

MINUTES
REGULAR QUARTERLY BOARD MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 S. IH 35
Austin, Texas 78741
February 14, 2019—10:30 AM

Discuss and Possibly Act on the Following Agenda Items:

1. Preliminary Matters

A. Call to Order

Daniel Wong, Ph.D., P.E., Presiding Officer, called the Regular Quarterly Board meeting of the Texas Board of Professional Engineers to order at 10:30 a.m. at the Texas Board of Professional Engineers at 1917 S. IH 35, 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 Board members were present:

Daniel Wong, Ph.D., P.E.	Chair
Elvira Reyna	Vice-Chair
Catherine Norwood, P.E.	Secretary
Albert Cheng	Treasurer
Ademola Adejokun, P.E.	Member
Lamberto Ballí, P.E.	Member
Sina Nejad, Ph.D., P.E.	Member
Rolando Rubiano, P.E.	Member
Kiran Shah	Public Member

Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Mr. Edmundo Gonzalez, P.E.; Mr. José Guerra, P.E.; Mr. Govind Nadkarni, P.E., Advisory Members, were 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
Jeff Mutscher	Chief Financial Officer
Michael Sims, P.E.	Director of Compliance and Enforcement
Cristabel Bodden	Executive Assistant

C. Possibly excuse absent committee members

All committee members were present.

D. Welcome Visitors

Mark Hanna, P.E., Texas Society of Professional Surveyors (TSPS); Sockalingam Kannappan, P.E.; Robert Keys, Robert Keys & Associates; Bill O'Hara, P.E., TSPS; Stan Piper, Piper Surveying Company; June Melton, P.E., Amstar Engineering; Heather Sides, LJA Surveying; Trish Smith, Texas Society of Professional Engineers; Scott Stewart, American Council of Engineering Companies of Texas; Dr. Edward Summers; Austin Taylor, Attorney General's Office; and Kyle Womack, P.E.

E. Public Comment

None.

2. Consent Agenda*

- November 15, 2018 Regular Quarterly Board Minutes (**See agenda item #3**)
- November 14, 2018 Licensing Committee Minutes (**See agenda item #4**)
- November 15, 2018 Legislative Committee Minutes (**See agenda item #5**)
- November 15, 2018 Policy Advisory Opinion Committee Minutes (**See agenda item #6**)
- Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (**See agenda item #14**)
- Licensing Applications (**See agenda item #17**)

It was MOVED/SECONDED (Ballí/Norwood) to approve the items listed in the **Consent Agenda** as presented. A vote was taken and the MOTION PASSED.

Board and Committee Minutes:

3. (**Consent Agenda**) November 15, 2018 Regular Quarterly Board Minutes
4. (**Consent Agenda**) November 14, 2018 Licensing Committee Minutes
5. (**Consent Agenda**) November 15, 2018 Legislative Committee Minutes
6. (**Consent Agenda**) November 15, 2018 Policy Advisory Opinion Committee Minutes

Agenda items 3-6 were approved under **Consent Agenda**, see above.

7. Board Members' Activity Reports

- Adejokun
- Ballí
- Cheng
- Nejad
- Norwood
- Reyna
- Rubiano
- Shah
- Wong

8. Advisory Members' Activity Reports.

- Gonzalez
- Guerra
- Nadkarni

Agenda items 7-8 were included for information only, no action was required.

9. Finance and Budget.

- **FY19 1st Quarter Budget.**

Mr. Mutscher reviewed the 1st Quarter Budget report with Board members and commented that the report showed revenues and expenditures through the end of November 2018 and that the budget is on target for this year.

Dr. Wong thanked Dr. Summers for his help, support, knowledge and experience as the Treasurer for the Board. Dr. Summers did an excellent job of steering this ship.

No action required on this agenda item.

Issues Relating to Committee Matters:

10. Licensing Committee Meeting Summary

- **Personal Appearances from Licensing Applicants:**

- Emily Virginia Waldenmeyer

Dr. Nejad reported that the Committee had met and discussed and reviewed the personal appearance case.

It was MOVED/SECONDED (Nejad/Ballí) to approve Ms. Waldenmeyer to allow 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.

11. Legislative Issues Committee Meeting Summary

Ms. Reyna thanked Mr. Cheng for presiding over the start of the Legislative Issues Committee in her absence.

- **Summary of 86th Legislative Session Activities**

Ms. Reyna stated that the Committee had met and discussed the 86th Texas Legislative Session Activities. Mr. Howell presented the bill summary and bill tracking process.

- **Summary of Texas Board of Professional Land Surveying – Texas Sunset Advisory Commission Actions**

Ms. Reyna relayed that Dr. Kinney provided a summary and an update on the proposal from the Sunset Commission for the Texas Board of Professional Land Surveying. Ms. Reyna added that she looks forward to the smooth transition.

