

MINUTES
TEXAS BOARD OF PROFESSIONAL ENGINEERS
REGULAR QUARTERLY BOARD MEETING
1917 SOUTH INTERSTATE 35
AUSTIN, TX 78741
MAY 21, 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 10:31 am on May 21, 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 (Excused Absence)
Edward Summers, Ph.D.	Treasurer - Public Member
Lamberto "Bobby" Ballí, P.E.	Member
James "Jim" Greer, P.E.	Member
Sina Nejad, P.E., PEng.	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. Edmundo Gonzalez, P.E., and Mr. Govind Nadkarni, P.E., Emeritus Board Members, were present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
Jeff Mutscher	Director of Finance
George Hartmann, P.E.	Licensing Specialist
Dewey Helmcamp, III JD	Staff Attorney
Morgen Cuming	Staff Attorney
Dorothy Gonzales	Executive Assistant

Visitors: Terry Bilderback, Texas Society of Professional Engineers (TSPE); Allison Grayson, Attorney General's Office.

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)

- February 11, 2015, Licensing Committee Minutes
- February 12, 2015, Policy Advisory Opinion Committee Minutes
- February 12, 2015, Legislative Committee Minutes
- April 14, 2015, Policy Advisory Opinion Committee Minutes
- February 12, 2015, Regular Quarterly Board Meeting Minutes
- May 5, 2015, Interim Regular Quarterly Board Meeting Minutes
- Administrative Reports, Outstanding Administrative Penalties Dismissed Cases, Cease and Desist Order, Agreements, Injunctions/Default Judgments
- Licensing Applications

It was MOVED/SECONDED (Ballí/Summers) 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 February 12, 2015, Regular Quarterly Board Meeting.
5. ***(Consent Agenda)** Discuss and possibly approve minutes of the May 5, 2015, Interim Board Meeting.

Discuss and Possibly Accept Committee Minutes:

6. ***(Consent Agenda)** February 11, 2015, Licensing Committee Minutes
7. ***(Consent Agenda)** February 12, 2015, Policy Advisory Opinion Committee Minutes
8. ***(Consent Agenda)** February 12, 2015, Legislative Committee Minutes
9. ***(Consent Agenda)** April 14, 2015, Policy Advisory Opinion Committee Minutes

Agenda items 4-9 approved through Consent Agenda.

Discuss and Possibly Act on the following agenda items (10-23):

10. Board Members' Activity Reports.

(Report)

- Ballí
- Greer
- Kannappan
- Nejad
- Reyna
- Summers
- Womack
- Wong

11. Emeritus Members' Activity Reports.

- Gonzalez
- Guerra
- Nadkarni

Agenda items 10-11 were submitted for information only.

12. Finance and Budget.

• **FY15 2nd Quarter Budget Report**

Mr. Mutscher reviewed the 2nd quarter budget report with Board members.

• **FY16 Proposed Budget.**

Mr. Mutscher reviewed the proposed budget with Board members. He commented that the FY 2016 budget will be presented for approval at the August 2015 scheduled board meeting.

13. Performance Measures.

Mr. Howell reviewed the performance measures report with the Board members. Mr. Ballí asked if there was a way to track operational cost per professional engineer, he would like to see that data next time.

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

14. Legislative Committee.

Mr. Howell gave a brief report on the bills that the agency is tracking and their status to date.

15. Licensing Committee.

- Personal Appearances from Licensing Applicants

It was MOVED/SECONDED (Ballí/Greer) to approve Jaime Ozuna, Stephen Jones, Alfredo Lozano-Perez, Benjamin Taylor, William Tolleson, and John Vara to take the PE exam. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Womack) to approve Benjamin King, John Miner, Bradley Sohm, and Mathew Williams for licensure. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Greer) to approve Andrew Adams to take PE exam after successfully completing the Level I Ethics training, and return to the Licensing Committee. A vote was taken and the MOTION PASSED. After further discussion, and advise from Legal Counsel, the Board members unanimously agreed to rescind the original motion.

It was MOVED/SECONDED (Ballí/Summers) to place Mr. Adams' application on hold pending successfully completing the Level I Ethics course through Texas Tech, and returning to the Licensing Committee. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Greer) to place Mr. Russell Cooper's application on hold pending successfully completing the Level I Ethics course through Texas Tech, and returning to the Licensing Committee. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Greer) to place Mr. Jeremy Marquis' application on hold pending successfully completing the Level I Ethics course through Texas Tech, and returning to the Licensing Committee or write a white paper explaining what he learned from the ethics course. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Greer) to place Mr. Robert Hermosillo's application on hold pending successfully completing the Level II Ethics course through Texas Tech, and returning to the Licensing Committee. A vote was taken and the MOTION PASSED. Mr. Ballí abstained from voting.

- **Discussion of proposal of Decoupling PE Exam and Experience.**

Mr. Ballí commented that the Committee members discussed with staff the decoupling of the PE exam. Staff was directed to move forward with the efforts they have developed. Mr. Greer asked staff to ensure broader communication efforts and feedback from stakeholders is considered. Mr. Kinney added that staff is reaching out to associations for their input, and open stakeholder communication process will be used to draft rule proposals. Information will also be included in the agency newsletter. Board members were informed that rule proposals will be presented in the August 2015 meeting and possible adoption in the November 2015 meeting.

