

AGENDA
REGULAR QUARTERLY BOARD MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Via Videoconference

For General Public Viewing: <https://youtu.be/3E51kEOpDco>

Videoconference call - Zoom (<https://zoom.us/>)

Meeting URL: <https://zoom.us/j/93642352240?pwd=YVtk1SXMpRTY2N211WTRFcUF2b29wZz09>

Meeting ID: 936 4235 2240

Password: 000727

May 21, 2020—2:00 PM

Due to Governor Greg Abbott's March 13, 2020, proclamation of a state of disaster affecting all counties in Texas due to the Coronavirus (COVID-19) and the Governor's March 16, 2020, suspension of certain provisions of the Texas Open Meetings Act, the May 21, 2020, meeting of the Board will be held by video-conference, as otherwise authorized under Texas Government Code section 551.127. Due to the Governor's suspension, the public will not be able to attend the open meeting in person.

Members of the public will have access to view the meeting via YouTube and the link will be available on the agency website at <https://pels.texas.gov>. Members of the public will have access to participate and make public comment in this meeting, by two-way audio/video, by connecting to the video access number identified on the agenda above or by clicking on the link contained on the agency website at <https://pels.texas.gov>. The video access number contained in this notice is subject to change by the conference provider at any time. Members of the public are encouraged to confirm the correct conference access number/link 24 hours before the meeting by going to the agency website. An electronic copy of the agenda is available at <https://pels.texas.gov>. A recording of the meeting will be available after June 5, 2020, on the agency website.

For public participants who wish to make public comment, after the meeting convenes, the presiding officer will call roll of board members and then of public attendees. Please identify yourself by name and state whether you would like to provide public comment. You may also email comment@pels.texas.gov in advance of the meeting if you would like to provide public comment. When the Board reaches the public comment portion of the meeting, the presiding officer will recognize you by name and give you an opportunity to speak. All public comments will be limited to five (5) minutes. All participants are asked to keep their microphones muted when they are not providing public comment.

Discuss and Possibly Act on the Following Agenda Items:

1. Preliminary Matters (Sina K. Nejad, P.E., P.Eng., Presiding Officer)
 - A. Call to Order
 - B. Roll Call
 - C. Excuse absent Board members
 - D. Welcome Visitors
 - E. Public Comment
2. **Consent Agenda***
(The following items may be acted upon under Consent Agenda and are highlighted in blue on the Regular Quarterly Board Meeting Agenda)
 - February 19, 2020 Licensing Committee Minutes (**See agenda item #3**)
 - February 20, 2020 General Issues Committee Minutes (**See agenda item #4**)
 - February 20, 2020 Enforcement Committee Minutes (**See agenda item #5**)
 - February 20, 2020 Policy Advisory Committee Minutes (**See agenda item #6**)
 - February 20, 2020 Nominating Committee Minutes (**See agenda item #7**)
 - February 20, 2020 Regular Quarterly Board Minutes (**See agenda item #8**)
 - Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (**See agenda item # 12**)
 - Surveyor Continuing Education Course Approvals (**See agenda item #15**)
 - Licensing Applications (**See agenda item # 16**)

Board and Committee Minutes:

3. (**Consent Agenda**) February 19, 2020 Licensing Committee Minutes
4. (**Consent Agenda**) February 20, 2020 General Issues Committee Minutes
5. (**Consent Agenda**) February 20, 2020 Enforcement Committee Minutes
6. (**Consent Agenda**) February 20, 2020 Policy Advisory Committee Minutes
7. (**Consent Agenda**) February 20, 2020 Nominating Committee Minutes
8. (**Consent Agenda**) February 20, 2020 Regular Quarterly Board Minutes
9. Finance and Budget
 - FY20 2nd Quarter Budget Report
 - FY21 Budget and Fees Discussion

Issues Relating to Committee Matters:

10. Licensing Committee Meeting Summary
(May 20, 2020)
 - Personal Appearances from Licensing Applicants:

- Brackett, Joshua Paul
- Jones, Thomas Adams
- Liszka, Michael Louis
- Magleby, Herbert Kent
- O'Brien, Thomas John
- Saghebfar, Milad
- Tucker, Logan Riles
- Uribe, Marc
- Moore, Alan DeLynn
- Request for Acceptance of Nettleman Institute for Surveying Engineering and Technology (NISSET) as an Approved Education Provider
- Request by American Society of Plumbing Engineers (ASPE) to Support Plumbing Engineering Option in NCEES Mechanical Professional Engineering Exam
- Surveying Exam Update
- Licensing Director's Report
 - Engineer Results and Statistics: Licensing Application and Examination Report
 - Surveyor Results and Statistics: Registration Application and Examination Report

Reports or Items presented by the Executive Director:

11. Executive Director's Report

- Quarterly Meeting Report
- COVID-19 Pandemic Report
- Surveying Advisory Committee Update
- National Council of Examiners for Engineering and Surveying (NCEES) Update
- Nomination of New Advisory/NCEES Emeritus Member for Fiscal Year 2020
 - R. Kyle Womack, P.E.
- Building Plan Update

- Performance Measure Report
- Outreach Report

Enforcement/Disciplinary Matters:

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

13. Consent Orders

Engineering

1. Zamora Engineering, Inc. – B-38446
2. John Edward Skwiot, P.E. – D-38247
3. Samuel Deering Malinowsky, P.E. – D-38304
4. Michael William McCoy, P.E. – D-38325
5. James Anthony Clancy, P.E. – D-38581

Informal Reprimands

6. D-38363
7. D-38364
8. D-38470
9. D-38472
10. D-38512

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

15. (**Consent Agenda**) Surveyor Continuing Education Course Approvals

Course Approvals

1. Surveying Education Foundation of Texas, Inc. #1047– Practical Application of Boundary Course Law
2. Institute of Energy Management, LLC
 - Right-of-Way Route Selection Workshop
 - Right-of-Way Essentials
3. Texas Society of Professional Surveyors #001
 - Practical Geodesy for Practical Surveyors

- Rational for and Expectations of the 2022 Datums
 - Analysis of a Boundary Dispute (Harvey V. Furrow)
 - Boundary Agreements – Theory, Forms and Use
 - Easements – Identification & Retracement
 - Making your Business Better and Your Surveys More Defendable: Office Practices and Surveyor’s Notes for Plats
 - Pincushion Effect – The Multiple Dilemma in American Land Surveying
 - Practical Forensic Surveying
 - Problems Associated with Riparian Boundary Surveys Beginning with the Shifting Sands of the Red River Boundary with Oklahoma, SCOTUS, the Gradient Boundary, Surveys, Resurveys, and an Act of Congress
 - Right of Way and Prescriptive Rights
 - State Plane Coordinate System of 2022
 - Surprising Technology at Minimal Cost
 - Survey Documentation
 - TBPELS Rules/Surveying Act
 - The Evolution of Early American Surveying Equipment
 - Water Boundaries
 - Boundaries Ethically Determined – Part 1
 - Boundaries Ethically Determined – Part 2
 - Boundaries Ethically Determined – Part 3
 - Boundaries Ethically Determined – Part 4
4. Individual Course Approval – Boris Kanazir
- 2019 Geospatial Summit

Licensing Applications requiring board ruling:

16. ([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
17. Issues for consideration at the next scheduled Board meeting of the Texas Board of Professional Engineers and Land Surveyors
 18. Welcome new Board member
 19. Adjourn

*The consent agenda consists of those agenda items which are routine or non-controversial, and which neither a member of the Board nor the public has asked to be pulled for separate consideration. The Board may vote on all items in the consent agenda under one motion, and will not discuss items separately unless requested by the Chair, a Board Member or a member of the public, in which event the item will be removed from the consent agenda and considered as a regular agenda item.

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 and Land Surveyors at (512) 440-3051, in a timely manner.