

**MINUTES  
LICENSING COMMITTEE MEETING  
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
1917 S. Interstate 35  
Austin, Texas 78741  
February 19, 2020—1:00 PM**

**Discuss and Possibly Act on the Following Agenda Items:**

**1. Preliminary Matters:**

**A. Call to Order.**

Ms. Catherine Norwood, P.E., Chair, called the Licensing Committee meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 1:29 p.m. at the Texas Board of Professional Engineers and Land Surveyors, 1917 S. Interstate 35, Austin, TX. (NOTE: all votes are unanimous unless noted.)

**B. Roll Call.**

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

**The following Committee members were present:**

Catherine Norwood, P.E.	Chair
Albert Cheng	Public Member
Coleen Johnson, R.P.L.S.	Member

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
Rick Strong, P.E.	Director of Licensing and Registration
Michael Sims, P.E.	Director of Compliance and Enforcement
Elissa Mazza	Staff Attorney
Cristabel Bodden	Executive Assistant

**C. Excuse absent Committee members.**

It was MOVED/SECONDED (Cheng/Johnson) to excuse Mr. Lamberto Ballí, P.E., from the Licensing Committee meeting. A vote was taken and the MOTION PASSED.

**D. Welcome Visitors.**

**Visitors:** Steven J. Freeman, II, Texas Society of Professional Surveyors; Michele Mulryan, Texas Department of Transportation; Dr. Sina K. Nejad, P.E., P.Eng., Board Member; Kiran Shah, Public Member; and Emily Spaar were present.

**Personal Appearances:** Naseem Albori, Blake Horton, Kyle Huerd, Dustin Lorance, Noel Anthony Spaar, and Alejandro Villarreal Alvarez were present.

Ms. Norwood welcomed new Board member, Ms. Coleen Johnson, R.P.L.S.

**E. Public Comment.** None.

**2. November 13, 2019 Licensing Committee Meeting Minutes.**

It was MOVED/SECONDED (Cheng/Johnson) to approve the November 13, 2019 Licensing Committee minutes as submitted. A vote was taken and the MOTION PASSED.

**3. Applications for Licensure: Personal Interviews Cases.**

Mr. Strong read the Criminal History Record Check question found on both the electronic and paper versions of the Professional Engineering application for the Committee members and relayed that the question appears in its entirety on both versions of the application.

• **Naseem Albori**

This applicant applied for licensure. He came before the Committee due to an unreported incident. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, to allow licensure in Texas upon the successful completion of the 30-hour Basic Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

• **Blake Horton**

This applicant applied for licensure. He came before the Committee due to an unreported incident. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Cheng/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, to allow licensure in Texas upon the successful completion of the 30-hour Basic Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

• **Kyle Huerd**

This applicant applied for licensure. He came before the Committee due to an unreported incident. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, to allow licensure in Texas upon the successful completion of the 30-hour Basic Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

- **Dustin Lorance**

This applicant applied for licensure. He came before the Committee due to a reported recent incident. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Cheng/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, to allow licensure in Texas upon the successful completion of the 30-hour Basic Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

- **Noel Anthony Spaar**

This applicant applied for licensure. He came before the Committee due to multiple reported recent incidents. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Cheng/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, to allow licensure in Texas. A vote was taken and the MOTION PASSED.

- **Alejandro Villarreal Alvarez**

This applicant applied for licensure. He came before the Committee due to an unreported incident. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Cheng/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, to allow licensure in Texas upon the successful completion of the 30-hour Basic Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

Mr. Strong provided statistics to the Committee on the number of applications that lead to personal appearances and appeared before the Committee for reported and unreported criminal incidents.

Mr. Cheng suggested Board staff look into creating a dashboard so that Board members could look at these statistics when needed.

Mr. Strong relayed that staff provides this information via the Performance Measures report.

Dr. Kinney stated that he would look into Mr. Cheng's request.

#### 4. **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter A – Surveyor-In-Training.**

- **§134.1 - Surveyor-In-Training Designation.**
- **§134.3 - Surveyor-In-Training Application and Certification.**
- **§134.3 - Surveyor-In-Training Experience Requirements.**

Dr. Kinney stated that with the merger in September 2019, Board staff were now responsible for updating and merging the rules under the Texas Board of Professional Surveying with the rules under the Texas Board of Professional Engineers.

