

**MINUTES
ENFORCEMENT COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 S. IH 35
Austin, Texas 78741
August 22, 2019—9:00 AM**

Discuss and Possibly Act on the Following Agenda Items:

1. Preliminary Matters:

A. Call to Order.

Ms. Catherine Norwood, P.E., Chair, called the Enforcement Committee meeting of the Texas Board of Professional Engineers to order at 9:00 a.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:

Catherine Norwood, P.E.	Chair
Lamberto Ballí, P.E.	Member
Albert Cheng	Member
Kiran Shah	Member

Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Edmundo Gonzalez, P.E., R.P.L.S., and Govind Nadkarni, P.E., Advisory Members were present. Board Members Ademola Adejokun, P.E.; Dr. Sina Nejad, P.E., P.Eng.; Rolando Rubiano, P.E.; and Dr. Daniel Wong, P.E., were present.

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
Rick Strong, P.E.	Director of Licensing and Registration
Michael Sims, P.E.	Director of Compliance and Enforcement
Elissa Mazza	Staff Attorney
Clif Bond	Senior Investigator
Cristabel Bodden	Executive Assistant

C. Excuse absent committee members. All committee members were present.

D. Welcome Visitors.

Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Heather Sides, LIA Surveying/Texas Society of Professional Land Surveyors; Scott Simmons, ACEC Central Texas; Trish Smith, P.E., TSPE; Nancy Ellen Soteriou, Test Masters; and Peyton McKnight, ACEC Central Texas were present.

E. Public comment. None.

2. May 23, 2019 Policy Advisory Opinion Committee Meeting Minutes.

It was MOVED/SECONDED (Ballí/Shah) to approve the May 23, 2019, Policy Advisory Opinion Committee minutes as submitted. A vote was taken and the MOTION PASSED.

3. Compliance & Enforcement Report.

- **Update on Compliance & Enforcement Department.**

Mr. Sims provided an update on Compliance and Enforcement staff. He relayed that LeAnn Catron from the Texas Board of Professional Land Surveying joined the Compliance and Enforcement team effective September 1, 2019.

- **Status on Compliance & Enforcement caseload.**

Mr. Sims stated that there are 108 new cases opened, 117 cases were closed, and there are 173 cases pending as of May 31, 2019. Mr. Sims reported that the average processing days has returned to its normal processing rate.

- **Status of Continuing Education audit(s).**

The audit of the June 2019 renewals is in process and the new system has helped streamlined the process and made it more efficient.

- **Anticipated Caseload Coming from Texas Board of Professional Land Surveyors.**

The caseload coming from the Texas Board of Professional Land Surveyors will be streamlined with the current processes and systems currently in place under the Texas Board of Professional Engineers.

4. Compliance & Enforcement Activities.

- **Sanction Consistency Review.**

- **Review of Standard Sanction Tables in Title 22 of the Texas Administrative Code, Chapter 139, Subchapter C, Complaint Process and Procedures of the Board Rules.**

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

Mr. Sims relayed that staff have reviewed consistencies between both Boards in terms of common rule violations and the consistency between recommend sanctions. One thing to note that the engineering practice act has the maximum sanction for violations capped at \$5,000 while surveying is \$1,500. This is set in statute and is not something that we can change via rules.

Mr. Sims relayed that staff have looked at the last two years of the Sanction Tables in Title 22 of the Texas Administrative Code for resolutions and consistency and will continue to do so as the merger draws closer.

- **Update to Criminal Conviction Policy for Licensees.**

The Board has two different policies related to criminal convictions; one for licensees and one for applicants. In 2017, the policy for applicants was updated but not the one for licensees.

Staff has updated the policy for licensees so that it is consistent with the one for applicants that was incorporated into Board rule §133.99.

The policy also included updates from bills from the last legislative session that made changes to Chapter 53 of the Occupations Code.

It was MOVED/SECONDED (Ballí/Shah) to recommend changes presented by staff to the full Board for approval as it pertains to the policy changes discussed. A vote was taken and the MOTION PASSED.

Ms. Norwood relayed that an error in the title of agenda item #2 had been found.

It was MOVED/SECONDED (Ballí/Cheng) to withdraw the vote for the approval of agenda item #2 as an error in the title was found in agenda item #2. A vote was taken and the MOTION PASSED.

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

6. Adjourn.

It was MOVED/SECONDED (Ballí/Shah) to adjourn the meeting at 9:19 a.m. A vote was taken and the MOTION PASSED.

Date Board accepted minutes:

November 14, 2019