

MINUTES
REGULAR QUARTERLY BOARD MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
1917 S. Interstate 35
Austin, Texas 78741
February 20, 2020—10:30 AM

Discuss and Possibly Act on the Following Agenda Items:

- **Preliminary Matters:**

- A. Call to Order.**

- Dr. Sina K. Nejad, P.E., P.Eng., Presiding Officer, called the Regular Quarterly Board meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 11:00 a.m. at the Texas Board of Professional Engineers and Land Surveyors, 1917 S. Interstate 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:

Dr. Sina K. Nejad, P.E., P.Eng.	Chair
Catherine Norwood, P.E.	Secretary
Albert Cheng	Treasurer
Ademola Adejokun, P.E.	Member
Lamberto Ballí, P.E.	Member
Coleen Johnson, R.P.L.S.	Member
Mark Neugebauer, R.P.L.S., L.S.L.S.	Member
Rolando Rubiano, P.E.	Member
Kiran Shah	Public Member

The following Board members were absent:

Elvira Reyna	Member
--------------	--------

Veena Mohan, Assistant Attorney General; Syreeta Alexander, Office of the Attorney General; and Kim Fachs, Office of the Attorney General, were present to provide legal counsel to the Board.

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
Jeff Mutscher	Chief Financial Officer
Cristabel Bodden	Executive Assistant

C. Excuse absent Board members.

It was MOVED/SECONDED (Norwood/Ballí) to excuse Ms. Reyna from the Regular Quarterly Board meeting. A vote was taken and the MOTION PASSED.

D. Welcome Visitors.

Visitors: Robert S. Allen, Cunningham Law Firm; Terry Bilderback, P.E., Texas Society of Professional Engineers; Jessica Bogus, Texas Department of Transportation (TXDOT); Steven J. Freeman, II, Texas Society of Professional Surveyors (TSPS); Edmundo Gonzalez, P.E., R.P.L.S., Advisory Member; Marte Guillen; Richard Heiges, Liaison, TSPS; DJ Kyle, Executive Director, TSPS; Scott Lyford; Manuel J. Montemayor, R.P.L.S.; Michele Mulryan, TXDOT; Govind Nadkarni, P.E., Advisory Member; and Scott Stewart, Vice-President, American Council of Engineering Companies of Central Texas, were present.

E. Public Comment.

None.

2. Consent Agenda

- **November 13, 2019 Licensing Committee Minutes (See agenda item #3)**
- **November 14, 2019 Policy Advisory Opinion Committee Minutes (See agenda item #4)**
- **November 14, 2019 Regular Quarterly Board Minutes (See agenda item #5)**
- **Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (See agenda item #15)**
- **Licensing Applications (See agenda item #21)**

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

Note: Agenda items #18 and #19 were presented out of order but are reported in the order shown on the agenda.

Board and Committee Minutes:

3. **(Consent Agenda) November 13, 2019 Licensing Committee Minutes**
4. **(Consent Agenda) November 14, 2019 Policy Advisory Opinion Committee Minutes**
5. **(Consent Agenda) Regular Quarterly Board Minutes**

Agenda items 3-5 were approved under **Consent Agenda**, see above.

6. Board Members' Quarterly Activity Update.

- Adejokun
- Ballí
- Cheng
- Johnson
- Nejad

- Neugebauer
- Norwood
- Reyna
- Rubiano
- Shah
- Wong

7. Advisory Members' Quarterly Activity Update.

- Gonzalez
- Nadkarni

Agenda items 6-7 were included for information only, no action was required.

8. Finance and Budget.

- **FY20 1st Quarter Budget Report.**

Mr. Mutscher reviewed the 1st Quarter Budget report with the Board. The report reflected income and expenses for the agency through the end of November 30, 2019.

- **FY21 Budget and Fees Discussion.**

Mr. Mutscher reviewed the FY21 Budget and Fees report with the Board. This report includes information on possible fee changes and adjusting fees to equalize fees between Engineering and Surveying.

