

**AGENDA**  
**REGULAR QUARTERLY BOARD MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**Thompson Conference Center**  
**2405 Robert Dedman Dr., RM 2.120**  
**Austin, Texas 78712**  
**November 16, 2017 – 10:30 AM**

**Call to Order.** (Daniel O. Wong, Ph.D., P.E., Presiding Officer)

1. Roll Call and Welcome Visitors
2. Public Comment
3. Consent Agenda

**(The following items may be acted upon under Consent Agenda and are marked with an asterisk\* on the Regular Quarterly Board Meeting Agenda)**

*(Motion Required)*

- August 16, 2017, Licensing Committee Minutes **(See agenda item #8)**
- August 17, 2017, Policy Advisory Opinion Committee Minutes **(See agenda item #9)**
- August 17, 2017, Legislative Committee Minutes **(See agenda item #4)**
- August 17, 2017, Nominating Committee Minutes **(See agenda item #5)**
- August 17, 2017, Regular Quarterly Board Meeting Minutes **(See agenda item #6)**
- September 5, 2017, Emergency Rule Making Board Meeting **(See agenda item #7)**
- Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases **(See agenda item #19)**
- Licensing Applications. **(See agenda item #25)**

**Discuss and Possibly Approve Board Minutes:**

4. **\*(Consent Agenda)** August 17, 2017, Legislative Committee Minutes
5. **\*(Consent Agenda)** August 17, 2017, Nominating Committee Minutes
6. **\*(Consent Agenda)** August 17, 2017, Regular Quarterly Board Meeting
7. **\*(Consent Agenda)** September 5, 2017, Emergency Rule Making Board Meeting

**Discuss and Possibly Accept Committee Minutes:**

8. **\*(Consent Agenda)** August 16, 2017, Licensing Committee Minutes
9. **\*(Consent Agenda)** August 17, 2017, Policy Advisory Opinion Committee Meeting Minutes

**Discuss and Possibly Act on the following agenda items (10-29):**

10. Board Members' Activity Reports

*(Report – submitted in accordance with §131.11 (g))*

- |             |           |
|-------------|-----------|
| • Ballí     | • Reyna   |
| • Cheng     | • Summers |
| • Kannappan | • Womack  |
| • Nejad     | • Wong    |
| • Norwood   |           |

11. Advisory Members' Activity Reports

*(Report)*

- |            |            |
|------------|------------|
| • Gonzalez | • Nadkarni |
| • Guerra   |            |

12. Finance and Budget..... presented by Jeff Mutscher

- FY17 4th Quarter Budget *(Report)*
- Annual Financial Report (AFR) *(Report)*

13. Discuss and possibly act on Performance Measures Review..... presented by David Howell, P.E.  
*(Report)*

**Discuss and Possibly Act on Issues Regarding Committee Reports or Items on the Committee Agendas:**

14. Licensing Committee meeting  
summary (November 15, 2017) ..... presented by Lamberto “Bobby” Ballí, P.E., Chair
- Personal Appearances from Licensing Applicants:  
(*Motion required on all personal interviews*)
    - Beach, Michael Robert
    - Brown, Michael Louis
    - Cortes, Andrew Jason
    - Duncan, Gary Wallace
    - Nguyen, Thanh Tam
    - Sanchez, Gerardo
    - Smith, Charles C
    - Stoneking, David Richard
    - Tran, Anthony Hung
    - Zorca, Ovidiu
  - Discuss and possibly act on the following proposed rules to be posted in the Texas Register for comment ..... presented by David Howell, P.E.  
(*Motion Required*)
    - Chapter 133
      - §133.13 Branches of Engineering
      - §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
      - §133.43 Experience Evaluation
      - §133.83 Executive Director Review, Evaluation and Processing of Applications
      - §133.93 Personal Interviews of Applicants
      - §133.97 Issuance of License
      - §133.99 Processing of Applications with a Criminal Conviction
    - International Licensure..... presented by Lance Kinney, Ph.D., P.E.
      - Possible Memorandum Of Understanding (MOU) with Spain
15. Policy Advisory Opinion (November 16, 2017) ..... presented by Kyle Womack, P.E., Chair
- Discuss and possibly approve the response for advisory opinion:
    - EAOR 43 Policy Advisory Request Regarding a Texas Real Estate Commission (TREC) licensed inspector providing an opinion on a residential foundation and its relation to the practice of engineering..... presented by David Howell, P.E.  
(*Motion Required*)
    - Discuss and possibly act on the policy advisory request..... presented by David Howell, P.E.
      - Reconsideration request EAOR 40 Policy Advisory Request regarding Jurisdiction Outside of Texas
      - EAOR 44, Policy Advisory Request regarding Foundation repair methods
      - EAOR 45, Policy Advisory Request regarding Electronic signatures and caveats on Preliminary and Final Engineering documents  
(*Motion Required*)
16. General Issues Committee Meeting (November 16, 2017)..... presented by Dr. Sina Nejad, P.E., Chair
- Discuss and possibly act on the following rule proposal to be posted in the Texas Register ..... presented by David Howell, P.E.  
(*Motion Required*)
    - Chapter 131
      - §131.15 Committees
      - §131.43 Public Participation

- §131.87 Negotiated Rule Making Procedures
- §131.113 Mediation and Alternative Dispute Resolution
- Chapter 137
  - §137.7 License Expiration and Renewal
  - §137.15 Replacement or New Design Certificates
  - §137.17 Continuing Education Program

