

**MINUTES**  
**POLICY ADVISORY OPINION COMMITTEE MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
**12100 Park 35 Circle, Building E, Room 201**  
**Austin, Texas 78753**  
**November 14, 2019—10:00 AM**

**Discuss and Possibly Act on the Following Agenda Items:**

**1. Preliminary Matters:**

**A. Call to Order.**

Mr. Lamberto Ballí, P.E., Chair, called the Policy Advisory Opinion Committee meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 10:04 a.m. at the Texas Commission on Environmental Quality Campus, 12100 Park Circle, Building E, Room 201, 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 committee members were present:**

Lamberto Ballí, P.E.	Chair
Ademola Adejokun, P.E.	Member
Sina Nejad, P.E., P.Eng.	Member
Rolando Rubiano, P.E.	Member

Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Edmundo Gonzalez, P.E., R.P.L.S. and Govind Nadkarni, P.E., Advisory Members were present. Board Members Albert Cheng; Catherine Norwood, P.E.; Mark Neugebauer, R.P.L.S., L.S.L.S.; Kiran Shah; and Daniel Wong, Ph.D., P.E., were present.

**The following staff members were present:**

Lance Kinney, Ph.D., P.E.	Executive Director
Rick Strong, P.E.	Director of Licensing and Registration
Jeff Mutscher	Chief Financial Officer
Elissa Mazza	Staff Attorney
Cristabel Bodden	Executive Assistant
Deverett Morrow	Network Administrator
Mason Schoolfield	Technology Team Lead

**C. Excuse absent committee members.** All committee members were present.

**D. Welcome Visitors.**

Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Marte Guillen; DJ Kyle, Texas Society of Professional Surveyors (TSPS); Manuel J. Montemayor, R.P.L.S.; Heather Sides, R.P.L.S., TSPS; Patrick Smith; Trish Smith, TSPE; Ricardo Vasquez, R.P.L.S.,

Precision Land Surveying, Inc.; Dean Woodley, R.P.L.S., Live Oak Surveying; and Chris Young, Texas Department of Transportation, were present.

**E. Public Comment.** None.

**2. August 22, 2019 Policy Advisory Opinion Committee Meeting Minutes.**

It was MOVED/SECONDED (Nejad/Rubiano) to approve the November 14, 2019, Policy Advisory Opinion Committee minutes as submitted. A vote was taken and the MOTION PASSED.

**3. Overview of Policy Advisory Opinion Process.**

Dr. Kinney provided an overview of the policy advisory opinion process. Dr. Kinney relayed that the public can request a policy advisory opinion for questions and clarification on engineering issues that cannot be answered by statute or a standing rule.

Staff will research the policy advisory question(s), and develop an answer or an opinion, involve stakeholders for their knowledge and expertise, and present the answer or opinion to the Committee for review and approval.

**4. Policy Advisory Opinion Regarding the Ability of an Owner of a Petrochemical Facility to Waive Sealing Requirements for Engineering Documents (Policy Advisory Request No. 52).**

Dr. Kinney relayed that an exhibit with the response opinion from staff was provided for the Committee for their review.

Dr. Kinney stated that the Board had received an anonymous request regarding the ability of an owner of a Petrochemical facility to waive sealing requirements for engineering documents. Since it was an anonymous request, staff are not able to follow-up with questions and have answered the request at face value. As such, it was determined that this request can be answered through our statute and rules and staff is not recommending that an advisory opinion be opened at this time.

Dr. Kinney relayed that the exhibit provided to the Committee has the response and letter prepared by staff and it is ready for the Committee to review and forward to the full Board for approval before posting on the website.

It was MOVED/SECONDED (Rubiano/Adejokun) to approve staff's recommendation, accept the letter written by staff with revisions and amendments discussed in the Committee meeting, recommend to the full Board for approval, and post on the website. A vote was taken and the MOTION PASSED.

**5. Update on Work Group Regarding the Use of and Sealing Procedure for Digital Three-Dimensional Models (Policy Advisory Request No. 50).**

Dr. Kinney provided an update on the work group regarding the use of and sealing procedure for digital three-dimensional models.

Dr. Kinney stated that Mr. Sims had compiled a list and reached out to stakeholders to participate in the work group and the work group would meet after the new year.

No action was required on this agenda item.

**6. Update on Work Group Regarding Sealing Related to Contracting and Procurement.**

Dr. Kinney provided an update on the work group regarding sealing related to contracting and procurement.

Dr. Kinney stated that Mr. Sims had compiled a list and reached out to stakeholders to participate in the work group and the work group would meet after the new year.

Mr. Rubiano asked staff to keep a focus on policy advisory activities in light of the activities of the merger. Dr. Kinney stated that staff would provide an update at the next meeting.

No action was required on this agenda item.

**7. Issues for consideration for future board meetings.**

Mr. Rubiano asked about providing Professional Land Surveyors an avenue for engaging in policy advisory clarification requests. He finds this Committee to be valuable to this industry.

Mr. Ballí relayed that it would have to be a Legislative change as there is no provision in the statutes for official Policy Advisory Opinions for Land Surveyors, but we could put it on the agenda and discuss it. Mr. Ballí asked if Mr. Rubiano wanted to make this more formal. Mr. Rubiano replied that he did for it would be a valuable opportunity for Professional Land Surveyors who need the same access to the regulatory review process and statutes that affect them and we need to notify the full Board that there is a potential gap that needs to be filled.

Dr. Kinney replied that he would provide a summary of what we can and cannot do at the next Committee meeting.

Mr. Ballí asked staff to provide any wording that currently exists for the Professional Land Surveyors at the next meeting.

**8. Adjourn.**

It was MOVED/SECONDED (Rubiano/Ballí) to adjourn the meeting at 10:31 a.m. A vote was taken and the MOTION PASSED.

Date minutes were approved by Committee as submitted:  
Date Board accepted minutes:

February 20, 2020  
February 20, 2020