No action was required on this agenda item.

Issues Relating to Committee Matters:

9. Licensing Committee Meeting Summary.

- **Personal Appearances from Licensing Applicants:**
 - **Albori, Naseem**
 - **Horton, Blake**
 - **Huerd, Kyle**
 - **Lorance, Dustin**
 - **Spaar, Noel Anthony**
 - **Villarreal Alvarez, Alejandro**

Ms. Norwood reported that the Committee had met and discussed and reviewed the personal appearances cases.

It was MOVED/SECONDED (Norwood/Ballf) to allow Mr. Albori 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 (Norwood/Ballí) to allow Mr. Horton licensure in Texas upon successful completion of the 60-hour Intermediate Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Norwood/Ballí) to allow Mr. Huerd 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 (Norwood/Ballí) to allow Mr. Lorance licensure in Texas upon successful completion of the 60-hour Intermediate Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Norwood/Shah) to grant Mr. Spaar licensure in Texas. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Norwood/Ballí) to allow Mr. Villarreal Alvarez 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.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter A - Surveyor-In-Training.**
 - **§134.1 - Surveyor-In-Training Designation.**
 - **§134.3 - Surveyor-In-Training Application and Certification.**
 - **§134.5 - Surveyor-In-Training Experience Requirements.**

Ms. Norwood reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Norwood/Adejokun) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter B - Professional Surveyor-Registration.**
 - **§134.11 - Types of Surveyor-License and Registration.**

Ms. Norwood reported that Dr. Kinney discussed the proposed amendment.

It was MOVED/SECONDED (Norwood/Adejokun) to approve the proposed rule as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter C – Land Surveyor Application Requirements.**
 - **§134.21 – Application for Standard Registration.**
 - **§134.23 – Application from Standard Registration Holders.**
 - **§134.25 – Application from Out-of-State Registration Holders.**
 - **§134.27 – Application for Licensed State Land Surveyor.**
 - **§134.29 – Application for Temporary License for Military Spouses Who Are Licensed or Registered in Another State.**

Ms. Norwood reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Norwood/Adejokun) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter D – Education.**
 - **§134.31 – Educational Requirements for Applicants.**
 - **§134.35 – Proof of Educational Qualifications – Accredited / Approved Programs.**
 - **§134.37 – English Translation.**

Ms. Norwood reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Norwood/Adejokun) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter E – Experience.**
 - **§134.41 – Supplementary Experience Record.**
 - **§134.43 – Experience Evaluation.**

Ms. Norwood reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Norwood/Adejokun) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive

changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter F – Reference Documentation.**
 - **§134.51 – Reference Providers.**
 - **§134.53 – Reference Statements.**
 - **§134.55 – Reference Communication.**

Ms. Norwood reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Norwood/Adejokun) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter G – Examinations.**
 - **§134.61 –Surveying Examinations Required for a Registration to Practice as a Professional Surveyor.**
 - **§134.65 – Examination on the Fundamentals of Surveying.**
 - **§134.67 – Examination on the Principles and Practice of Surveying**
 - **§134.68 –Licensed State Land Surveyor Examination.**
 - **§134.69 – Waiver of Examinations.**
 - **§134.71 – Examination for Record Purposes.**
 - **§134.73 – Examination Results and Analysis.**
 - **§134.75 – Examination Irregularities.**

Ms. Norwood reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Norwood/Adejokun) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter H – Examinations.**
 - **§134.81 –Receipt and Processing of Applications by the Board.**
 - **§134.83 – Executive Director Review, Evaluation, and Processing of Applications.**
 - **§134.87 – Final Action on Applications.**
 - **§134.89 –Processing of Administratively Withdrawn Applications.**

- **§134.91 – Reconsideration of Denied Applications.**
- **§134.93 – Personal Interviews of Applicants.**
- **§134.95 – Application Files.**
- **§134.97 – Issuance of Registration.**
- **§134.99 – Processing of Applications with a Criminal Conviction.**

