

MINUTES
TEXAS BOARD OF PROFESSIONAL
ENGINEERS REGULAR QUARTERLY BOARD
MEETING 1917 SOUTH INTERSTATE 35
AUSTIN, TX 78741
AUGUST 27, 2015 - 10:30 AM

Call to Order. Daniel O. Wong, Ph.D., P.E., Presiding Officer called the Texas Board of Professional Engineers meeting to order at 10:30 am on August 27, 2015, at Texas Board of Professional Engineers, 1917 S. Interstate 35 in Austin, Texas. A quorum was present. (Note: all votes are unanimous unless noted)

1. Roll Call and Welcome Visitors.

Daniel O. Wong, Ph.D., P.E.	Chair
Elvira Reyna	Vice-Chair-Public Member
Carry Ann Baker	Secretary - Public Member
Edward Summers, Ph.D.	Treasurer- Public Member
Lamberto "Bobby" Ballí, P.E.	Member
James "Jim" Greer, P.E.	Member
Sina Nejad, D. Eng. P.E., P.Eng.	Member
R. Kyle Womack, P.E.	Member
Sockalingam "Sam" Kannappan, P.E.	Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Mr. Jose Guerra, P.E., and Mr. Govind Nadkarni, P.E., Emeritus Board Members, were present.

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
Robert Opiela, P.E.	Director of Licensing
Jeff Mutscher	Director of Finance
Dewey Helmcamp, III JD	Staff Attorney
Morgen Cuming, JD	Staff Attorney
Debbie Trevino	Continuing Education Coordinator

Visitors: Terry Bilderback, Texas Society of Professional Engineers (TSPE); Kent O'Brien, P.E., Texas Department of Transportation (TxDOT); Jennifer McEwin, Ph.D., TSPE; Trish Smith, Executive Director for TSPE; DeAnn Walker, Governor's Office; Peyton McKnight, American Council for Engineering Companies (ACEC).

2. Public Comment. None.

3. Consent Agenda.

(The following items may be acted upon under Consent Agenda and are marked with an asterisk* on the Regular Quarterly Board Meeting Agenda)

(Motion Required)

- June 6, 2014, Education Advisory Committee Minutes
- June 6, 2014, Industry Advisory Committee Minutes
- June 6, 2014, Government Advisory Committee Minutes
- June 6, 2014, Education, Industry, Government Advisory Committee Minutes
- May 20, 2015, Licensing Committee Minutes
- May 21, 2015, Policy Advisory Opinion Committee Minutes
- May 21, 2015, Legislative Committee Minutes
- May 21, 2015, Regular Quarterly Board Meeting Minutes

- May 21, 2015, Board Member Strategic Plan Minutes
- Administrative Reports, Outstanding Administrative Penalties Dismissed Cases, Cease and Desist Order, Agreements, Injunctions/Default Judgments
- Licensing Applications.

It was MOVED/SECONDED (Ballí/Nejad) to approve the Consent Agenda as submitted. A vote was taken and the MOTION PASSED.

Discuss and Possibly Approve Board Minutes:

4. ***(Consent Agenda)** Discuss and possibly approve minutes of the May 21, 2015, Regular Quarterly Board Meeting

Discuss and Possibly Accept Committee Minutes:

5. ***(Consent Agenda)** June 6, 2014, Education Advisory Committee Minutes
6. ***(Consent Agenda)** June 6, 2014, Industry Advisory Committee Minutes
7. ***(Consent Agenda)** June 6, 2014, Government Advisory Committee Minutes
8. ***(Consent Agenda)** June 6, 2014, Education, Industry, Government Advisory Committee Minutes
9. ***(Consent Agenda)** May 20, 2015, Licensing Committee Minutes
10. ***(Consent Agenda)** May 21, 2015, Policy Advisory Opinion Committee Minutes
11. ***(Consent Agenda)** May 21, 2015, Legislative Committee Minutes
12. ***(Consent Agenda)** May 21, 2015, Board Member Strategic Plan Minutes

Agenda items 4-12 were approved under Consent Agenda, see agenda item #3 above.

Discuss and Possibly Act on the following agenda items (13-26):

13. Board Members' Activity Reports.

(Report)

- | | |
|-------------|-----------|
| • Ballí | • Reyna |
| • Baker | • Summers |
| • Greer | • Womack |
| • Kannappan | • Wong |
| • Nejad | |

Dr. Wong mentioned that the Board member activity reports are included as information only.

14. Emeritus Members' Activity Reports.

- | | |
|------------|------------|
| • Gonzalez | • Nadkarni |
| • Guerra | |

Dr. Wong mentioned that the Emeritus Board members' activity reports are included as information only.

15. Finance and Budget.

• **FY15 3rd Quarter Budget Report**

Mr. Mutscher reviewed the third quarter budget report with Board members.

• **Adoption of FY 2016 Budget**

After reviewing the proposed FY2016 Budget with Board members, Mr. Mutscher asked them to approve the budget as proposed including a merit increase awarded to the Executive Director by the Board Chair as a result of his annual performance review.

