

**MINUTES**  
**REGULAR QUARTERLY BOARD MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**1917 S. IH 35**  
**Austin, Texas 78741**  
**August 22, 2019—10:30 AM**

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

**1. Preliminary Matters:**

**A. Call to Order.**

Daniel Wong, Ph.D., P.E., Presiding Officer, called the Regular Quarterly Board meeting of the Texas Board of Professional Engineers to order at 10:30 a.m. at the Texas Board of Professional Engineers at 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 Board members were present:**

Daniel Wong, Ph.D., P.E.	Chair
Elvira Reyna	Vice-Chair
Catherine Norwood, P.E.	Secretary
Albert Cheng	Treasurer
Ademola Adejokun, P.E.	Member
Lamberto Ballí, P.E.	Member
Sina Nejad, P.E., P.Eng.	Member
Rolando Rubiano, P.E.	Member
Kiran Shah	Public 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.

**The following staff members were present:**

Lance Kinney, Ph.D., P.E.	Executive Director
Rick Strong, P.E.	Director of Licensing and Registration
Jeff Mutscher	Chief Financial Officer
Michael Sims, P.E.	Director of Compliance and Enforcement
Elissa Mazza	Staff Attorney
Cristabel Bodden	Executive Assistant

**C. Excuse absent Board members.** All Board members were present.

**D. Welcome Visitors.**

Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Marte Guillen; Rick Guerra, P.E., Jose I. Guerra, Inc.; Manuel Montemayor, P.E.; 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.**

Mr. Manuel Montemayor, P.E., came before the Board.

**2. Consent Agenda\***

- May 22, 2019 Licensing Committee Minutes (See agenda item #3)
- May 23, 2019 Policy Advisory Opinion Committee Minutes (See agenda item #4)
- May 23, 2019 Enforcement Committee Minutes (See agenda item #5)
- May 23, 2019 Legislative Issues Committee Minutes (See agenda item #6)
- May 23, 2019 Regular Quarterly Board Minutes (See agenda item #7)
- Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (See agenda item #17)
- Licensing Applications (See agenda item #19)
- Calendar Year 2020 Board Meeting Schedule (See agenda item # 20)

It was MOVED/SECONDED (Norwood/Ballí) to approve the items listed in the **Consent Agenda** as presented. A vote was taken and the MOTION PASSED.

**Board and Committee Minutes:**

3. (**Consent Agenda**) May 22, 2019 Licensing Committee Minutes
4. (**Consent Agenda**) May 23, 2019 Policy Advisory Opinion Committee Minutes
5. (**Consent Agenda**) May 23, 2019 Enforcement Committee Minutes
6. (**Consent Agenda**) May 23, 2019 Legislative Issues Committee Minutes
7. (**Consent Agenda**) May 23, 2019 Regular Quarterly Board Minutes

Agenda items 3-6 were approved under **Consent Agenda**, see above.

**8. Board Members' Quarterly Meeting Reports.**

- Adejokun
- Ballí
- Cheng
- Nejad
- Norwood
- Reyna
- Rubiano
- Shah
- Wong

**9. Advisory Members' Quarterly Meeting Reports.**

- Gonzalez
- Guerra
- Nadkarni

Agenda items 8-9 were included for information only, no action was required.

## **10. Finance and Budget.**

- **FY19 3<sup>rd</sup> Quarter Budget.**

Mr. Mutscher reviewed the 3rd Quarter Budget report and commented that the agency revenues and expenditures through the end of May 2019 we are on target.

- **FY20 Budget and Fees.**

Mr. Mutscher reviewed the FY20 budget with the board.

Mr. Mutscher stated that the report does not include any fee increases and there are only a few adjustments to expenditures.

Mr. Mutscher discussed building renovations and relayed that we a budgeted amount of \$250,000 reserved for this project.

Mr. Mutscher relayed that Dr. Kinney would discuss the feasibility study in more detail in his report and added that the \$30,000 set aside for the study had been used.

Mr. Mutscher noted that Chairman Wong had reviewed Dr. Kinney's performance and recommended a salary increase which is included in the budget documents.