Ms. Norwood reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Norwood/Adejokun) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 136, Firm Registration.**
 - **§136.1 – Authority.**
 - **§136.3 – Application for a Certificate of Registration.**
 - **§136.5 – Renewal and Good Standing.**

Ms. Norwood reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Norwood/Adejokun) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 133, Subchapter C – Professional Engineer License Application Requirements.**
 - **§133.21 – Application for Standard License.**
 - **§133.21 – Applications from Former Standard License Holders.**
 - **§133.21 – Applications from Engineering Educators.**
 - **§133.21 – Applications for Temporary License for Engineers Currently Licensed Outside the United States.**

Ms. Norwood reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Norwood/Adejokun) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 133, Subchapter G – Examinations.**
 - **§133.73 – Examination Results and Analysis.**

Ms. Norwood reported that Dr. Kinney discussed the proposed amendment.

It was MOVED/SECONDED (Norwood/Adejokun) to approve the proposed rule as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 133, Subchapter H – Review Process of Applications and License Issuance.**
 - **§133.89 – Processing of Administratively Withdrawn Applications.**

Ms. Norwood reported that Dr. Kinney discussed the proposed amendment.

It was MOVED/SECONDED (Norwood/Adejokun) to approve the proposed rule as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Adoption of Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter C – Professional Engineer License Application Requirements.**
 - **§133.29 – Application for Temporary License for Military Spouses Who Are Licensed or Registered in Another State.**

Ms. Norwood reported that Dr. Kinney discussed the adoption of this amendment.

It was MOVED/SECONDED (Norwood/Adejokun) to adopt the proposed rule as submitted by Board staff. A vote was taken and the MOTION PASSED.

- **NCEES National Professional Surveying Exam and Texas State Specific Exam.**

Ms. Norwood reported that Dr. Kinney discussed the analysis of the surveying examination process and the recommendation for TBPELS to move to the NCEES National Professional Surveying Exam and the Texas State Specific Exam with the Committee.

No motion was required on this agenda item.

- **Licensing Director’s Report.**
 - **Engineer Results and Statistics: Licensing Application and Examination Report.**
 - **Surveyor Results and Statistics: Registration Application and Examination Report.**

Ms. Norwood relayed that they received the Licensing Director’s report and no motion was required on this agenda item.

10. General Issues Committee Meeting Summary.

- **Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter A – Scope and Definitions.**
 - **§131.1 – Purpose and Duties.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed amendment.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed rule as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to Add 22 Tex. Admin. Code Chapter 131, Subchapter A – Scope and Definitions**
 - **§131.2 – Definitions.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed amendment.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed rule as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter B – Administration and the Board.**
 - **§131.3 – Headquarters of the Board.**
 - **§131.5 – Board Seal.**
 - **§131.7 – Organization of the Board.**
 - **§131.9 – Officers of the Board.**
 - **§131.11 – Board Member Responsibilities and Duties.**
 - **§131.15 – Committees.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter C – Board Staff.**
 - **§131.31 – Executive Director.**

- **§131.37 – State Contract Guidelines.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter D – Meetings.**

- **§131.41 – Meetings.**
- **§131.43 – Public Participation.**
- **§131.45 – Regular Board Meetings.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed amendment.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter G – Administration.**

- **§131.85 – Board Rules Procedures.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed amendment.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed rule as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter H – Engineering Advisory Opinions.**