Ms. Johnson stated that all Chapter 134 rules were vetted through the Surveying Committee and all changes and modifications were approved by this Committee.

Dr. Kinney discussed Chapter 134, Subchapter A rule proposals prepared by Board staff with the Committee. An exhibit was provided for the Committee for their review.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 134, Subchapter A rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

**5. Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter B – Professional Surveyor Registration.**

- **§134.11 – Types of Surveyor License and Registration.**

Dr. Kinney discussed Chapter 134, Subchapter B rule proposal prepared by Board staff with the Committee. An exhibit was provided for the Committee for their review.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 134, Subchapter B rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

**6. Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter C – Land Surveyor Application Requirements.**

- **§134.21 – Application for Standard Registration.**
- **§134.23 – Application for Standard Registration Holders.**
- **§134.25 – Application from Out-of-State Registration Holders.**
- **§134.27 – Application for Licensed State Land Surveyor.**
- **§134.29 – Application for Temporary License for Military Spouses Who Are Licensed or Registered in Another State.**

Dr. Kinney discussed Chapter 134, Subchapter C rule proposals prepared by Board staff with the Committee. An exhibit was provided for the Committee for their review.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the

Texas Register Chapter 134, Subchapter C rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

**7. Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter D – Education.**

- **§134.31 – Educational Requirements for Applicants.**
- **§134.35 – Proof of Educational Qualifications – Accredited/Approved Programs.**
- **§134.37 – English Translation.**

Dr. Kinney discussed Chapter 134, Subchapter D rule proposals prepared by Board staff with the Committee. An exhibit was provided for the Committee for their review.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 134, Subchapter D rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

**8. Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter E – Experience.**

- **§134.41 – Supplementary Experience Record.**
- **§134.43 – Experience Evaluation.**

Dr. Kinney discussed Chapter 134, Subchapter E rule proposals prepared by Board staff with the Committee. An exhibit was provided for the Committee for their review.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 134, Subchapter E rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

**9. Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter F – Reference Documentation.**

- **§134.51 – Reference Providers.**
- **§134.53 – Reference Statements.**
- **§134.55 – Reference Communication.**

Dr. Kinney discussed Chapter 134, Subchapter F rule proposals prepared by Board staff with the Committee. An exhibit was provided for the Committee for their review.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 134, Subchapter F rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

**10. Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter G – Examinations.**

- **§134.61 – Surveying Examinations Required for a Registration to Practice as a Professional Surveyor.**
- **§134.65 – Examination on the Fundamentals of Surveying.**
- **§134.67 – Examination on the Principles and Practice of Surveying.**
- **§134.68 – Licensed State Land Surveyor Examination.**
- **§134.69 – Waiver of Examinations.**
- **§134.71 – Examination for Record Purposes.**
- **§134.73 – Examination Results and Analysis.**
- **§134.75 – Examination Irregularities.**

Dr. Kinney discussed Chapter 134, Subchapter G rule proposals prepared by Board staff with the Committee. An exhibit was provided for the Committee for their review.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 134, Subchapter G rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

**11. Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter H – Review Process of Applications and Registration Issuance.**

- **§134.81 – Receipt and Processing of Applications by the Board.**
- **§134.83 – Executive Director Review, Evaluation, and Processing of Applications.**
- **§134.87 – Final Action on Applications.**
- **§134.89 – Processing of Administratively Withdrawn Applications.**
- **§134.91 – Reconsideration of Denied Applications.**
- **§134.93 – Personal Interviews of Applicants.**
- **§134.95 – Application Files.**
- **§134.97 – Issuance of Registration.**
- **§134.99 – Processing of Applications with a Criminal Conviction.**

Dr. Kinney discussed Chapter 134, Subchapter H rule proposals prepared by Board staff with the Committee. An exhibit was provided for the Committee for their review.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 134, Subchapter H rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

**12. Proposed Amendment to Add 22 Tex. Admin. Code Chapter 136, Firm Registration.**

- **§136.1 – Authority.**
- **§136.3 – Application for a Certificate of Registration.**
- **§136.5 – Renewal and Good Standing.**

Dr. Kinney discussed Chapter 136 rule proposals prepared by Board staff with the Committee. An exhibit was provided for the Committee for their review.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 136 rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

**13. Proposed Amendments to Add 22 Tex. Admin. Code Chapter 133, Subchapter C – Professional Engineer License Application Requirements.**

- **§133.21 – Application for Standard License.**
- **§133.23 – Applications from Former Standard License Holders.**
- **§133.25 – Applications from Engineering Educators.**
- **§133.27 – Application for Temporary License for Engineers Currently Licensed Outside the United States.**

Dr. Kinney discussed Chapter 133, Subchapter C rule proposals prepared by Board staff with the Committee. An exhibit was provided for the Committee for their review.