It was MOVED/SECONDED (Ballí/Shah) to approve the FY20 Budget and Fees schedule as presented by staff. A vote was taken and the MOTION PASSED.

## **Issues Relating to Committee Matters:**

### **11. Licensing Committee Meeting Summary.**

- **Personal Appearances from Licensing Applicants:**
  - **Matthew Dean Bailey**
  - **William Tatum Lauten IV**

Dr. Nejad reported that the Committee had met and discussed and reviewed the personal appearances cases.

It was MOVED/SECONDED (Nejad/Ballí) to allow Mr. Bailey 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.

It was MOVED/SECONDED (Nejad/Ballí) to allow Mr. Lauten licensure in Texas once the applicant has passed the Professional Engineer exam. A vote was taken and the MOTION PASSED.

- **Possible Rule Adoption.**
  - **Chapter 133**
    - **§133.69 Waiver of Examinations**

Dr. Nejad reported that the Committee had discussed the Waiver of Examinations rule. Dr. Nejad relayed that the Licensing Committee had voted to recommend to the Board to accept the rule language as amended.

It was MOVED/SECONDED (Nejad/ Ballí) to approve the rule language as amended for §133.69 Waiver of Examinations. A vote was taken and the MOTION PASSED.

## **12. Policy Advisory Opinion Committee Meeting Summary.**

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

Mr. Ballí reported that the Committee had met and discussed the Policy Advisory Opinion regarding the Design and Evaluation of Residential Foundations.

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

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

Mr. Ballí reported that the Committee discussed the Policy Advisory Opinion Regarding the Use of and Sealing Procedure for Digital Three-Dimensional Models.

Mr. Ballí relayed that a workgroup had been created and targeted stakeholders would be asked to join the workgroup.

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

Mr. Ballí reported that Mr. Sims provided a status update on the Sealing Related to Contracting and Procurement.

Mr. Ballí relayed that a workgroup had been created and targeted stakeholders would be asked to join the workgroup.

## **13. Enforcement Committee Meeting Summary.**

- **Compliance & Enforcement Report**
  - **Update on Compliance & Enforcement department**
  - **Status on Compliance & Enforcement caseload**
  - **Status of Continuing Education audit(s)**
  - **Anticipated Caseload Coming from Texas Board of Professional Land Surveyors**
- **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**
  - **Update to Criminal Conviction Policy for Licensees.**

Ms. Norwood reported that the Enforcement Committee had met and that Mr. Sims provided a Compliance and Enforcement Report as well as a report on Compliance and Enforcement Activities.

Ms. Norwood stated that Mr. Sims relayed that the division had gained a new staff member from the Texas Board of Professional Land Surveyors.

Ms. Norwood stated that Mr. Sims provided an update to the Criminal Conviction Policy for Licensees and relayed that the policy needed to be updated to make it consistent with the one for applicants as stated in Board rule 133.99.

It was MOVED/SECONDED (Norwood/Shah) to approve changes to the Criminal Conviction Policy for Licensees as presented by staff. A vote was taken and the MOTION PASSED.

#### **14. Legislative Issues Committee Meeting Summary.**

Ms. Reyna reported that the Enforcement Committee had met and that Dr. Kinney had provided a summary update on the Legislative session and proceedings to date.

- **Update on bills relating to the Texas Board of Professional Engineers and the Texas Board of Professional Land Surveying passed during the 86<sup>th</sup> Texas Legislative Session.**
- Ms. Reyna stated Dr. Kinney presented a summary of the 86<sup>th</sup> Legislative Session and the bills that affected the agency directly. **Update on implementation of HB1523 related to the merger of the Texas Board of Professional Engineers and the Texas Board of Professional Land Surveying.**

Ms. Reyna stated that Dr. Kinney provided an update and details on the merger, what actions had been taken before the merger, and what actions and steps would follow the merger date.

No action was required on this agenda item.