- **§131.101 – Subject of an Advisory Opinion.**
- **§131.103 – Request for an Advisory Opinion.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed rules as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal

counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Repeal of 22 Tex. Admin. Code Chapter 131, Subchapter C – Board Staff.**
 - **§131.33 – Career Ladder.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed repeal.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed repeal as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Repeal of 22 Tex. Admin. Code Chapter 131, Subchapter D – Meetings.**
 - **§131.49 – Rules of Order.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed repeal.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed repeal as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Repeal of 22 Tex. Admin. Code Chapter 131, Subchapter G – Administration.**
 - **§131.81 – Definitions.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed repeal.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed repeal as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter A – The Board.**
 - **§661.1 – Name.**
 - **§661.2 – Headquarters.**
 - **§661.3 – Chair.**
 - **§661.4 – Vice Chair.**
 - **§661.5 – Executive Director.**
 - **§661.7 – Executive Committee.**
 - **§661.8 – Standing Committees.**

- **§661.9 – Special Committees.**
- **§661.10 – Financial.**
- **§661.11 – Vacancies.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed repeals.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed repeals as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter B – Meetings.**
 - **§661.23 – Notice of Meetings.**
 - **§661.24 – Proceedings.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed repeals.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed repeals as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter C – Definition of Terms.**
 - **§661.31 – Definitions.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed repeal.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed repeal as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter D – Applications, Examinations, and Licensing.**
 - **§661.41 – Applications.**
 - **§661.42 – Fees.**
 - **§661.43 – References.**
 - **§661.44 – Rejections.**
 - **§661.45 – Examinations.**

- **§661.46 – Seal and Oath.**
- **§661.47 – Reciprocal Registration.**
- **§661.50 – Surveyor In Training (SIT) Experience Requirements.**
- **§661.51 – Surveyor-In-Training Education Requirement.**
- **§661.52 – Inactive Status.**
- **§661.53 – Active Duty Military.**
- **§661.55 – Registration of Land Surveying Firms.**
- **§661.56 – Land Surveying Firm Renewal and Expiration.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed repeals.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed repeals as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter E – Contested Cases.**
 - **§661.60 – Responsibility to the Board.**
 - **§661.62 – Complaint Process.**
 - **§661.63 – Frivolous Complaints.**
 - **§661.64 – Computation of Time.**
 - **§661.65 – Agreements to be in Writing.**
 - **§661.67 – Conduct and Decorum.**
 - **§661.68 – Appearances Personally or by Representative.**
 - **§661.86 – Final Decisions and Orders.**
 - **§661.87 – Administrative Finality.**
 - **§661.88 – Motion for Rehearing.**
 - **§661.100 – Probation Guidelines.**
 - **§661.102 – Alternative Dispute Resolution for Personnel and Contracting Matters.**
 - **§661.104 – Negotiated Rulemaking.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed repeals.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed repeals as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Repeal of 22 Tex. Admin. Code Chapter 664, Continuing Education.**
 - **§664.1 – Purpose.**
 - **§664.2 – Deadlines.**
 - **§664.3 – Numerical Requirements for Continuing Education.**
 - **§664.4 – Types of Acceptable Continuing Education.**
 - **§664.5 – Procedure for Course Approval.**
 - **§664.6 – Reporting and Record Keeping.**
 - **§664.7 – Review and Audit Process.**
 - **§664.8 – Failure to Complete Required Continuing Education.**
 - **§664.9 – Acceptable Carry-Over Continuing Education Units/Hours.**
 - **§664.10 – Exemptions.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed repeals.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed repeals as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Repeal of 22 Tex. Admin. Code Chapter 665, Examination Advisory Committee.**
 - **§665.1 – Purpose.**
 - **§665.2 – Size, Quorum and Qualifications.**
 - **§665.3 – Process of Appointment.**
 - **§665.4 – Terms of Office.**
 - **§665.5 – Non-binding Statements.**
 - **§665.6 – Reimbursement for Expenses.**
 - **§665.7 – Training.**
 - **§665.8 – Examination Process and Board's Interaction.**
 - **§665.9 – Continuing Education Credit.**
 - **§665.10 – Texas Guaranteed Student Loan Corporation Defaulters.**

Mr. Adejokun reported that Dr. Kinney discussed the proposed repeals.

