

**AGENDA**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**REGULAR QUARTERLY BOARD MEETING**  
**1917 SOUTH INTERSTATE 35**  
**AUSTIN, TX 78741**  
**NOVEMBER 20, 2014 – 10:00 AM**

**Call to Order.** Daniel O. Wong, Ph.D., P.E., Presiding Officer, called the Texas Board of Professional Engineers Regular Quarterly Meeting to order at 10:30 am on November 20, 2014, at the Texas Board of Professional Engineers, 1917 South Interstate 35, Austin, TX. (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 (Excused Absence)
Carry Ann Baker	Secretary - Public Member
Edward Summers, Ph.D.	Treasurer - Public Member
James "Jim" Greer, P.E.	Member
Lamberto "Bobby" Ballí, 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. Jose I. Guerra, 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
Robert Opiela, P.E.	Director of Licensing
Dewey Helmcamp, III JD	Staff Attorney
Clif Bond	Supervising Investigator
Dorothy Gonzales	Executive Assistant

**Visitors.** Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Kent O'Brien, P.E., Texas Department of Transportation, William T. Manning; Clifford Clotney, P.E., Clotney Engineering

**2. Public Comment.** Mr. William T. Manning addressed the Board requesting reconsideration of his license being revoked. Chairman Wong, thanked Mr. Manning for his comments. No discussion or action followed.

**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)**

- August 27, 2014, Licensing Committee Minutes
- August 28, 2014, Policy Advisory Opinion Committee Minutes
- August 28, 2014, Legislative Committee Minutes
- August 28, 2014, Nominating Committee Minutes
- August 28, 2014, Regular Quarterly Board Meeting Minutes
- Administrative Reports and Outstanding Administrative Penalties and Dismissed Cases, Cease and Desist Order, Agreements, Injunctions/Default Judgments
- Licensing Applications.

It was MOVED/SECONDED (Summers/Ballí) to approve the Consent Agenda with the exclusion of Agenda Item #17 - Administrative Reports and Outstanding Administrative Penalties and Dismissed Cases, Cease and Desist Order, Agreements, Injunctions/Defaults Judgments. A vote was taken and the MOTION PASSED.

Agenda item #17 was taken out of order, see below.

**Discuss and Possibly Approve Board Minutes:**

- 4. **\*(Consent Agenda)** Discuss and possibly approve minutes of the August 28, 2014, Regular Quarterly Board Meeting Minutes

**Discuss and Possibly Accept Committee Minutes:**

- 5. **\*(Consent Agenda)** August 27, 2014, Licensing Committee Minutes
- 6. **\*(Consent Agenda)** August 28, 2014, Policy Advisory Opinion Committee Minutes
- 7. **\*(Consent Agenda)** August 28, 2014, Legislative Committee Minutes
- 8. **\*(Consent Agenda)** August 28, 2014, Nominating Committee Minutes

Agenda items 4-8 were approved under Consent Agenda.

**Discuss and Possibly Act on the following agenda items (9-22):**

**9. Board Members' Activity Reports.**

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

**10. Emeritus Members.**

- Activity Reports
- Gonzalez
- Guerra

Agenda items 9 and 10 are included for information only, no action required. Mr. Kinney acknowledged and congratulated Mr. Sam Kannappan, P.E., for his recognition from the American Society of Indian Engineers (ASIE).

**11. Finance and Budget.**

- **FY14 4th Quarter Budget Report.**
- **Annual Financial Report (AFR).**

Mr. Mutscher reviewed the 4<sup>th</sup> quarter budget report and the AFR as submitted with Board members.

- **FY15 Internal Audit Plan.**

Mr. Mutscher reported that the agency is mandated to perform an internal audit of a department and/or process. For Fiscal Year 2015, the audit will focus on accounting and purchasing. The audit must be approved by the Board.

It was MOVED/SECONDED (Summers/Greer) to approve the accounting and purchasing internal audit for fiscal year 2015. A vote was taken and the MOTION PASSED.

**12. Performance Measures.**

Mr. Howell reviewed the performance measures with the Board members.

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

**13. Legislative Committee.**

- Legislative Committee action plan for 84<sup>th</sup> Legislative Session
- Faculty Licensure Task Force

Mr. Greer reported that the Legislative Committee has an action plan to follow during the 84<sup>th</sup> Legislative Session. As bills are filed, if a committee meeting is advised, it will be scheduled. The Committee also received an update on the Faculty Licensure Task Force moving forward with their Faculty Licensure proposal.

#### 14. Licensing Committee.

- **Personal Appearances from Licensing Applicants.**

Mr. Ballí stated that the Committee recommends the Board approve the following actions on the personal appearances:

It was MOVED/SECONDED (Ballí/Summers) that Michael Laughlin, Ana Lynn Mullin, Kyle Gregory Cranston, and Benjamin Johnson be approved to take the PE exam. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Summers) a waiver of the FE exam to Hyug Seok Choi, and that he be allowed to sit for the PE exam after successful completion of the Level I Ethics exam offered by Texas Tech and verification of completion provided to staff. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Summers) to allow Calvin Krall to take the PE exam after successful completion of the Level II Ethics course given by Texas Tech and verification of completion provided to staff, and that the applicant provide a reference of someone that is aware of his incident to staff. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Nejad) to allow William Edgar Parnell to take the PE exam after successful completion of the Level I Ethics Course offered by Texas Tech and verification of completion provided to staff. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Summers) to deny Ty Matthew Turpin's application, recommend he reapply after gaining 2 additional years of experience, provide 2 additional PE references that know about his past incidents, and reappear before the Licensing Committee. A vote was taken and the MOTION PASSED. Dr. Summers abstained from voting.

