

**MINUTES**  
**POLICY ADVISORY OPINION COMMITTEE MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**1917 S. IH 35**  
**Austin, Texas 78741**  
**August 22, 2019—8:30 AM**

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

**1. Preliminary Matters:**

**A. Call to Order.**

Mr. Lamberto Ballí, P.E., Chair, called the Policy Advisory Opinion Committee meeting of the Texas Board of Professional Engineers to order at 8:30 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:**

Lamberto Ballí, P.E.	Chair
Ademola Adejokun, P.E.	Member
Sina Nejad, P.E., P.Eng.	Member
Rolando Rubiano, P.E.	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 Albert Cheng; Kiran Shah; 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.**

Heather Sides, LIA Surveying/Texas Society of Professional Surveyors; 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 (Nejad/Rubiano) to approve the May 23, 2019, Policy Advisory Opinion Committee minutes as submitted. A vote was taken and the MOTION PASSED.

**3. Policy Advisory Opinion Regarding the Design and Evaluation of Residential Foundations (Request No. 51).**

Mr. Ballí asked Mr. Sims to describe the Policy Advisory Opinion process and the difference between Request No. 50 and No. 51 to the new Board Members.

Mr. Sims explained that the Policy Advisory process allows anyone to request a ruling from the Board in areas that are not clearly stated in the rule or act. If the requestor has an issue that is not clearly explained or defined in the rule or act, they can submit a request for an advisory opinion to get clarification on specific issues.

Mr. Sims stated that the request was received in March 2019 from Lawrence Peeler, P.E., with Peeler Engineering. Mr. Peeler seeks guidance on whether it is appropriate for an engineer to sign and seal plans to convert a slab on ground foundation system to a structurally suspended slab system via the use of underpinning piers.

After review, staff believe that this question should not be addressed by the policy advisory opinion process. Board rule §137.63 (b)(1) does require a professional engineer to meet all the applicable professional practice requirements of federal, state, and local statute, codes, regulations, rules, ordinances, and standards. The International Residential Codes (IRC) would fall under the codes that engineers are expected to meet to be compliant with Board rules. The IRC is also developed and maintained by a separate organization. Therefore, it is not appropriate for the Board to form a wholesale opinion on a broad issue on the IRC.

Staff recommends that we do not accept Mr. Peeler's request for a formal policy advisory opinion. A response letter was drafted and included in the Board material.

It was MOVED/SECONDED (Rubiano/Nejad) to approve the letter response as presented to the full Board for approval and inform Mr. Peeler of the complaint process. A vote was taken and the MOTION PASSED.

**4. Update on Work Group Regarding the Use of and Sealing Procedure for Digital Three-Dimensional Models (Policy Advisory Request No. 50).**

Mr. Sims stated this agenda item was an update on the work group that was proposed to address the issue listed. The stakeholder group is currently being formed to further study digital three-dimensional models. A request for volunteers from the general public and is posted on our website to form the stakeholder group. Staff is also reaching out to targeted stakeholders to form the actual workgroup. The goal is to have organizational meetings in September.

No action was required on this agenda item.

**5. Update on Work Group Regarding Sealing Related to Contracting and Procurement.**

Mr. Sims stated this agenda item was an update on the work group that was proposed as a result of conversations about contracting and procurement. The stakeholder group is currently being

formed to further study sealing related to contracting and procurement. A request for volunteers from the general public and is posted on our website to form the stakeholder group. Staff is also reaching out to targeted stakeholders to form the actual workgroup. The goal is to have organizational meetings in September.

No action was required on this agenda item.

**6. Issues for consideration for future board meetings.**

Mr. Ballí asked that staff include an item in the agenda of the next committee meeting to address the policy advisory opinion process so that attendees understand the process and procedures.

**7. Adjourn.**

It was MOVED/SECONDED (Nejad/Rubiano) to adjourn the meeting at 8:59 a.m. A vote was taken and the MOTION PASSED.

Date minutes were approved by Committee as submitted:

November 14, 2019

Date Board accepted minutes:

November 14, 2019