

AGENDA
REGULAR QUARTERLY BOARD MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
1917 S. Interstate 35
Austin, Texas 78741
February 20, 2020—10:30 AM

Discuss and Possibly Act on the Following Agenda Items:

1. Preliminary Matters (Sina K. Nejad, P.E., P.Eng., Presiding Officer)
 - A. Call to Order
 - B. Roll Call
 - C. Excuse absent Board members
 - D. Welcome Visitors
 - E. Public Comment
2. **Consent Agenda***
(The following items may be acted upon under Consent Agenda and are highlighted in blue on the Regular Quarterly Board Meeting Agenda)
 - November 13, 2019 Licensing Committee Minutes **(See agenda item #3)**
 - November 14, 2019 Policy Advisory Opinion Committee Minutes **(See agenda item #4)**
 - November 14, 2019 Regular Quarterly Board Minutes **(See agenda item #5)**
 - Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases **(See agenda item # 15)**
 - Licensing Applications **(See agenda item # 21)**

Board and Committee Minutes:

3. **(Consent Agenda)** November 13, 2019 Licensing Committee Minutes
4. **(Consent Agenda)** November 14, 2019 Policy Advisory Opinion Committee Minutes
5. **(Consent Agenda)** November 14, 2019 Regular Quarterly Board Minutes
6. Board Members' Quarterly Activity Update
 - Adejokun
 - Ballí
 - Cheng
 - Johnson
 - Nejad

- Neugebauer
- Norwood
- Reyna
- Rubiano
- Shah
- Wong

7. Advisory Members' Quarterly Activity Update

- Gonzalez
- Nadkarni

8. Finance and Budget

- FY20 1st Quarter Budget Report
- FY21 Budget and Fees Discussion

Issues Relating to Committee Matters:

9. Licensing Committee Meeting Summary
(February 19, 2020)

- Personal Appearances from Licensing Applicants:
 - Albori, Naseem
 - Horton, Blake
 - Huerd, Kyle
 - Lorange, Dustin
 - Spaar, Noel Anthony
 - Villarreal Alvarez, Alejandro
- 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
 - §134.5 – Surveyor-In-Training Experience Requirements
- Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter B – Professional Surveyor Registration

- §134.11 – Types of Surveyor License and Registration
- 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 from 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
- 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
- Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter E – Experience
 - §134.41 – Supplementary Experience Record
 - §134.43 – Experience Evaluation
- 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
- 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
- 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
- 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
- Proposed Amendments to 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
- Proposed Amendments to 22 Tex. Admin Code Chapter 133, Subchapter G – Examinations
 - §133.73 – Examination Results and Analysis
- 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

- 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
- NCEES National Professional Surveying Exam and Texas State Specific Exam
- Licensing Director’s Report
 - Engineer Results and Statistics: Licensing Application and Examination Report
 - Surveyor Results and Statistics: Registration Application and Examination Report

10. General Issues Committee Meeting Summary
(February 20, 2020)

- Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter A – Scope and Definitions
 - §131.1 – Purpose and Duties
- Proposed Amendment to Add 22 Tex. Admin. Code Chapter 131, Subchapter A – Scope and Definitions
 - §131.2 – Definitions
- Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter B – Administration and the Board
 - §131.3 – Headquarters of the Board
 - §131.5 – Board Seal
 - §131.7 – Organization of the Board
 - §131.9 – Officers of the Board
 - §131.11 – Board Member Responsibilities and Duties
 - §131.15 – Committees
- Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter C – Board Staff
 - §131.31 – Executive Director
 - §131.37 – State Contract Guidelines
- Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter D – Meetings

- §131.41 – Meetings
- §131.43 – Public Participation
- §131.45 – Regular Board Meetings

- Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter G – Administration
 - §131.85 – Board Rules Procedures

- Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter H – Engineering Advisory Opinions
 - §131.101 – Subject of an Advisory Opinion
 - §131.103 – Request for an Advisory Opinion

- Proposed Repeal of 22 Tex. Admin. Code Chapter 131, Subchapter C – Board Staff
 - §131.33 – Career Ladder

- Proposed Repeal of 22 Tex. Admin. Code Chapter 131, Subchapter D – Meetings
 - §131.49 – Rules of Order

- Proposed Repeal of 22 Tex. Admin. Code Chapter 131, Subchapter G – Administration
 - §131.81 – Definitions

- Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter A – The Board
 - §661.1 – Name
 - §661.2 – Headquarters
 - §661.3 – Chair
 - §661.4 – Vice-Chair
 - §661.5 – Executive Director
 - §661.7 – Executive Committee
 - §661.8 – Standing Committees
 - §661.9 – Special Committees
 - §661.10 – Financial
 - §661.11 – Vacancies

- Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter B – Meetings

- §661.23 – Notice of Meetings
- §661.24 – Proceedings

- Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter C – Definition of Terms
 - §661.31 – Definitions

- Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter D – Applications, Examinations, and Licensing
 - §661.41 – Applications
 - §661.42 – Fees
 - §661.43 – References
 - §661.44 – Rejections
 - §661.45 – Examinations
 - §661.46 – Seal and Oath
 - §661.47 – Reciprocal Registration
 - §661.50 – Surveyor In Training (SIT) Experience Requirements
 - §661.51 – Surveyor In Training Education Requirement
 - §661.52 – Inactive Status
 - §661.53 – Active Duty Military
 - §661.55 – Registration of Land Surveying Firms
 - §661.56 – Land Surveying Firm Renewal and Expiration

- Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter E – Contested Cases
 - §661.60 – Responsibility to the Board
 - §661.62 – Complaint Process
 - §661.63 – Frivolous Complaints
 - §661.64 – Computation of Time
 - §661.65 – Agreements to be in Writing
 - §661.67 – Conduct and Decorum
 - §661.68 – Appearances Personally or by Representative
 - §661.86 – Final Decision and Orders
 - §661.87 – Administrative Finality
 - §661.88 – Motion for Rehearing

- §661.100 – Probation Guidelines
- §661.102– Alternative Dispute Resolution for Personnel and Contracting Matters
- §661.104 – Negotiated Rulemaking

- Proposed Repeal of 22 Tex. Admin. Code Chapter 664, Continuing Education
 - §664.1 – Purpose
 - §664.2 – Deadlines
 - §664.3 – Numerical Requirements for Continuing Education
 - §664.4 – Types of Acceptable Continuing Education
 - §664.5 – Procedure for Course Approval
 - §664.6 – Reporting and Record Keeping
 - §664.7 – Review and Audit Process
 - §664.8 – Failure to Complete Required Continuing Education
 - §664.9 – Acceptable Carry-Over Continuing Education Units/Hours
 - §664.10 – Exemptions

- Proposed Repeal of 22 Tex. Admin. Code Chapter 665, Examination Advisory Committee
 - §665.1 – Purpose
 - §665.2 – Size, Quorum and Qualifications
 - §665.3 – Process of Appointment
 - §665.4 – Terms of Office
 - §665.5 – Non-binding Statements
 - §665.6 – Reimbursement for Expenses
 - §665.7 – Training
 - §665.8 – Examination Process and Board’s Interaction
 - §665.9 – Continuing Education Credit
 - §665.10 – Texas Guaranteed Student Loan Corporation Defaulters

11. Enforcement Committee Meeting Summary
(February 20, 2020)

- Proposed Amendments to Add 22 Tex. Admin. Code Chapter 138, Subchapter A – Individual and Surveyor Compliance
 - §138.1 – License and Registration Holder Designations

- §138.5 – Notifications of Name Change, Address Change, Employer Change, and Criminal Convictions
- §138.7 – License or Registration Expiration and Renewal
- §138.9 – Renewal for Expired License or Registration
- §138.11 – Expiration and Licensed or Registered in Another Jurisdiction
- §138.13 – Inactive Status
- §138.14 – Voluntary Surrender of License or Registration
- §138.15 – Replacement of Printed Licenses or Certificates
- §138.17 – Continuing Education

- Proposed Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter A – General Enforcement Authority
 - §139.1 – General

- Proposed Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter B – Complaint Process and Procedures
 - §139.11 – Complaints – General
 - §139.13 – Filing a Complaint
 - §139.17 – Investigating a Complaint
 - §139.19 – Final Resolution of a Complaint
 - §139.21 – Reporting Complaint Status to the Board
 - §139.23 – Technical Consultants

- Proposed Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter C – Enforcement Proceedings
 - §139.31 – Enforcement Actions for Violations of the Acts or Board Rules
 - §139.33 – Informal Settlement Conferences

- Proposed Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter D – Special Disciplinary Provisions for License or Registration Holders
 - §139.41 – License or Registration Holder with Renewable, Expired License or Registration
 - §139.43 – License or Registration Holder with Criminal Convictions
 - §139.45 – Restitution

