

**MINUTES
LICENSING COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 S. IH 35
Austin, Texas 78741
May 22, 2019—1:00 PM**

Discuss and Possibly Act on the Following Agenda Items:

1. Preliminary Matters:

A. Call to Order.

Dr. Sina Nejad, P.E., Chair, called the Licensing Committee meeting of the Texas Board of Professional Engineers to order at 1:00 p.m. at the Texas Board of Professional Engineers, 1917 S. IH 35, Austin, TX. (NOTE: all votes are unanimous unless noted.)

B. Roll Call.

Ms. Bodden called the roll. It was noted for the record that a quorum was present.

The following Committee members were present:

Sina Nejad, D.Eng., P.E.	Chair
Lamberto Ballí, P.E.	Member
Catherine Norwood, P.E.	Member
Rolando Rubiano, P.E.	Member

Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Ademola Adejokun, P.E., Board Member and Govind Nadkarni, P.E., Advisory Member were present.

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
Rick Strong, P.E.	Director of Licensing
Michael Sims, P.E.	Director of Compliance and Enforcement
Elissa Mazza	Staff Attorney
Cristabel Bodden	Executive Assistant

C. Possibly excuse absent committee members.

All committee members were present.

D. Welcome Visitors.

Visitors: None.

Personal Appearances: Thomas Andrew Earles; Alex Gitman; Todd Brian Hanke; Jimmy Wayne Key; John Charles Klingel; Nathan Michael Torres; Edgar James Zephyrine.

E. Public Comment. None.

2. February 13, 2019 Licensing Committee Meeting Minutes.

It was MOVED/SECONDED (Ballí/Norwood) to approve the February 13, 2019, Licensing Committee minutes as submitted. A vote was taken and the MOTION PASSED.

3. Applications for Licensure: Personal Interviews Cases.

• Thomas Andrew Earles

This applicant applied for licensure. He came before the Committee due to an incident he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Norwood) to recommend to the Board at its Regular Quarterly Board meeting on May 23, 2019, to allow licensure in Texas upon successful completion of the 30-hour Basic Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

• Todd Brian Hanke

This applicant applied for licensure. He came before the Committee due to an incident he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Norwood/Ballí) to recommend to the Board at its Regular Quarterly Board meeting on May 23, 2019, to allow licensure in Texas upon successful completion of the 30-hour Basic Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

• Jimmy Wayne Key

This applicant applied for licensure. He came before the Committee due to an incident he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Norwood) to recommend to the Board at its Regular Quarterly Board meeting on May 23, 2019, to allow licensure in Texas. upon successful completion of the 30-hour Basic Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

• John Charles Klingel

This applicant applied for licensure. He came before the Committee due to an incident he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Rubiano/Nejad) to recommend to the Board at its Regular Quarterly Board meeting on May 23, 2019, to allow licensure in Texas. A vote was taken and the MOTION PASSED.

• Nathan Michael Torres

This applicant applied for licensure. He came before the Committee due to an incident he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Rubiano) to recommend to the Board at its Regular Quarterly Board meeting on May 23, 2019, to allow licensure in Texas. A vote was taken and the MOTION PASSED.

- **Edgar Jamel Zephyrine**

This applicant applied for licensure. He came before the Committee due to an incident he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Rubiano) to recommend to the Board at its Regular Quarterly Board meeting on May 23, 2019, to allow licensure in Texas. A vote was taken and the MOTION PASSED.

Dr. Nejad announced that staff would go into Executive Session to discuss agenda item #4. No action was taken during the session.

4. NCEES Exam Appeal – Alex Gitman.

This applicant appeared before the Board to appeal a decision from the National Council of Examiners for Engineering (NCEES). The Committee and applicant discussed the decision reached by NCEES.

It was MOVED/SECONDED (Ballí/Norwood) to recommend to the Board at its Regular Quarterly Board meeting on May 23, 2019, to uphold the invalidation of the exam and NCEES' position. A vote was taken and the MOTION PASSED.

5. Update regarding Fundamentals of Engineering Waiver after Fundamentals of Engineering Failure rule.

- **Chapter 133**
 - **§133.69 Waiver of Examinations**

Mr. Strong relayed that in the previous committee meeting, a motion had been put forth by the committee but not presented to the full Board since it was not on the agenda. The motion by the committee was to publish this rule in the Texas Register for public comment. The motion will now go before the full Board for approval and then the rule can be posted on the Texas Register for public comment.

No action was required on this agenda item.

6. Possible Rule Amendments – Character rules.

- **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

Mr. Strong relayed that these rules had been discussed in the previous committee meeting and presented as a white paper and is included as an exhibit for the committee members to review.

Mr. Strong explained that the Office of the Attorney General is recommending changing our rules to provide an option for the SOAH process in cases where applicants are denied licensure due to character reasons. Draft rules have been prepared and have gone to the Attorney General's Office for review and discussion.

Mr. Strong relayed that staff are not ready to present these rules to the Committee as further discussion with the Office of the Attorney General is needed.

No action was required on this agenda item.

7. Licensing Director's Report.

• Results and Statistics: Application and Examination Report.

Mr. Strong reviewed the report with the Committee members and provided application and exam results. The report is also included as an exhibit for the Committee.

8. Issues for consideration for future board meetings. None.

9. Adjourn.

It was MOVED/SECONDED (Norwood/Rubiano) to adjourn the meeting at 3:34 p.m. A vote was taken and the MOTION PASSED.

Date minutes were approved by Committee as submitted:
Date Board accepted minutes:

August 21, 2019
August 22, 2019