It was MOVED/SECONDED (Adejokun/Norwood) to approve the proposed repeals as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

11. Enforcement Committee Meeting Summary.

- **Proposed Amendments to Add 22 Tex. Admin. Code Chapter 138, Subchapter A – Individual and Surveyor Compliance.**
 - **§138.1 – License and Registration Holder Designations.**
 - **§138.5 – Notifications of Name Change, Address Change, Employer Change, and Criminal Convictions.**
 - **§138.7 – License or Registration Expiration and Renewal.**
 - **§138.9 – Renewal for Expired License or Registration.**
 - **§138.11 – Expiration and Licensed or Registered in Another Jurisdiction.**
 - **§138.13 – Inactive Status.**
 - **§138.14 – Voluntary Surrender of License or Registration.**
 - **§138.15 – Replacement of Printed Licenses or Certificates.**
 - **§138.17 – Continuing Education.**

Mr. Ballí reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Ballí/Adejokun) to approve the proposed amendments as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter A – General Enforcement Authority.**
 - **§139.1 – General.**

Mr. Ballí reported that Dr. Kinney discussed the proposed amendment.

It was MOVED/SECONDED (Ballí/Adejokun) to approve the proposed amendment as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter B – Complaint Process and Procedures.**
 - **§139.11 – Complaints – General.**
 - **§139.13 – Filing a Complaint.**
 - **§139.17 – Investigating a Complaint.**
 - **§139.19 – Final Resolution of a Complaint.**
 - **§139.21 – Reporting Complaint Status to the Board.**
 - **§139.23 – Technical Consultants.**

Mr. Ballí reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Ballí/Adejokun) to approve the proposed amendments as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter C – Enforcement Proceedings.**
 - **§139.31 – Enforcement Actions for Violations of the Acts or Board Rules.**
 - **§139.33 – Informal Settlement Conferences.**

Mr. Ballí reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Ballí/Adejokun) to approve the proposed amendments as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor’s Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor’s Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter D – Special Disciplinary Provisions for License or Registration Holders.**
 - **§139.41 – License or Registration Holder with Renewable, Expired License or Registration.**
 - **§139.43 – License or Registration Holder with Criminal Convictions.**
 - **§139.45 – Restitution.**
 - **§139.47 – Probation.**
 - **§139.49 – License or Registration Suspension / Revocation Based on Status Review.**
 - **§139.51 – License or Registration Suspension Based on Delinquent Child Support.**

Mr. Ballí reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Ballí/Adejokun) to approve the proposed amendments as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter E – Hearings.**
 - **§139.63 – Extensions of Time.**

Mr. Ballí reported that Dr. Kinney discussed the proposed amendment.

It was MOVED/SECONDED (Ballí/Adejokun) to approve the proposed amendment as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Proposed Amendment to 22 Tex. Admin. Code Chapter 137, Subchapter A – Individual and Engineer Compliance.**
 - **§137.7 – License Expiration and Renewal.**
 - **§137.9 – Renewal for an Expired License.**
 - **§137.13 – Inactive Status.**

Mr. Ballí reported that Dr. Kinney discussed the proposed amendments.

It was MOVED/SECONDED (Ballí/Adejokun) to approve the proposed amendments as submitted by Board staff and publish in the Texas Register contingent upon no substantive changes to the rules after the Governor's Office review. In addition, staff will work with legal counsel to determine if a change made by the Governor's Office is a legally substantive change. A vote was taken and the MOTION PASSED.

- **Compliance & Enforcement Report.**
 - **Update on Compliance & Enforcement Department.**
 - **Status of Compliance & Enforcement caseload.**
 - **Status of Continuing Education audit(s).**

Mr. Ballí relayed that they received the Compliance & Enforcement report and no motion was required on this agenda item.

12. Policy Advisory Opinion Committee Meeting Summary.

- **Policy Advisory Opinion Request Regarding the Need to Seal Drawings or Calculations for Pressure Vessels Designed and Installed in Texas (Policy Advisory Request No. 54).**

Mr. Rubiano stated that the Committee had discussed Policy Advisory Opinion Request No. 54.