- §139.47 – Probation
- §139.49 – License or Registration Suspension / Revocation Based on Status Review
- §139.51 – License or Registration Suspension Based on Delinquent Child Support
- Proposed Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter E – Hearings
 - §139.63 – Extensions of Time
- Proposed Amendment to 22 Tex. Admin. Code Chapter 137, Subchapter A – Individual and Engineer Compliance
 - §137.7 – License Expiration and Renewal
 - §137.9 – Renewal for an Expired License
 - §137.13 – Inactive Status
- Compliance & Enforcement Report
 - Update on Compliance & Enforcement Department
 - Status of Compliance & Enforcement caseload
 - Status of Continuing Education audit(s)

12. Policy Advisory Opinion Committee Meeting Summary
(February 20, 2020)

- Policy Advisory Opinion Regarding the Need to Seal Drawings or Calculations for Pressure Vessels and Installed in Texas (Policy Advisory Request No. 54)
- Update on Work Group Regarding the Use of and Sealing Procedure for Digital Three-Dimensional Models (Policy Advisory Request No. 50)
- Update on Work Group Regarding Contracting and Procurement of Engineering Services
- Update on Policy Advisory Process for Land Surveying Issues
- Review of Policy on the Acceptance of Anonymous Policy Advisory Opinion Requests

13. Nominating Committee Meeting Summary
(February 20, 2020)

- Nomination of Board Officers for Remainder of Fiscal Year 2020

Reports or Items presented by the Executive Director:

14. Executive Director’s Report

- Quarterly Meeting Report
- Surveying Advisory Committee Update

- Appointment of Members of Surveying Advisory Committee
- Regional Advisory Meeting
 - Corpus Christi – March 26, 2020
- National Council of Examiners for Engineering and Surveying (NCEES)
 - Upcoming Zone Meeting - Houston, TX – April 23-25, 2020
- Nomination of New Advisory/NCEES Emeritus Members for Fiscal Year 2020
 - Jon Hodde, RPLS
 - Davey Edwards, PhD, RPLS, LSLS
- Building Plan Update
- Outreach Report
- Kudos Report

Enforcement/Disciplinary Matters:

15. (**Consent Agenda**) Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases

16. Agreed Board Orders

Engineering

1. Stuart Allen Lynn, P.E. – D-37856 (Nejad – recused)
2. Eduardo Mojica Varias, P.E. – D-38000 (Ballí - recused)

17. Consent Orders

Engineering

1. Dallas Design Build – B-37980
2. Riddle Engineering Corp. – B-38277
3. Juan Pablo Cantu, P.E. – D-37886
4. Gerald Thomas Wynne, P.E. – D-37911
5. John Ndunda Mutiso, P.E. – D-38115
6. Daniel Jake Arredondo, P.E. – D-38235

Informal Reprimands

7. D-37938
8. D-38003

Surveying – Agreed Final Order

9. Texas Star Surveying – D-38474 (TBPLS Case No. 18-02)

18. SOAH Docket No. 464-19-1397; *Texas Board of Professional Land Surveying v. Mark Ewald*; Before the State Office of Administrative Hearings

19. Request of Manuel J. Montemayor to Reconsider Executed Final Board Order for Texas Board of Professional Engineers and Land Surveyors Case No. D-30692

20. Surveyor Continuing Education Course Approvals

Course Approvals

1. Adams Surveying Company, LLC., #1048– Advanced Business Ethics
2. Nedra Foster Townsend - #088 – Practical Application of Boundary Case Law
3. Larry T. Billingsley - #139
 - Rules Remain in 2020
 - Listen to the Judge

Licensing Applications requiring board ruling:

21. (**Consent Agenda**) Licensing Applications

- Approved for Exams
- Approved for Licensure
- Firms Approved
- Waivers – Fundamentals of Engineering examination
- Waivers – Professional Engineering examination
- Not Approved for Licensure

22. Issues for consideration at the next scheduled board meeting of the Texas Board of Professional Engineers and Land Surveyors

23. Farewell to outgoing Board members and Welcome new Board members

24. Adjourn

*The consent agenda consists of those agenda items which are routine or non-controversial, and which neither a member of the Board nor the public has asked to be pulled for separate consideration. The Board may vote on all items in the consent agenda under one motion, and will not discuss items separately unless requested by the Chair, a Board Member or a member of the public, in which event the item will be removed from the consent agenda and considered as a regular agenda item.

The Board may meet in closed session on any agenda item listed above as authorized by the Texas Open Meetings Act, Tex. Gov't. Code Ann. Chapter 551.

 Individuals needing auxiliary aids or services should contact the Texas Board of Professional Engineers and Land Surveyors at (512) 440-3051, in a timely manner.