

**MINUTES
REGULAR QUARTERLY BOARD MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 S. IH 35
Austin, Texas 78741
November 15, 2018—10:00 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 10:10 a.m. at the Texas Board of Professional Engineers at 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 Board members were present:

Daniel O. Wong, Ph.D., P.E.	Chair
Sina Nejad, Ph.D., P.E.	Secretary
Edward Summers, Ph.D.	Treasurer
Lamberto Ballí, P.E.	Member
Albert Cheng	Public Member
Catherine Norwood, P.E.	Member
Kyle Womack, P.E.	Member

The following Board members were absent and excused:

Sam Kannappan, P.E.	Vice Chair
Elvira Reyna	Public Member

Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Mr. José Guerra, P.E., Advisory Member was present.

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
Jeff Mutscher	Chief Financial Officer
Michael Sims, P.E.	Director of Compliance and Enforcement
Morgen Cuming, J.D.	Staff Attorney
Cristabel Bodden	Executive Assistant

Visitors: Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Kent O'Brien, P.E., Texas Department of Transportation; Stephanie Stanford, P.E., TSPE; Scott Stewart, American Council of Engineering Companies of Texas.

2. Public comment. None.

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)

- August 23, 2018 Regular Quarterly Board Minutes (See agenda item #4)
- August 22, 2018 Licensing Committee Minutes (See agenda item #5)

- August 23, 2018 Policy Advisory Opinion Committee Minutes (**See agenda item #6**)
- August 23, 2018 Legislative Committee Minutes (**See agenda item #7**)
- August 23, 2018 Nominating Committee Minutes (**See agenda item #8**)
- Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (**See agenda item #17**)
- Licensing Applications (**See agenda item #20**)

It was MOVED/SECONDED (Ballí/Womack) to approve the items listed in the **Consent Agenda** as presented. A vote was taken and the MOTION PASSED.

Discuss and Possibly Approve Board and Committee Minutes:

4. (**Consent Agenda**) August 23, 2018 Regular Quarterly Board Minutes
5. (**Consent Agenda**) August 22, 2018 Licensing Committee Minutes
6. (**Consent Agenda**) August 23, 2018 Policy Advisory Opinion Committee Minutes
7. (**Consent Agenda**) August 23, 2018 Legislative Committee Minutes
8. (**Consent Agenda**) August 23, 2018 Nominating Committee Minutes

Agenda items 4-8 were approved under **Consent Agenda**, see above.

Discuss and Possibly Act on the following agenda items (9-23):

9. Board Members' Activity Reports.

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

10. Advisory Members' Activity Reports.

- Gonzalez
- Guerra
- Nadkarni

Mr. Guerra discussed his recent Accreditation Board for Engineering and Technology (ABET) visit with Lamar University and relayed that the staff and faculty were very friendly and courteous. Mr. Guerra was also impressed with a new program that stemmed from a Professor from Monterrey, México. This program would be part of the Washington Accord and their education is equivalent to ours in the United States.

Mr. Womack relayed that he had an ABET visit with the University of Texas at Austin and discussed a new engineering program in Computational Engineering. The University of Texas was undergoing accreditation for what would be the first undergraduate program in Computational Engineering.

Mr. Ballí relayed that he participated in an ABET visit was in San Antonio at St. Mary's University. He stated

that faculty were interested in licensure and wanted more information on the process for engineering educators.

Mr. Cheng relayed that he had spoken with Howard Payne University inquired about the accreditation process through ABET. Mr. Cheng asked about the licensure process for a student in a program that is not yet accredited.

Dr. Kinney relayed that there is a process and provision for this and that it would take a little longer than for an ABET program graduate.

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

11. Finance and Budget.

• FY18 4th Quarter Budget.

Mr. Mutscher reviewed the 4th Quarter Budget report with Board members and commented that the report showed revenues and expenditures for the entire year through August 31, 2018 and that revenues are on target and expenses will be less than budgeted due to staff vacancies and renovations that we were not able to complete in that fiscal year.

No action required on this agenda item.

• FY18 Annual Internal Audit Report.

Mr. Mutscher discussed the 2018 Annual Internal Audit. He explained that the report must be submitted by November 1, 2018. Instead of hiring an external auditor this year, we opted to submit and use the audit that was done by the State Auditor's Office which was a very comprehensive audit of our entire agency. This report reflected a very good result.

For the upcoming Internal Audit for Fiscal 2019, the audit plan will focus on licensing processes and procedures.

No action required on this agenda item.

12. Discuss and possibly act on Performance Measures Review.

Mr. Howell relayed that the report was available for the Board Members to review and that measures are reported every 6 months. He relayed that the last report had 34 measures but now have 33 since two measures from the Compliance and Enforcement (C&E) Department were combined. He presented the measures and answered questions from Board members. Mr. Balli asked for information related to in-state and out-of-state licensees.

No action required on this agenda item.

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:**
 - Mark Justin Berry
 - Ezekiel Drawhorn
 - Patrick High
 - Thomas Johnson

- Erica Sanchez
- Ellion Self

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

It was MOVED/SECONDED (Nejad/Ballí) to approve Mr. Berry to sit for the PE exam upon the successful completion of the 30-hour Basic Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Nejad/Ballí) to allow Mr. Drawhorn 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.

It was MOVED/SECONDED (Nejad/Ballí) to allow Mr. High to come before the Committee for reconsideration and recommendation to the Board after successful completion of the 90-hour Advance Level Ethics Course from Texas Tech. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Nejad/Ballí) to allow Mr. Johnson 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.

It was MOVED/SECONDED (Nejad/Ballí) to approve Ms. Sanchez 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.

It was MOVED/SECONDED (Nejad/Ballí) to approve Ms. Self licensure in Texas. A vote was taken and the MOTION PASSED.