It was MOVED/SECONDED (Ballí/Nejad) to approve the FY2016 budget as proposed. A vote was taken and the MOTION PASSED.

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

16. Nominating Committee.

• **Election of New Officers**

Dr. Wong reported that the Committee discussed the election of new officers, and made the following

recommendation for the Board:

Carry A. Baker, J.D.	Vice-Chair
Lamberto "Bobby" Ballí, P.E.	Secretary
Edward L. Summers, Ph.D.	Treasurer

It was MOVED/SECONDED (Greer/Summers) to approve the slate of officers as submitted. A vote was taken and the MOTION PASSED.

17. Licensing Committee.

- Personal Appearances from Licensing Applicants
Mr. Ballí reported that the Committee reviewed 10 personal appearances.

It was MOVED/SECONDED (Ballí/Womack) to approve Andrew Adams and Matthew Rivera to take the PE exam. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Summers) to approve Nicolas Francis and James Wilson to be licensed in the State of Texas. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Greer) to approve Patrick Kearns, Eric Nielsen, Noah Poe, and Travis Rau to be licensed in the State of Texas after successful completion of the Level I Ethics Course and documentation submitted to staff. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Summers) to approve Cliff Abernathy to be licensed in the State of Texas after successful completion of the Level II Ethics course and documentation submitted to staff. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Greer) to deny Mr. Jesus Salgado's application, require him to gain additional experience and successfully complete the Level I Ethics Course, and to reapply after 10-12-2017 which is two (2) years after his last incident. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Greer) to deny John Jacobi's application, require him to gain an additional 2 years of experience and successfully complete the Level I Ethics Course by January 1, 2016, and to reapply in two years. He will be required to reappear before the Licensing Committee and provide 3 additional PE references. A vote was taken and the MOTION PASSED.

- **Discuss and possibly approve the following rule proposals to be posted in Texas Register for comment.**
 - **Professional Fee Repeal (HB 7)-**
 - **§133.81 Receipt and Processing of Applications by the Board**
 - **§133.87 Final Action on Applications**
 - **§133.97 Issuance of License**
 - **§137.7 License Expiration and Renewal**
 - **§137.9 Renewal for Expired License**
 - **§137.11 Expiration and Licensed in Another Jurisdiction**
 - **§137.13 Inactive Status**

It was MOVED/SECONDED (Ballí/Womack) to approve the Professional Fee Repeal proposed rules as submitted to be published in the Texas Register for comment. A vote was taken and the MOTION PASSED.

- **Military licensing (SB 807 and SB 1307)-**

- **§133.21 Application for Standard License**
- **§133.23 Applications from Former Standard License Holders**
- **§133.25 Applications from Engineering Educators**
- **§133.81 Receipt and Processing of Applications by the Board**
- **§137.9 Renewal for Expired License**

It was MOVED/SECONDED (Ballí/Summers) to approve the Military licensing proposed rules as submitted to be published in the Texas Register for comment. A vote was taken and the MOTION PASSED.

- **Windstorm Roster Removal (HB 2439)-**
- **§137.19. Engineers Qualified to be Texas Windstorm Inspectors.**

It was MOVED/SECONDED (Ballí/Summers) to approve the Windstorm Roster Removal proposed rules as submitted to be published in the Texas Register for comment. A vote was taken and the MOTION PASSED.

- **Discuss and possibly approve the following PE exam Decoupling Report.**
- **PE exam Decoupling**

Mr. Ballí reported that the Committee discussed at length the PE exam decoupling. Staff asked for the Board's approval on moving forward with the proposed concept and draft rules.

It was MOVED/SECONDED (Ballí/Summers) to direct staff to move forward with the decoupling concept and present proposed draft rules at the next scheduled meeting. A vote was taken and the MOTION PASSED, 8-1; Nejad opposed.

- **International Licensure**
- **Mutual Recognition Agreement with S. Korea**

Dr. Kinney reported that staff, with the direction of the Board liaisons, have been working with S. Korea on a draft Mutual Recognition Agreement (MRA). S. Korea went through a delegate change and has since submitted a revised MRA. Staff, Board Members Ballí and Kannappan, and Emeritus Members Gonzales, Guerra, and Nadkarni met with the S. Korean delegates at the NCEES Annual meeting in Williamsburg, VA, to discuss the revised MRA. Dr. Kinney commented that they informed the S. Korean delegate that the changes must be approved by the Board, and he will present the revised MRA at the November Board meeting. He added that the MRA is very similar agreement with other countries. Staff will continue working with S. Korea delegates and keep the Board Chair informed of all communication efforts. No action required at this time.

18. Policy Advisory Opinion Committee.

Ms. Baker reported that staff gave a report on EAOR#39-On-Farm Energy Audits and will continue to research and coordinate a stakeholder meeting in the new future. No action required.

Discuss and Possibly Act on the following rule proposals to be posted in Texas Register for comment:

19. Rule proposals.

Mr. Howell reported that the following rule proposals are to comply with changes made during the 84th Legislative Session regarding State contracts and Board rule procedures.