It was MOVED/SECONDED (Ballí/Womack) to deny Mostaque Khan's application for re-licensure. The applicant was directed to gain one additional year of engineering experience, successfully complete the Level I Ethics Course offered by Texas Tech and submit verification of completion to staff, and reappear before the Licensing Committee. A vote was taken and the MOTION PASSED. Dr. Summers abstained from voting.

- **Discussion of early professional engineer exam.**
- **Discussion on Reporting of Engineering Experience on PE Application.**

The Committee received information on the NCEES adopted model laws regarding the availability of taking the professional exam before the required experience has been obtained. The Committee also reviewed a proposed revised SER sheet to assist in identifying the required experience.

#### 15. Policy Advisory Opinion Committee.

- **Discussion and possible draft of EAOR #37 – Public Rights of Way and Private Utility Companies (Request from City of Austin).**

Ms. Baker reported that staff is conducting additional research regarding EAOR#37, and will have a draft response at the next scheduled Policy Advisory Opinion Committee meeting.

- **Discussion and possible consideration of Response Letter to EAOR#38-Direct Supervision of Engineering Performed in Overseas Office.**

Ms. Baker reported that staff submitted a draft response to EAOR#38 which the Committee members voted unanimously to recommend the Board to approve.

It was MOVED/SECONDED (Baker/Ballí) to approve the response to EAOR#38 as submitted. A vote was taken and the MOTION PASSED.

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

**16. Executive Director's Report.**

- **Activity Report.** Mr. Kinney reported that his activity report was included as an exhibit, and if anyone had any questions, he would discuss.
- **2015 Board meeting dates.** The meeting dates were included as an exhibit.
- **Visibility and Outreach Strategic Plan. Mr. Kinney reviewed the Visibility and Outreach Strategic Plan which was included as an exhibit with the Board members.**
- **Strategic Plan/JTE.** Mr. Kinney gave an update on the agency's strategic planning projects and associated team tasks with the Board members.
- **State Employee Charitable Campaign (SECC).** Mr. Kinney thanked all the Board members that participated in the SECC. He added that it was very successful, and the agency was able to support a number of charities of our choice.
- **Outreach.**
  - **Initial Webinars.** The FE and PE initial webinars were very well attended. The agency is planning on hosting additional ones in 2015.
    - September 23, 2014-FE Exam
    - October 14-15, 2014-PE Application
  - **Kudos.** Outreach kudos included as an exhibit.
  - **Upcoming Webinars.** Quarterly upcoming webinar is scheduled as follow.
    - Ethics Webinar-December 4, 2014
  - **Staff Attorney Report. Mr. Helmcamp reviewed the staff attorney reports included as exhibits with Board members.**
    - SOAH Cases
    - Suits Against the Board
    - Status of Court Cases (Injunctions)

**Discuss and Possibly Act on Enforcement/Disciplinary Matters:**

**17. \*(Consent Agenda) Administrative Reports, Outstanding Administrative Penalties Dismissed Cases, Cease and Desist Order, Agreements, Injunctions/Default Judgments, Revocation By Operation of Law.**

After discussion with staff and legal counsel, the Board members did not take any action on Agenda Item #17 because it is a report only.

**18. Agreed Board Order.**

- R. Kirk Gregory, P.E. - D-34603 (Womack)

It was MOVED/SECONDED (Ballí/Nejad) to approve the Agreed Board Order as submitted. A vote was taken and the MOTION PASSED. Mr. R. Kyle Womack abstained from voting.

**19. Consent Orders.**

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

1. D-33704
2. D-35400

Non-Practice Violations

3. Brian W. Johnson – D-35138 (Order of the Board)

Practice Violations

4. James S. Barton, P.E. – D-35122
5. William P. Dahlin, P.E. – D-35398
6. Octavio N. Guerra, P.E. – D-35334
7. Thomas W. Keiss – D-33982 & D-35312 (Order of the Board)
8. James J. Porebski, P.E. – D-35260
9. Desmond C. Sprawls, P.E. – D-35492
10. Joseph E. Tober, P.E. – D-35313

Sanctions Against Non-License Holders

11. Jason Blevins, E-35354

Firm Registrations/Sole Proprietorship Sanctions

12. Reddy Engineers & Contractors, Inc. – B-34982

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

**20. SOAH Final Order.**

- Jen-Gwo Chen, P.E. – Case D-34046

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

**Discuss and Possibly Act on Licensing Applications requiring board ruling:**

**21. \*(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 Licensure
- Waivers – FE
- Waivers—PE

Agenda item #21 was approved under Consent Agenda, see above.

**Discuss and Possibly Act on Other Matters**

**22. Issues to consider for future meeting**

Look at the possibility of hosting the Board meetings in a different location; reach out the EITs regarding the process of becoming an engineer; update on Faculty Licensure.

**Adjourn.**

It was MOVED/SECONDED (Ballí/Summers) to adjourn the meeting at 11:52am. A vote was taken and the MOTION PASSED.

Date Board approved minutes as submitted: February 12, 2015