It was MOVED/SECONDED (Cheng/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 133, Subchapter C rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

**14. Proposed Amendments to Add 22 Tex. Admin. Code Chapter 133, Subchapter G – Examinations.**

- **§133.73 – Examination Results and Analysis.**

Dr. Kinney discussed Chapter 133, Subchapter G rule proposals prepared by Board staff with the Committee. An exhibit was provided for the Committee for their review.

It was MOVED/SECONDED (Cheng/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 133, Subchapter G rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

**15. Proposed Amendments to 22 Tex. Admin Code Chapter 133, Subchapter H – Review Process of Applications and License Issuance.**

• **§133.89 – Processing of Administratively Withdrawn Applications.**

Dr. Kinney discussed Chapter 133, Subchapter H rule proposal prepared by Board staff with the Committee. An exhibit was provided for the Committee for their review.

It was MOVED/SECONDED (Cheng/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board propose for publication in the Texas Register Chapter 133, Subchapter H rules submitted and discussed by staff, contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

**16. Adoption of Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter C – Professional Engineer License Application Requirements.**

• **§133.29 - Application for Temporary License for Military Spouses Who Are Licensed or Registered in Another State.**

Dr. Kinney discussed Chapter 133, Subchapter C rule §133.29 - Application for Temporary License for Military Spouses Who Are Licensed or Registered in Another State prepared for adoption by Board staff with the Committee. Dr. Kinney relayed that the rule language was included as an exhibit for the Committee.

It was MOVED/SECONDED (Cheng/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, to adopt rule §133.29 - Application for Temporary License for Military Spouses Who Are Licensed or Registered in Another State as presented by Board staff. A vote was taken and the MOTION PASSED.

**17. NCEES National Professional Surveying Exam and Texas State Specific Exam.**

Dr. Kinney discussed the NCEES National Professional Surveying Exam and Texas State Specific Exam with the Committee.

Ms. Johnson stated that the Surveyor Advisory Committee was in support of the NCEES National Professional Surveying Exam and Texas State Specific Exam.

Mr. Strong relayed the time commitment and staff workload involved in administering, grading, and delivering these exams. Mr. Strong added that staff now have a good understanding on the staff hours it takes for an entire round of exams.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on February 20, 2020, that the Board endorse and the Surveyor Advisory Committee and staff recommendation to move forward and work toward utilizing the NCEES Professional Surveying Exam plus a Texas State specific exam. A vote was taken and the MOTION PASSED.

## **18. Licensing Director's Report.**

- **Engineer Results and Statistics: Licensing Application and Examination Report.**

Mr. Strong reviewed the report with the Committee members and provided application and exam results.

- **Surveyor Results and Statistics: Registration Application and Examination Report.**

Mr. Strong reviewed the report with the Committee members and provided application and exam results.

Mr. Cheng asked how many Professional Engineers were also registered Surveyors.

Mr. Strong relayed he could provide this information from TIDE to Mr. Cheng and the Committee.

Ms. Norwood asked if the pass/fail rate of the surveyor exams was always so low.

Ms. Johnson relayed that the pass/fail rate has been historically low for the surveyor exam including at the national level.

## **19. Issues for consideration for future board meetings.**

Dr. Kinney stated that a request from an organization had come in concerning the creation of a Plumbing module or exam under Mechanical Engineering.

The representative could not attend the Committee meeting and this request will be addressed at the next Licensing Committee meeting.

## **20. Adjourn.**

Ms. Norwood adjourned the meeting at 3:49 p.m.

Date minutes were approved by Committee as submitted:  
Date Board accepted minutes:

May 20, 2020  
May 21, 2020