

**AGENDA**  
**REGULAR QUARTERLY BOARD MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**1917 S. IH 35**  
**Austin, Texas 78741**  
**May 23, 2019—10:30 AM**

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

1. Preliminary Matters (Daniel Wong, Ph.D., P.E., 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)**
  - February 13, 2019 Licensing Committee Minutes **(See agenda item #3)**
  - February 14, 2019 Legislative Committee Minutes **(See agenda item #4)**
  - February 14, 2019 Policy Advisory Opinion Committee Minutes **(See agenda item #5)**
  - February 14, 2019 Regular Quarterly Board Minutes **(See agenda item #6)**
  - Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases **(See agenda item #16)**
  - Licensing Applications **(See agenda item #20)**

**Board and Committee Minutes:**

3. **(Consent Agenda)** February 13, 2019 Licensing Committee Minutes
4. **(Consent Agenda)** February 14, 2019 Legislative Committee Minutes
5. **(Consent Agenda)** February 14, 2019 Policy Advisory Opinion Committee Minutes
6. **(Consent Agenda)** February 14, 2019 Regular Quarterly Board Minutes
7. Board Members' Quarterly Meeting Reports
  - Adejokun
  - Ballí
  - Cheng
  - Nejad
  - Norwood

- Reyna
- Rubiano
- Shah
- Wong

8. Advisory Members' Quarterly Meeting Reports

- Gonzalez
- Guerra
- Nadkarni

9. Finance and Budget.....presented by Jeff Mutscher

- FY19 2<sup>nd</sup> Quarter Budget
- FY20 Proposed Draft Budget

10. Performance Measures Review.....presented by David Howell, P.E.

**Issues Relating to Committee Matters:**

11. Licensing Committee Meeting Summary

(May 22, 2019).....presented by Sina Nejad, Ph.D., P.E., Chair

- Personal Appearances from Licensing Applicants:

- Thomas Andrew Earles
- Todd Brian Hanke
- Jimmy Wayne Key
- John Charles Klingel
- Nathan Michael Torres
- Edgar Jamel Zephyrine

- NCEES Exam Appeal – Alex Gitman.....presented by David Howell, P.E.

- Rule Proposal – Fundamentals of Engineering Waiver after Fundamentals of Engineering Failure rule.....presented by Rick Strong, P.E.

- Chapter 133
  - §133.69 Waiver of Examinations

- Presentation of Possible Rule Amendments – Character rules.....presented by Rick Strong, P.E.
  - Chapter 133
    - §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
    - §133.81 Receipt and Processing of Applications by the Board
    - §133.83 Executive Director Review, Evaluation and Processing of Applications
    - §133.85 Board Review of and Action on Applications
    - §133.93 Personal Interviews of Applicants

12. Policy Advisory Opinion Committee Meeting Summary

(May 23, 2019).....presented by Lamberto Ballí, P.E., Chair

- Policy Advisory Opinion Regarding the Ability of an Engineer to Retract Signed and Sealed Documents (Request No. 49) .....presented by Michael Sims, P.E.
- Policy Advisory Opinion Regarding the Use of and Sealing Procedure for Digital Three-Dimensional Models (Request No. 50) .....presented by Michael Sims, P.E.
- Update on Sealing Related to Contracting and Procurement as Directed at February 2019 Policy Advisory Opinion Committee Meeting.....presented by Michael Sims, P.E.

13. Enforcement Committee Meeting Summary

(May 23, 2019) .....presented by Catherine Norwood, P.E., Chair

- Compliance & Enforcement Report.....presented by Michael Sims, P.E.
  - Update on Compliance & Enforcement department
  - Status on Compliance & Enforcement caseload
  - Status of Continuing Education audit(s)
  - Compliance & Enforcement Performance Measures
- Compliance & Enforcement Activities.....presented by Michael Sims, P.E.
  - Sanction Consistency Review
  - Review of Standard Sanction Tables in Chapter 139, Subchapter C of Board Rules

- Consistency Review of Sanctions Between Professional Engineers and Professional Land Surveyors

14. Legislative Issues Committee Meeting Summary

(May 23, 2019) .....presented by Elvira Reyna, Chair

- 86<sup>th</sup> Legislative Session Activities.....presented by David Howell, P.E.
- Bill Tracking and Other Legislative Issues.....presented by David Howell, P.E.
- Update on Texas Board of Professional Land Surveying - Texas Sunset Advisory Commission Actions.....presented by Lance Kinney, Ph.D., P.E.

**Reports or Items presented by the Executive Director:**

15. Executive Director’s Report.....presented by Lance Kinney, Ph.D., P.E.

- Quarterly Meeting Report
- Strategic Plan/Journey Towards Excellence (JTE) Update
- Surveying Board/TBPELS – Status Update
- Regional Advisory Meeting - Rio Grande Valley – April 26, 2019 – Report
- National Council of Examiners for Engineering and Surveying (NCEES)
  - Southern Zone Meeting – Boise, ID – May 16-18, 2019
  - Annual Meeting – Washington, D.C. – August 14-17, 2019
- Building Plan Update
- Outreach Report
- TAME and Texas State Science and Engineering Fair
- Kudos Report

**Enforcement/Disciplinary Matters:**

16. (**Consent Agenda**) Administrative Reports, Outstanding Administrative Penalties, Case Pending Status Report, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases .....presented by Michael Sims, P.E.

17. Consent Orders.....presented by Michael Sims, P.E.

Practice Violations

1. Paul E. Serrano, P.E. – B-37874

Sanctions Against Non-License Holders

2. AES Septic, LLC – B-37946
3. Partner Assessment Corporation – B-37795

Firms Registrations/Sole Proprietorship Sanctions

4. Raxis Engineering, LLC – F-16001

18. Discuss and Possibly Act on *T. June Melton, P.E. v. Texas Board of Professional Engineers, et. al* (Cause No. D-1-GN-10-000912).....presented by Veena Mohan

19. Request of Manuel Montemayor, P.E., to Reconsider Executed Consent Order for Texas Board of Professional Engineers Enforcement Case No. D-30692.....presented by Michael Sims, P.E.

**Licensing Applications requiring board ruling:**

20. **(Consent Agenda)** Licensing Applications.....presented by Rick Strong, P.E.

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

21. Issues from the Board members to consider for next scheduled board meeting

22. 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 at (512) 440-7723, in a timely manner.