee minutes as submitted. A vote was taken and the MOTION PASSED. Mr. Ballí abstained as he was not present at the May 16, 2018, Licensing Committee meeting.

4. Discuss and possibly act on Applications for Licensure: Personal Interviews Cases.

• **Brian Christopher Alexander.** This applicant applied to take the PE exam. He came before the Committee due to incidents he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Nejad/Womack) to allow Mr. Alexander to speak an additional 3 minutes. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Womack/Summers) to recommend to the Board at its Regular Quarterly Board meeting on August 23, 2018, to approve Mr. Alexander to sit for the PE exam upon the successful completion of the 30-hour Basic Level Ethics course from Texas Tech within 6 months of August 22, 2018. A vote was taken and the MOTION PASSED.

• **Mark Justin Berry.** Mr. Berry did not appear before the Committee today and is scheduled to appear on November 14, 2018.

• **Joel Capper Rife.** This applicant applied for licensure. He came before the Committee due to incidents which he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Nejad/Summers) to allow Mr. Rife to speak an additional 3 minutes. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Womack/Summers) to recommend to the Board at its Regular Quarterly Board meeting on August 23, 2018, to allow licensure in Texas upon successful completion of the 30-hour Basic Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

• **Sergio Flores Swain.** This applicant applied to take the PE exam. He came before the Committee due to incidents he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Summers/Womack) to recommend to the Board at its Regular Quarterly Board meeting on August 23, 2018, to approve Mr. Swain to sit for the PE exam upon successful completion of the 60-hour Intermediate Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

5. Discuss and possibly approve License Application language.

Mr. Strong relayed to the Licensing Committee proposed updates needed to the criminal history question on the PE License application form. Staff is attempting to additionally clarify the language.

Dr. Summers raised a question on cases that have been formally expunged by the court. Discussion ensued between Committee members, Ms. Mohan, and Ms. Cumming on getting the terminology correct so that applicants are not confused.

It was MOVED/SECONDED (Womack/Nejad) to recommend to the Board at its Regular Quarterly Board meeting on August 23, 2018, to adopt the change in question and rewrite to present to the full Board. A vote was taken and the MOTION PASSED. Dr. Summers abstained.

6. Discuss FE Waiver after FE Exam Failure White Paper.

Mr. Strong stated that a white paper was developed about possible FE Waiver requirement changes. This was presented for discussion only to receive guidance from the Committee.

Mr. Howell relayed that any new proposed rules must now go to the Governor's office for approval prior to being sent to the Texas Register for a 30-day comment period. Any comments would be addressed by the Committee and prior to rule adoption.

Mr. Strong discussed talking points from the White Paper with the Committee.

No motion was required on the discussion and talking points presented. Staff was given direction to take comments from the meeting and work on a draft rule proposal for the November meeting.

7. Licensing Director's Report.

• Results and Statistics: Application and Examination Report.

Mr. Strong reviewed the report with the Committee members and provided application and exam results. The report is also included as an exhibit for the Committee.

8. Issues for consideration for future board meetings. None.

9. Adjourn.

It was MOVED/SECONDED (Summers/Ballí) to adjourn the meeting at 3:56 p.m. A vote was taken and the MOTION PASSED.

Date minutes were approved by Committee as submitted:

November 14, 2018

Date Board accepted minutes:

November 15, 2018