- **Contracting (SB 20)-**
- **§131.37 State Contract Guidelines**

It was MOVED/SECONDED (Baker/Nejad) to approve the rule proposal regarding State Contract Guidelines to be published in the Texas Register for comment. A vote was taken and the MOTION PASSED.

- **Rulemaking Petitions (HB763)**
- **§131.85 Board Rules Procedures**

It was MOVED/SECONDED (Summers/Nejad) to approve the rule proposal regarding Board Rules Procedure to be published in the Texas Register for comment. A vote was taken and the MOTION PASSED.

PASSED.

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

20. Executive Director's Report.

- **Activity Report.** Dr. Kinney mentioned that his activity report was included as an exhibit and he asked if anyone had any questions.
- **Visibility and Outreach Strategic Plan.** Dr. Kinney reported that the Visibility and Outreach Strategic Plan and Strategic Plan are summaries of the Board strategic workshop, staff strategic meeting, and input from the engineering profession on what the Board can improve in. It is the charges that the Board staff will be focusing on in the upcoming year.
- **84th Legislative Session Conclusion.** Dr. Kinney mentioned that this is a report of all the bills that affected the engineering profession.
- **TBPE Advisory Committee Meetings, June 26, 2015.** Dr. Kinney reported that staff and Board liaisons met with advisory committees and discussed strategic plan and decoupling. He added that the committees also discussed possible regional meetings. Dr. Wong added that he is working with Dr. Kinney on regional meetings. He added that Board Advisory Committee Liaisons will be providing information regarding the advisory committees.
- **NCEES Annual Meeting.** Dr. Kinney reported on the NCEES meeting in Williamsburg, VA, in August 2015.
- **Outreach.** Dr. Kinney pointed out that outreach presentations have been very successful, and the numbers are much higher this year and keep growing. He added that webinars are being scheduled 3x per day, and additional sessions are being added. While webinars are very popular, Board staff is still going out and making presentations.
 - TML Booth-September 22-25, 2015, San Antonio
 - Ethics Webinars Scheduled on:
 - September 2, 2015
 - Kudos
 - **Staff Attorney Report.** Ms. Cuming reviewed the staff attorney reports with Board members which was included as an exhibit.
 - SOAH Cases
 - Suits Against the Board
 - Status of Court Cases (Injunctions)

Discuss and Possibly Act on Enforcement/Disciplinary Matters:

21. *(Consent Agenda) Administrative Reports, Outstanding Administrative Penalties Dismissed Cases, Cease and Desist Order, Agreements, Injunctions/Default Judgments.

(Report to full Board pursuant to Board rule §139.21)

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

22. Agreed Board Order.

Informal Reprimands (In accordance with Board Rule 139.31(b) individual names are not listed)

1. D-35249 (Womack)
2. D-33006 (Nejad)

It was MOVED/SECONDED (Ballí/Summers) to approved the Consent Orders as submitted. A vote was taken and the MOTION PASSED.(Womack abstained from voting on D-35249; Nejad abstained from voting on D-33006.).

23. Consent Orders.

Informal Reprimands (In accordance with Board Rule 139.31(b) individual names are not listed)

1. D-35777
2. D-35868
3. D-35845

4. D-35888

5. D-35883

Non-Practice Violations

6. Cecil Randolph Bomar, Jr., P.E. – D-35605 (Order of the Board)

7. Jack C. Camp, P.E. – D-35753

8. Nick Manesh, P.E. – D-35846

Practice Violations

9. Michael Sterling Hackebeil, P.E. – D-35714

10. Alan Edward Money, P.E. – D-35717

11. Randy L. Rutherford, P.E. – D-35638

12. Charles Wayne Schibi, P.E. –D-35891

13. Bruce Edward Urband, P.E. – D-35811

Firm Registration/Sole Proprietorship

14. Cive Consulting, Inc. – B-35935

15. Plant Engineering Services, LLC – B-35796

It was MOVED/SECONDED (Greer/Summers) to approve the Consent Orders as submitted. A vote was taken and the MOTION PASSED.

24. SOAH Final Order.

- Audie R. Bradshaw – Case B-34835

Staff Attorney Cuming provided the background and findings regarding Case B-34835 to Board members which was included as a board exhibit.

It was MOVED/SECONDED (Baker/Ballí) to approve the SOAH Final Order on Case B-34858, Audie R. Bradshaw as submitted. A vote was taken and the MOTION PASSED.

Discuss and Possibly Act on Licensing Applications requiring board ruling:

25. *(Consent Agenda) Licensing Applications.

Vote or Reconfirm Votes Pursuant to Board Rule §133.87:

Approved for Exams

Approved for Licensure

Firms Approved

Not Approved for Exams

Not Approved for Licensure

Waivers – FE

Waivers—PE Waivers—

Both

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

Discuss and Possibly Act on Other Matters

26. Issues to consider for future meeting.

More engineers in merging leader program. Discuss keeping Engineers In Training (EIT) engaged. Licensing Committee to discuss recommendations.

Adjourn.

It was MOVED/SECONDED (Ballí/Baker) to adjourn the meeting at 12:27 pm. A vote was taken and the MOTION PASSED.

Date Board approved minutes as submitted: November 19, 2015