- **Discuss and possibly approve the following rule proposal regarding FE Waiver after FE Failure**
 - **Chapter 133**
 - **§133.69 Waiver of Examination**

Dr. Nejad relayed that the Committee had reviewed the proposed FE Waiver rule changes and a motion had been made to accept the proposed rules as presented.

It was MOVED/SECONDED (Nejad/Ballí) that the Board approve the proposed rule changes and send to the Governor's Office for approval and subsequent posting on the Texas Register for a 30-day comment period.

Dr. Nejad relayed that the Committee had asked staff to continue work on the language in the applicant character review white paper. No motion was required.

14. Legislative Issues Committee Meeting Summary.

Mr. Cheng reported that the Committee had met and discussed the upcoming legislative session and a proposal to have a plan on interacting with legislators.

Mr. Cheng relayed that Dr. Kinney had provided an update on the Sunset Committee hearing for the Texas Board of Professional Land Surveying and Mr. Howell discussed legislative bills being tracked.

15. Policy Advisory Opinion Committee Meeting Summary.

- **Discuss and possibly approve the response for:**
 - **Request for Policy Advisory Opinion Regarding Texas P.E. Licensing Requirements for Contractors and Subcontractors.**

Mr. Womack reported that the Committee had met and discussed and reviewed the request for a Policy Advisory Opinion regarding Texas P.E. Licensing requirements for Contractors and Subcontractors.

After a good discussion between the Committee and staff, the Committee decided to table the response until the next meeting for further discussion.

No motion was required.

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

16. 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 reported that the plan is moving forward and we continue to work hard addressing issues. We are currently working on the online firm application process.
- **Legislative Communication Conference for 86th Texas Legislative Session Report.**

Dr. Kinney reported that several Board and staff members attended the conference. Several legislators and other officials shared information and their opinions about the upcoming session. The Agenda was provided as an exhibit.
- **Regional Advisory Meetings.**
 - **Midland Meeting – October 2, 2018.**

Dr. Kinney relayed that positive feedback had been received from the Midland Advisory meeting and that Ms. Norwood and Mr. Womack had been instrumental in the organization of this meeting. He recognized the assistance of the UT Permian Basin engineering staff in making this event a success.
 - **Rio Grande Valley – Spring 2019.**

Dr. Kinney relayed that staff have started exploring locations, dates, and times to host the next Advisory meeting. Dr. Wong asked Board members from that area to get involved and help plan and organize this Advisory meeting. Mr. Ballí offered to assist in this endeavor.
- **Building Plan Update.**

Dr. Kinney reported that a contract had been signed with the Texas Facilities Commission and work would begin in early 2019. Dr. Kinney relayed that the agency is considering expanding beyond our current needs and looking at providing space for an additional 10+ future staff. There are three options that the agency is considering. The first is what we can do within the envelope of the current building, the second is to consider how we could expand the building, and the third option would consider a phased approach and what we could do over time to meet our expansion goal. Dr. Kinney relayed he would keep the Board informed on the progress of updates to the building plan.
- **Outreach.**

Dr. Kinney reported that staff travel all over the state for Outreach ethics presentations and provide quarterly webinars. Outreach numbers were presented in an exhibit for Board members to review.
- **Kudos.**

Dr. Kinney reported that staff continue to receive kudos for the Outreach ethics presentations and quarterly webinars. Dr. Kinney thanked the Outreach team for their hard work, commitment, and travel time.

Discuss and Possibly Act on Enforcement/Disciplinary Matters:

17. (Consent Agenda) Administrative Reports, Outstanding Administrative Penalties,

Case Pending Status Report, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases.

This agenda item was approved under the **Consent Agenda**, see Agenda item #3 above.

**18. Agreed Board Orders.
Informal Reprimands.**

1. D-37291 (Norwood – recused)

Practice Violations.

2. Jessica McLarty, P.E. – D-37033 (Nejad – recused)

Mr. Sims presented the Agreed Board Orders and relayed which Board members should be recused. Mr. Sims relayed that the material is available to the Board members for review and Investigators are present to answer questions.

It was MOVED/SECONDED (Ballí/Summers) to approve Agreed Board Order 1 as submitted. A vote was taken and the MOTION PASSED. Ms. Catherine Norwood, P.E., recused herself.

It was MOVED/SECONDED (Norwood/Ballí) to approve Agreed Board Order 2 as submitted. A vote was taken and the MOTION PASSED. Dr. Nejad, P.E., recused himself.

19. Consent Orders.

Mr. Sims presented the Consent Orders and relayed that no Board members needed to recuse themselves.

Informal Reprimands.

1. D-37860

Non-Practice Violations.

2. Ryan Wesley Hanemann, P.E. – D-37873
3. Mingqiao Zhu, P.E. – D-37787

Practice Violations.

4. Justin William Hall, P.E. – D-37885
5. Ram Goel, P.E. – D-37831

It was MOVED/SECONDED (Ballí/Norwood) to approve Consent Orders 1-5 as submitted. A vote was taken and the MOTION PASSED.

Discuss and Possibly Act on Licensing Applications requiring board ruling:

20. (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 Agenda item #3.

Discuss and Possibly Act on Other Matters.

21. Texas Board of Professional Engineers' Fiscal Year 2019 Informal Conference Schedule.

Dr. Kinney relayed that the schedule had been set and Board members would be contacted.

22. Issues from the Board member to consider for next scheduled Board Meeting. None.

Mr. Cheng discussed best practices on using a board-issued email address. Mr. Cheng recommends that a board email address be issued to each Board member. Dr. Kinney took this on as a task and added that he would report back to the Board.

23. Adjourn.

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

Date the Board approved the minutes as submitted:

February 14, 2019.