#### **15. Nominating Committee Meeting Summary.**

- **Nomination of Board Officers for Fiscal Year 2020**

It was MOVED/SECONDED (Wong/Rubiano) to approve the continuation of the following slate of officers for the 2020 Fiscal Year:

Elvira Reyna	Vice-Chair
Catherine Norwood, P.E.	Secretary
Albert Cheng	Treasurer

A vote was taken and the MOTION PASSED.

- **Renewal Contract of Current Advisory Board Members for Fiscal Year 2020.**
  - **Edmundo Gonzalez, P.E., R.P.L.S.**
  - **Govind Nadkarni, P.E.**

It was MOVED/SECONDED (Wong/Norwood) to recommend to the full Board to approve the following Advisory Board Member contracts for the 2020 Fiscal Year:

Edmundo Gonzalez, P.E., R.P.L.S.  
Govind Nadkarni, P.E.

A vote was taken and the MOTION PASSED.

## Reports or Items reported by the Executive Director:

### 16. Executive Director's Report:

- **Quarterly Meeting Report**

Dr. Kinney stated his report is provided as an exhibit. No action is required.

- **Strategic Plan/Journey Towards Excellence (JTE) Update**

Dr. Kinney stated that the focus of the last six months had been the merger and an off-site retreat was held in the summer in preparation for the merger. Both agencies came together at this retreat and there was much discussion on the future of the combined agencies.

- **Surveying Board/TBPELS – Status Update**

Dr. Kinney stated that the official merger date is right around the corner and is confident that everything is in place to make this a successful transition for both agencies.

Dr. Wong added that an important component of the merger will be to look at the rules and see what actions and modifications will need to be addressed.

- **National Council of Examiners for Engineering and Surveying (NCEES)**

- **Annual Meeting – Washington, D.C. – August 14-17, 2019**

Dr. Kinney discussed the NCEES annual meeting and relayed that almost all the Board and Advisory members had attended and Texas was well represented.

Dr. Kinney relayed that a summary of motions passed at the conference was provided in the Board material.

Dr. Kinney relayed that Mr. Chris Knotts, P.E., from Louisiana will be the President-elect.

- **Building Plan Update**

Dr. Kinney reported that the agency is on target with design plans.

- **Outreach Report**

Dr. Kinney reported that staff travel all over the state for Outreach ethics presentations and provide quarterly webinars. Outreach numbers were presented in an exhibit for Board members to review.

- **Kudos Report**

Dr. Kinney reported that staff continue to receive kudos for the Outreach ethics presentations and quarterly webinars. Dr. Kinney thanked the Outreach team for their hard work, commitment, and travel time.

## Enforcement/Disciplinary Matters:

### 17. ([Consent Agenda](#)) Administrative Reports, Outstanding Administrative Penalties, Case Pending Status Report, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases.

This agenda item was approved under the [Consent Agenda](#), see Agenda item #2 above.

### 18. Consent Orders.

#### Sanctions Against Non-License Holders

#### 1. Mere Energy – EB-37869

It was MOVED/SECONDED (Ballí/Norwood) to approve the Consent Order #1 as submitted. A vote was taken and the MOTION PASSED.

**Licensing Applications requiring board ruling:**

**19. (Consent Agenda) Licensing Applications.**

- Approved for Exams
- Approved for Licensure
- Firms Approved
- Waivers – Fundamentals of Engineering examination
- Waivers – Professional Engineering examination
- Not Approved for Licensure.

This agenda item was approved under Consent Agenda, see agenda item #2.

**20. (Consent Agenda) Calendar Year 2020 Board Meeting Schedule.**

This agenda item was approved under Consent Agenda, see agenda item #2.

**21. Issues from the Board member to consider for next scheduled Board Meeting.** None.

**22. Acknowledgement of retirement and exemplary service to the Board for Advisory Member, Jose I. Guerra, P.E.**

No action was required on this agenda item.

**23. Adjourn.**

It was MOVED/SECONDED (Reyna/Adejokun) to adjourn the meeting at 11:30 a.m. A vote was taken and the MOTION PASSED.

Date the Board approved the minutes as submitted:

November 14, 2019.