

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

Via Videoconference

For General Public Viewing: <https://www.youtube.com/watch?v=Wd9-IVfnKYY>

Videoconference call – Zoom (<https://zoom.us/>)  
Meeting URL:

<https://zoom.us/j/97884255445?pwd=RzIbNTU3Rit2TlIIV3I1V1poZG1Ldz09>

Meeting ID: 978 8425 5445

Password: 424555

**August 20, 2020—10:00 AM**

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 August 20, 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 September 1, 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](mailto: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)**
  - May 20, 2020 Licensing Committee Minutes (**See agenda item #3**)
  - May 21, 2020 Regular Quarterly Board Minutes (**See agenda item #4**)
  - Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (**See agenda item #14**)
  - Surveyor Continuing Education Course Approvals (**See agenda item #17**)
  - Licensing Applications (**See agenda item #18**)
  - Calendar Year 2021 Board Meeting Schedule (**See agenda item #19**)

## **Board and Committee Minutes:**

3. (**Consent Agenda**) May 20, 2020 Licensing Committee Minutes
4. (**Consent Agenda**) May 21, 2020 Regular Quarterly Board Minutes
5. Board Members' Quarterly Activity Update
  - Adejokun
  - Ballí
  - Cheng
  - Johnson
  - Nejad
  - Neugebauer
  - Norwood
  - Rubiano
  - Shah
  - McClinton Stoglin

6. Advisory Members' Quarterly Activity Update

- Edwards
- Gonzalez
- Hodde
- Nadkarni
- Womack

7. Finance and Budget

- FY20 3<sup>rd</sup> Quarter Budget Report
- FY21 Budget & Fees Report

8. Four Year Rule Review

- Chapter 131 – Organization and Administration
- Chapter 133 – Licensing
- Chapter 135 – Firm Registration
- Chapter 137 – Compliance and Professionalism
- Chapter 139 – Enforcement

**Issues Relating to Committee Matters:**

9. Policy Advisory Opinion Committee Meeting Summary  
(August 19, 2020)

- 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)
- Policy Advisory Opinion Request Regarding If the Installation of Fiber Optic Lines by a Telecommunications Provider Qualifies for the Public Works or Telephone Company Exemptions in the Texas Engineering Practice Act (Policy Advisory Request No. 53)
- Update on Work Group Regarding the Use of and Sealing Procedure for Digital Three-Dimensional Models (Policy Advisory Request No. 50)

10. Enforcement Committee Meeting Summary  
(August 19, 2020)

- Adopt Amendments to 22 Texas Administrative 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
  
- Propose Amendments to 22 Texas Administrative Code Chapter 138, Subchapter B – Sealing Requirements
  - §138.31 – Seal Specifications
  - §138.33 – Sealing Procedures
  - §138.35 – Electronic Seals and Electronic Signatures
  - §138.37 – Sealing Misconduct
  
- Propose Amendments to 22 Texas Administrative Code Chapter 138, Subchapter C – Professional Conduct and Ethics
  - §138.51 – General Practice
  - §138.53 – Surveyor Standards of Compliance with Professional Services Procurement Act
  - §138.55 – Surveyors Shall Protect the Public
  - §138.57 – Surveyors Shall Be Objective and Truthful
  - §138.59 – Surveyors' Actions Shall Be Competent
  - §138.61 – Surveyors Shall Maintain Confidentiality of Clients
  - §138.63 – Surveyor's Responsibility to the Profession
  - §138.65 – Action in Another Jurisdiction
  
- Propose Amendments to 22 Texas Administrative Code Chapter 138, Subchapter D – Firm and Governmental Entity Compliance
  - §138.73 – Firm Record Modifications
  - §138.75 – Registration Renewal and Expiration
  - §138.77 – Firm Registration Compliance
  - §138.79 – Standards for Compliance with Professional Services Procurement Act
  
- Propose Amendments to 22 Texas Administrative Code Chapter 138, Subchapter E – Professional and Technical Standards
  - §138.83 – Precision and Accuracy
  - §138.85 – Boundary Construction
  - §138.87 – Monumentation
  - §138.89 – Certification
  - §138.91 – Survey Drawing/Written Description/Report