It was MOVED/SECONDED (Rubiano/Ballí) to approve staff's recommendation to not accept Policy Advisory Request No. 54 as it does not contain sufficient detail to allow for a proper response and post staff's response on the website. The Committee directs staff to further review issues of this request to see how best to develop this policy advisory. 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. Rubiano stated that the Committee had discussed Policy Advisory Opinion Request No. 50.

No action was required on this agenda item.

- **Update on Work Group Regarding Contracting and Procurement of Engineering Services.**

Mr. Rubiano stated that Mr. Sims provided an update to the work group regarding Contracting and Procurement of Engineering Services.

No action was required on this agenda item.

- **Update on Policy Advisory Process for Land Surveying Issues.**

Mr. Rubiano stated that Mr. Sims provided an update on the Policy Advisory Process for Land Surveying Issues.

No action was required on this agenda item.

- **Review of Policy on the Acceptance of Anonymous Policy Advisory Opinion Requests.**

Mr. Rubiano stated that Mr. Sims provided an update on the Acceptance of Anonymous Policy Advisory Opinion requests.

No action was required on this agenda item.

13. Nominating Committee Meeting Summary.

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

It was MOVED/SECONDED (Nejad/Norwood) to approve the following members as Board Officers for the remainder of Fiscal Year 2020:

Lamberto Ballí, P.E.
Catherine Norwood, P.E.
Albert Cheng

Vice-Chair
Secretary
Treasurer

A vote was taken and the MOTION PASSED.

Reports or Items reported by the Executive Director:

14. Executive Director's Report:

- **Quarterly Meeting Report.**

Dr. Kinney stated his report is provided as an exhibit.

No action is required on this agenda item.

- **Surveying Advisory Committee Update.**

Dr. Kinney stated this Committee met in January 2020. The current group of members were appointed for 6 months and new appointments are needed for the next 6 months.

Ms. Johnson was on this Committee but is now on the Board and a new member is needed for this Committee.

No action is required on this agenda item.

- **Appointment of Members of Surveying Advisory Committee.**

Since Ms. Johnson has moved off the committee, it was recommended that new members be added that represent a diverse area of practice and of the state. Ms. Johnson recommended Mr. Stan Piper, RPLS, LSLs from Midland, TX, and Ms. Heather Welch Westfall, RPLS, from North Texas, as additions to the Surveying Advisory Committee.

It was MOVED/SECONDED (Johnson/Ballí) to re-appoint the current Surveying Advisory Committee members for one year and include Mr. Piper and Ms. Welch Westfall as members. A vote was taken and the MOTION PASSED.

- **Regional Advisory Meeting.**

- **Corpus Christi – March 26, 2020.**

Dr. Kinney relayed that the conference is set for March 26, 2020, and final details are coming together quite nicely.

No action is required on this agenda item.

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

- **Upcoming Zone Meeting – Houston, TX – April 23-25, 2020.**

Dr. Kinney stated this would be the first combined zone meeting for NCEES. All Board and Advisory members are invited to attend. Dr. Kinney discussed the Resolution of Cooperation which is a pledge to work with other Boards. The Board will support this NCEES endeavor.

It was MOVED/SECONDED (Ballí/Rubiano) to accept the Resolution of Cooperation proposed by NCEES. A vote was taken and the MOTION PASSED.

- **Nomination of New Advisory/NCEES Emeritus Members for Fiscal Year 2020.**
 - **Jon Hodde, RPLS.**
 - **Davey Edwards, PhD, RPLS, LSLS.**

Dr. Kinney stated the Board currently has two Advisory/NCEES Emeritus members to represent the engineering community at NCEES meetings and the Board now needed representation for the surveying community.