16. Policy Advisory Opinion Committee.

- **Current status, discussion and outline plan for EAOR#39 – On-Farm Energy Audits.**

Mr. Womack reported that EAOR#39 was posted in the Texas Register requesting stakeholders. Staff will update Committee members at the next scheduled Policy Advisory Opinion Committee meeting. He added that Dr. Summers is the Board Liaison on the advisory.

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

17. Executive Director's Report.

- **Activity Report.** Mr. Kinney mentioned that his activity report was included as an exhibit if anyone had any questions please let him know.
- **International Licensure Agreements.** Mr. Kinney reported that he communicated with South Korea regarding the signed Memorandum of Agreement (MOA). The person in charge responded that the MOA is being reviewed, and they would get back to us when it was approved. Mr. Kinney explained that the Board has opened communications with Spain. MOAs with Australia, Canada, and Mexico are also being reviewed. Emeritus Member Jose Guerra, P.E., is assisting with communications with Mexico. If there are any changes to the agreements, staff will bring back to the Board for approval.
- **Visibility and Outreach Strategic Plan.**
- **Strategic Plan/JTE.**

Mr. Kinney reviewed the Visibility and Outreach Strategic Plan and the Strategic Plan/JTE with Board members.
- **NCEES.**
 - **SZ/WZ combined meeting in May 2015.**
 - **Nominations of Officers at NCEES Annual Meeting.**

Mr. Kinney reported that the NCEES MOTIONS were discussed at the Southern/Western Zone (SZ/WZ) meetings and will be voted on at the NCEES Annual meeting in August 2015. Emeritus Member Nadkarni added that officer positions were also going to be voted on at the annual meeting.
- **Outreach.**
 - **EIT Webinar.**
 - **Ethics Webinars Scheduled on:**
 - **June 4, 2015; September 2, 2015.**
 - **Kudos.**

Mr. Kinney mentioned that the outreach program is doing well. The webinars have become very popular. He added that staff has added a student/FE webinar and a licensing application webinar which are just as popular. Mr. Kinney commented that the kudos from previous webinars and outreach presentations are included for the Board members to review.

- **Staff Attorney Report.**
 - **SOAH Cases.**
 - **Suits Against the Board.**
 - **Status of Court Cases (Injunctions).**

Mr. Helmcamp reviewed with Board members the staff attorney report which was included as an exhibit.

Discuss and Possibly Act on Enforcement/Disciplinary Matters:

18. ***(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.**

Consent agenda, see agenda item #3.

19. **Agreed Board Order.**

(Motion Required)

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

1. D-35545 (Summers)

Practice Violations

2. Thomas H. Eikel – D-35576 (Summers)
3. Scott Jacobs – D-32235 (Nejad)
4. Jim Linehan – D-33006 (Nejad)

Mr. Clark reported on the Agreed Board orders listed above. He added that no action is required on Mr. Linehan's Agreed Board order because it was not received in time to add as an exhibit.

It was MOVED/SECONDED (Greer/Ballf) to approve Agreed Board Order number 1-3 listed under agenda item #19. A vote was taken and the MOTION PASSED. Dr. Summers abstained from voting on #1-2; Dr. Nejad abstained from voting on #3.

20. **Consent Orders.**

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

1. D-35514
2. D-35403
3. D-35476 & D-35521
4. D-35663
5. D-34940

Non-Practice Violations

6. William R. Edwards, III, P.E. - D-35614
7. Ghassan Michael Naddaf – D-35636

Practice Violations

8. Humberto A. Garcia – D-35267 (Order of the Board)
9. John D. Johns, P.E. – D-35621
10. Edward L. Sample, P.E. – D-35571
11. James C. Walter – D-35587 (Order of the Board)

Sanctions Against Non-License Holders

12. Atlas Foundation Repair – B-35566
13. DMA Sports Design Group, LLC – B-35491

Firm Registration/Sole Proprietorship

14. OSG Materials Consultants, L.L.C. – B-35620

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

21. SOAH Final Order.

- **Phillip Townsend, AIA – Case B-35092.**

Mr. Helmcamp reviewed with the Board members the actions taken at Mr. Townsend’s SOAH hearing, and the Administrative Law Judge’s (ALJ) conclusion and penalty.

It was MOVED/SECONDED (Nejad/Summers) to approve the SOAH final order as submitted. A vote was taken and the MOTION PASSED.

Discuss and Possibly Act on Licensing Applications requiring board ruling:

22. *(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
- See Consent Agenda #3 above.

Discuss and Possibly Act on Other Matters

23. Issues to consider for future meeting.

Board Members would like to see the decoupling on the Regular Board agenda and additional discussion on Engineer In Training (EIT) recruitment.

Adjourn.

It was MOVED/SECONDED (Reyna/Kannappan) to adjourn the meeting at 12:28 pm. A vote was taken and the MOTION PASSED.

Date Board approved the minutes as submitted:

August 27, 2015