17. Enforcement Committee Meeting summary

(November 16, 2017)..... presented by Catherine Norwood, P.E., Chair

- Discuss and possibly act on the following rule proposal to be posted in the Texas Register for comment..... presented by David Howell, P.E. (*Motion Required*)
- Chapter 137
  - §137.57 Engineers Shall Be Objective and Truthful
  - §137.63 Engineers' Responsibility to the Profession
- Chapter 139
  - §139.19 Final Resolution of Complaint
  - §139.35 Sanctions and Penalties

**Discuss and Possibly Act on Reports or Items reported by the Executive Director:**

18. Executive Director's Report.....presented by Lance Kinney, Ph.D., P.E.

- Daily Activity Report (*Report*)
- Welcome new employees:
  - Executive Assistant, Cristabel Bodden
  - Licensing Specialist, Melissa Dominguez
- Hurricane Harvey Recovery Update (*Report*)
- Building repair update (*Report*)
- Strategic Plan/Journey Towards Excellence (JTE)(*Update*)
- National Council of Examiners for Engineering and Surveying (NCEES)
  - Report on 2017 Annual Meeting (*Report*)
- Outreach (*Report*)
  - Outreach Conferences (*Reports*)
    - Texas Municipal League Conference, October 4-6, 2017, Houston, TX
    - Society of Professional Engineers, October 9-11, 2017, San Antonio, TX (sponsored by NCEES)
    - Society of Women Engineers, October 25-27, 2017, Austin, TX (sponsored by NCEES)
  - Draft Plan for Regional Advisory Meetings (Update)
    - Beaumont-March 21, 2018
    - Midland
  - Kudos

**Discuss and Possibly Act on Enforcement/Disciplinary Matters:**

19. \*(**Consent Agenda**) Administrative Reports, Outstanding Administrative Penalties, Case Pending Status Report, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases ..... presented by David Howell, P.E. *Report to full Board pursuant to Board rule §139.21*

20. Agreed Board Order ..... presented by David Howell, P.E. (*Motion Required*)

Informal Reprimands (*In accordance with Board Rule 139.31(b) individual names are not listed*)

1. D-36938 (Balli - Recused)
2. D-37223 (Norwood - Recused)
3. D-36718 (Balli - Recused)

Practice Violations

4. Jeffrey Allan Gilbert, P.E. - D-36524 (Balli - Recused)
5. Jimmy Patin - B-36839 (Ballie - Recused)

21. Consent Orders ..... presented by David Howell, P.E. (*Motion Required*)

Filed at SOAH

1. Manuel Jesus Montemayor, P.E. – D-30692 – SOAH No. 460-15-5034

Informal Reprimands (In accordance with Board Rule 139.31(b) individual names are not listed)

- 2. D-37197
- 3. D-37288
- 4. D-37152

Non-Practice Violations

- 5. Emmanuel Lao Casino, P.E. – D-37225
- 6. Heath A. Dumack, P.E. – D-37224
- 7. Alfredo Tomas Guerra, P.E. – D-37205
- 8. John Albert Fowler, P.E. – D-37149

Practice Violations

- 9. Roger Lewis Blair, P.E. – D-36462
- 10. Oscar A. Chavez, P.E. – D-37119

Sanctions Against Non-License Holders

- 11. AMC Design – B-37115
- 12. MAS-TEK Engineering & Associates, Inc. – B-37294
- 13. MED Tech Construction – B-37108

Firm Registration

14. Cooper & Moore Engineering Corporation – B-37048

22. Discuss and possibly act on request for reconsideration of Consent Order approved by the Board on August 17, 2017, because of failure to comply with the terms of the Consent Order.....presented by Morgen Cuming, J.D.  
(Motion Required)

- Gordon L. Duncan, #D-37055

23. Discuss and possibly act on Revocation Order .....presented by Morgen Cuming, J.D.  
(Motion Required)

- Ralph Robert Schenck, P.E. – D-37151

24. Consideration of and possible action on motion for rehearing for *Texas Board of Professional Engineers v. Raghunath Dass, P.E.*, License No. 90119, SOAH Docket No. 460-12-3264, on remand by trial court.....presented by Morgen Cuming, J.D.

This agenda item may be considered under Executive Session in accordance to the Open Meeting Act, Gov't. Code A. Chapter 551.071, Consultation with Attorney.

(Possible Motion)

**Discuss and Possibly Act on Licensing Applications requiring board ruling:**

25. **\*(Consent Agenda)** Licensing Applications.....presented by Rick Strong, P.E.

*Vote or Reconfirm Votes Pursuant to Board Rule §133.87:*

- Approved for Exams
- Approved for Licensure
- Firms Approved
- Waivers – FE
- Waivers---PE
- Not Approved for Licensure

**Discuss and Possibly Act on Other Matters**

26. Texas Board of Professional Engineers' 2018 Board meeting and Informal Conference schedules.

27. Issues from the Board member to consider for next scheduled Board Meeting

28. Thank Executive Assistant, Dorothy Gonzales for her exemplary service to the Board, and congratulate her on her retirement..... Daniel O. Wong, Ph.D., P.E.

29. Adjourn.

The Board may meet in closed session on any agenda item listed above as authorized by the Texas Open Meetings Act, Tex. Gov't. Code Ann. Chapter 551.

 Individuals needing auxiliary aids or services should contact the Texas Board of professional Engineers at (512) 440-7723, in a timely manner.