- §138.93 – Subdivision Plat
- §138.95 – Descriptions Prepared for Political Subdivisions
- §138.97 – Easement Depiction
- Propose Amendments to 22 Texas Administrative Code Chapter 139, Subchapter C – Enforcement Proceedings
  - §139.35 – Sanctions and Penalties – Engineering
  - §139.37 – Sanctions and Penalties – Surveying
- Propose Amendment to 22 Texas Administrative Code Chapter 137, Subchapter C – Professional Conduct and Ethics
  - §137.63 – Engineer's Responsibility to the Profession
- Compliance & Enforcement Report
  - Update on Compliance & Enforcement Department
  - Status of Compliance & Enforcement caseload
  - Status of Continuing Education audit(s)

11. Licensing Committee Meeting Summary  
(August 19, 2020)

- Personal Appearances from Licensing Applicants:
  - Baltazar, Victor Raymond
  - Butler, Orien
  - Flagg, Edwin
  - Gill, Matthew Shane
  - Mantone, David
  - Mead, Joshua
  - Suarez, Eliseo
- Adopt Proposed Amendments to 22 Texas Administrative Code Chapter 133, Subchapter C – Professional Engineer License Application Requirements

- §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
  
- Adopt Amendments to 22 Texas Administrative Code Chapter 133, Subchapter G – Examinations
  - §133.73 – Examination Results and Analysis
  
- Adopt Amendments to 22 Texas Administrative Code Chapter 133, Subchapter H – Review Process of Applications and License Issuance
  - §133.89 – Processing of Administratively Withdrawn Applications
  
- Adopt Emergency Rule Amendment 22 Texas Administrative Code Chapter 133, Subchapter G – Examinations
  - §133.67 – Emergency Rule for Extension of Exam Deadline
  
- Request by The Structural Engineers Association of Texas (SEAoT) regarding the regulation of the Structural Engineer title in Texas
  
- Texas Board of Professional Engineers and Land Surveyors’ Land 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

12. Nominating Committee Meeting Summary  
(August 20, 2020)

- Nomination of Board Officers for Fiscal Year 2021
- Renewal Contract of Current Advisory Board Members for Fiscal Year 2021
  - William Edwards, Ph.D., R.P.L.S., L.S.L.S.
  - Edmundo Gonzalez, P.E., R.P.L.S.
  - Jon Hodde, R.P.L.S.
  - Govind Nadkarni, P.E.
  - R. Kyle Womack, P.E., Retired

## Reports or Items presented by the Executive Director:

### 13. Executive Director Reports

- Quarterly Meeting Activity Update
- COVID-19 Pandemic Report
- TBPELS Merger Update
- National Council of Examiners for Engineering and Surveying (NCEES) – Annual Meeting Update
- Outreach Report
- Kudos Report

## Enforcement/Disciplinary Matters:

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

### 15. Agreed Board Orders

#### Engineering

1. Michael Brandon Capehart, P.E. – D-37951 (Balli & Adejokun – recused)

### 16. Consent Orders

#### Engineering

1. Wesley Allan Buchhorn, P.E. – D-38417

#### Surveying

2. David Franklin McCullah, RPLS – D-38467 (Johnson – recused)
3. Wayne Brandon Johnson, RPLS – D-38478
4. Victor Silvas Medina, RPLS – D-38483
5. James P. Walkoviak, RPLS – D-38488
6. Jeffrey Dale Boerner, RPLS – D-38495
7. Donald Matthew Cookston, RPLS – D-38498
8. Alan Russell Blair, RPLS – D-38502
9. William Mark Green, RPLS – D-38509

### 17. (**Consent Agenda**) Surveyor Continuing Education Course Approvals Course Approvals

1. Texas Society of Professional Surveyors #001
  - Lost Art and Science of Field Notes
  - The Texas and Pacific Railway Company Reservation and Land Grant, Part I
  - The Texas and Pacific Railway Company Reservation and Land Grant, Part II
  - Surveying Astronomy for Land Surveyors
  - “The Professional” Definitions, Characteristics, Obligations & Ethics
2. The Thompson Surveying Company #1035
  - Profession Land Surveying: Business Ethics/Rules
3. Halfmoon Education, Inc. #34
  - Texas Professional Land Surveying Law and Ethics
  - Introduction to GNSS Surveying

**Licensing Applications requiring board ruling:**

18. (**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

19. (**Consent Agenda**) Calendar Year 2021 Board Meeting Schedule

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

21. 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, Texas Government. 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.