

**MINUTES  
LICENSING COMMITTEE MEETING  
TEXAS BOARD OF PROFESSIONAL ENGINEERS  
1917 S. IH 35  
Austin, Texas 78741  
November 14, 2018—1:00 PM**

**Call to Order.** Dr. Sina Nejad, P.E., Chair, called the Licensing Committee meeting of the Texas Board of Professional Engineers to order at 1:00 p.m. at the Texas Board of Professional Engineers, 1917 S. IH 35, Austin, TX. (NOTE: all votes are unanimous unless noted.)

**1. Roll call and welcome visitors.**

Ms. Bodden called the roll. It was noted for the record that a quorum was present.

**The following Committee members were present:**

Dr. Sina Nejad, P.E.	Chair
Lamberto Ballí, P.E.	Member
Edward Summers, Ph.D.	Member
Kyle Womack, P.E.	Member

Ms. Melissa Juarez, Assistant Attorney General, was present to provide legal counsel to the Board.  
Mr. Jose I. Guerra, P.E., Advisory Member was present.

**The following staff members were present:**

Lance Kinney, Ph.D., P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
Rick Strong, P.E.	Director of Licensing
Michael Sims, P.E.	Director of Compliance and Enforcement
Morgen Cumming, JD	Staff Attorney
Cristabel Bodden	Executive Assistant
Shannon Velazquez	Licensing and Registration Specialist

**Visitors:** Kent O'Brien, P.E., Texas Department of Transportation; Stephanie Stanford, P.E., Texas Society of Professional Engineers; and Jose Valdez were present.

**Personal Appearances:** Mark Justin Berry; Ezekiel Drawhorn; Patrick High; Thomas Johnson; Erica Sanchez; Ellion Self.

**2. Public comment.** None.

**Discuss and Possibly Act on the Following (Agenda Items 3-9):**

**3. Discuss and possibly approve the August 22, 2018 Licensing Committee Meeting Minutes.**

It was MOVED/SECONDED (Summers/Womack) to approve the August 22, 2018, Licensing Committee minutes as submitted. A vote was taken and the MOTION PASSED.

#### 4. Discuss and possibly act on Applications for Licensure: Personal Interviews Cases.

- **Mark Justin Berry.** This applicant applied to take the PE exam. He came before the Committee due to incidents he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Womack/Summers) to recommend to the Board at its Regular Quarterly Board meeting on November 15, 2018, to approve Mr. Berry to sit for the PE exam upon the successful completion of the 30-hour Basic Level Ethics course from Texas Tech. A vote was taken and the MOTION PASSED.

- **Ezekiel Drawhorn.** This applicant applied for Licensure. He came before the Committee due to incidents he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Summers) to recommend to the Board at its Regular Quarterly Board meeting on November 15, 2018, to allow Mr. Drawhorn 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.

- **Patrick High.** This applicant applied for licensure. He came before the Committee due to incidents which he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Summers) to recommend to the Board at its Regular Quarterly Board meeting on November 15, 2018, to allow Mr. High to come before the Committee for reconsideration and recommendation to the Board after successful completion of the 90-hour Advance Level Ethics Course from Texas Tech. A vote was taken and the MOTION PASSED.

- **Thomas Johnson.** This applicant applied for Licensure. He came before the Committee due to incidents he did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Summers) to recommend to the Board at its Regular Quarterly Board meeting on November 15, 2018, to allow Mr. Johnson 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.

- **Erica Sanchez.** This applicant applied for Licensure. She came before the Committee due to incidents she did not report. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Womack/Summers) to recommend to the Board at its Regular Quarterly Board meeting on November 15, 2018, to approve Ms. Sanchez 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.

- **Ellion Self.** This applicant applied for Licensure. She came before the Committee due to incidents she reported. The applicant has completed all court requirements. The Committee and applicant discussed her experience and lessons learned.

It was MOVED/SECONDED (Ballí/Womack) to recommend to the Board at its Regular Quarterly Board meeting on November 15, 2018, to approve Ms. Self licensure in Texas. A vote was taken and the MOTION PASSED.

**5. Discuss and possibly approve the following rule proposal regarding FE Waiver after FE Failure.**

- **Chapter 133**
  - **§133.69 Waiver of Examinations**

Mr. Strong relayed that the Committee had considered a white paper at the last Committee meeting concerning possible revisions for the FE Exam Waiver rules and staff was given direction to develop possible rule language for modifications to rule §133.69 Waiver of Examination.

The proposed modification to rule §133.69 (e) states that an applicant is not eligible to request a waiver of the examination on the fundamentals of engineering if the applicant has taken and failed any examination on the fundamentals of engineering in any jurisdiction within the previous eight years. The current rule language has the timeframe at two years. In addition, language was added stating that an applicant is not eligible to request a waiver of the examination of the fundamentals of engineering if the applicant has taken and failed any examination on the fundamentals of engineering in any jurisdiction three or more times.

It was MOVED/SECONDED (Womack/Summers) to recommend to the Board at its Regular Quarterly Board meeting on November 15, 2018, to send the rule proposal to the Governor's Office for approval and then publish in the Texas Register for a 30-day comment period. A vote was taken and the MOTION PASSED.

**6. Discuss Possible Applicant Character Review White Paper.**

Mr. Strong relayed that another possible rule change came at the recommendation of the Office of the Attorney General to address issues that other regulatory boards were facing.

Ms. Mohan provided a white paper to the Board to clarify the process used to review a person's character in determining if a license should be granted in accordance with the statute.

This rule change could impact multiple current rules and staff would need to determine the best way to implement these changes. The rule would also provide a process for an applicant to appeal to the State Office of Administrative Hearings (SOAH) and go through their process.

Dr. Nejad, Committee Chair, directed staff to continue this conversation and discuss this new rule language with the Office of the Attorney General and bring the proposal to the next Licensing meeting.

**7. Licensing Director's Report.**

**• Results and Statistics: Application and Examination Report.**

Mr. Strong reviewed the report with the Committee members and provided application and exam results. The report is also included as an exhibit for the Committee.

Mr. Strong relayed that the language on the criminal history background question on both the on-line and paper applications have been updated and clarified as directed by the Committee.

Mr. Ballí and Dr. Nejad discussed the time frame for the Board application circulation process and asked about the length of time taken by each reviewer and the length of time it takes to complete the entire review. Staff was asked to produce a report summary information and possible ways to shorten the circulation period.

Mr. Ballí asked staff to produce a report showing the number of PE's and Firms that are Out-of-State for the next board meeting.

**8. Issues for consideration for future board meetings. None.**

**9. Adjourn.**

It was MOVED/SECONDED (Ballí/Summers) to adjourn the meeting at 2:55 p.m. A vote was taken and the MOTION PASSED.

Date minutes were approved by Committee as submitted:

February 13, 2019

Date Board accepted minutes:

February 14, 2019