It was MOVED/SECONDED (Johnson/Shah) to accept Jon Hodde, RPLS, and Davey Edwards, PhD, RPLS, LSLS, as Advisory/NCEES Emeritus members for Fiscal Year 2020. A vote was taken and the MOTION PASSED.

Dr. Nejad tasked the Board with adding additional Advisory / NCEES Emeritus members as needed to represent the engineering community.

It was MOVED/SECONDED (Nejad/Norwood) to add two new Advisory and NCEES Emeritus members to the Board. A vote was taken and the MOTION PASSED.

- **Building Plan Update.**

Dr. Kinney reported that the agency is on target with design plans and is still working with the Texas Facilities Commission on budget and fees.

No action is required on this agenda item.

- **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. Dr. Kinney reported that surveying presentations are well received.

No action is required on this agenda item.

- **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.

No action is required on this agenda item.

Enforcement/Disciplinary Matters:

15. (**Consent Agenda**) **Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases.**

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

16. **Agreed Board Orders.**

Engineering

1. **Stuart Allen Lynn, P.E. – D-37856 (Nejad – recused).**
2. **Eduardo Mojica Varias, P.E. – D-38000 (Ballí – recused).**

It was MOVED/SECONDED (Rubiano/Norwood) to approve Agreed Board Orders #1-2 as submitted. A vote was taken and the MOTION PASSED.

17. Consent Orders.

Engineering

1. **Dallas Design Build – B-37980.**
2. **Riddle Engineering Corp. – B-38277.**
3. **Juan Pablo Cantu, P.E. – D-37886.**
4. **Gerald Thomas Wynne, P.E. – D-37911.**
5. **John Ndunda Mutiso, P.E. – D-38115.**
6. **Daniel Jake Arredondo, P.E. – D-38235.**

Informal Reprimands

7. **D-37938.**
8. **D-38003.**

Surveying – Agreed Final Orders

9. **Texas Star Surveying – D-38474 (TBPLS Case No. 18-02).**

It was MOVED/SECONDED (Ballí/Johnson) to approve Consent Orders #1-9 as submitted. A vote was taken and the MOTION PASSED.

18. SOAH Docket No. 464-19-1397; *Texas Board of Professional Land Surveying v. Mark Ewald*; Before the State Office of Administrative Hearings.

Ms. Mohan and Ms. Alexander from the Office of the Attorney General provided a summary on this case. Mr. Lyford, the attorney representing Mr. Ewald, came before the Board. The Board and Mr. Lyford discussed the case.

It was MOVED/SECONDED (Ballí/Norwood) to adopt the final order presented by Board staff to reduce the fee and the reprimand down to a firm number issue. A vote was taken and the MOTION PASSED.

19. Request of Manuel J. Montemayor, P.E., to Reconsider Executed Final Order for Texas Board of Professional Engineers and Land Surveyors Case No. D-30692.

Mr. Montemayor came before the Board and was granted five minutes to address the Board. Mr. Montemayor asked for the reinstatement of his license. The Board and Mr. Montemayor discussed the case.

No motion was made by the Board and no action was taken.

20. Surveyor Continuing Education Course Approvals.
Course Approvals

- 1. Adams Surveying Company, LLC., #1048- Advanced Business Ethics.**
- 2. Nedra Foster Townsend - #088 - Practical Application of Boundary Case Law.**
- 3. Larry T. Billingsley - #139.**
 - Rules Remain in 2020.**
 - Listen to the Judge.**

It was MOVED/SECONDED (Ballí/Johnson) to approve the Surveyor Continuing Education Courses #1-3 as submitted. A vote was taken and the MOTION PASSED.

Licensing Applications requiring board ruling:

21. (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.

22. Issues for consideration at the next scheduled board meeting of the Texas Board of Professional Engineers and Land Surveyors.

None.

23. Adjourn.

It was MOVED/SECONDED (Ballí/Norwood) to adjourn the meeting at 12:42 p.m. A vote was taken and the MOTION PASSED.

Date the Board approved the minutes as submitted:

May 21, 2020