Dr. Wong asked Dr. Kinney to relay to the full Board the progress of the proposal. Dr. Kinney provided a status update and stated that it is still in the preliminary phase of the proposal but that more concrete information would be available in May 2019.

No motion was required.

12. Policy Advisory Opinion Committee Meeting Summary

- **Request for Policy Advisory Opinion Regarding Texas P.E. Sealing Requirements for Contractors and Subcontractors**

Mr. Ballí reported that the Committee had met and discussed and reviewed the request for a Policy Advisory Opinion Regarding Texas P.E. Sealing Requirements for Contractors and Subcontractors.

It was MOVED/SECONDED (Ballí/Nejad) to approve the letter prepared by staff, send to the requestor, and close the request. A vote was taken and the MOTION PASSED.

Reports or Items reported by the Executive Director:

13. Executive Director's Report

- **Daily Activity Report**

Dr. Kinney stated his report is provided as an exhibit. No action required.

- **Strategic Plan/Journey Towards Excellence (JTE) Update**

Dr. Kinney provided an update on the online firm application process.

- **Texas Sunset Advisory Commission – Status Update**
Dr. Kinney stated that this information was covered in Agenda item #11.
- **Regional Advisory Meetings – Rio Grande Valley – Spring 2019**
Dr. Kinney relayed that he is working with Mr. Ballí, Mr. Gonzalez, and Mr. Rubiano on dates, times, and locations for the Rio Grande Valley Advisory Conference. Dr. Kinney provided a summary on the history of the Advisory Conferences and discussed Conferences held so far in Beaumont and Midland, Texas.
- **National Council of Examiners for Engineering and Surveying (NCEES)**
 - **Board Presidents’ Assembly**
Dr. Kinney relayed that he had attended the NCEES Board Presidents’ Assembly with Mr. Balli. Many issues were reviewed with attendees and he made a presentation as Chair of the Public Outreach Committee.
 - **Upcoming Southern Zone Meeting**
Dr. Kinney stated that the Southern Zone Meeting will be in Boise, ID, on May 16-18, 2019 and invited Board and Advisory Members to attend.
 - **Candidate for Southern Zone Meeting**
 - **Christopher P. Knotts, P.E., 2019 NCEES President Elect**
Dr. Kinney stated that this flyer was for information purposes only.
- **Building Plan Update**
Dr. Kinney reported that staff have met with the Texas Facilities Commission and preliminary information has been shared as to what the agency is looking for. Dr. Kinney relayed he would keep the Board informed on the progress of updates to the building plan.
- **Outreach Report**
Dr. Kinney reported that staff travel all over the state for Outreach ethics presentations and provide quarterly webinars. Outreach numbers were presented in an exhibit for Board members to review.
- **Kudos Report**
Dr. Kinney reported that staff continue to receive kudos for the Outreach ethics presentations and quarterly webinars. Dr. Kinney thanked the Outreach team for their hard work, commitment, and travel time.

Enforcement/Disciplinary Matters:

14. **(Consent Agenda) Administrative Reports, Outstanding Administrative Penalties, Case Pending Status Report, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases.**

This agenda item was approved under the **Consent Agenda**, see Agenda item #2 above.

15. Agreed Board Orders

Practice Violations

- 1.... Richard Daniel Tomlinson, P.E. – D-37772 (Cheng-recused)

Mr. Sims relayed to the Board that the only Agreed Board Order, Mr. Tomlinson, decided to request a hearing at the State Office of Administrative Hearings (SOAH) and no motion or action was required on this item.

16. Consent Orders

Informal Reprimands

1. D-37291 (Norwood – recused)

2. D-37969
3. D-38002
4. D-37971
5. D-37972
6. D-37968

It was MOVED/SECONDED (Ballí/Shah) to approve Consent Orders 1-6 as submitted. A vote was taken and the MOTION PASSED.

Practice Violations

7. Joseph Mark Burnett, P.E. – D-37762

It was MOVED/SECONDED (Nejad/Ballí) to approve Consent Order #7 as submitted. A vote was taken and the MOTION PASSED.

8. Paul E. Serrano, P.E. – B-37874

Mr. Sims relayed to the Board that due to unforeseen delays, Mr. Serrano's Order was not received in time for the meeting and no motion or action was required on this item.

Sanctions Against Non-License Holders

9. Monzer A. Hourani – E-37781

It was MOVED/SECONDED (Norwood/Adejokun) to approve the Consent Order as submitted. A vote was taken and the MOTION PASSED.

Licensing Applications requiring board ruling:

17. (Consent Agenda) Licensing Applications.

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

This agenda item was approved under Consent Agenda, see agenda item #2.

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

Mr. Ballí inquired about the pros and cons of participation in the NCEES Southern v. Western Zone.

19. Farewell to outgoing Board members and Welcome new Board members

Dr. Wong thanked Mr. Kannappan, Dr. Summers, and Mr. Womack for their service and commitment to the Board. A celebration in their honor followed the meeting.

20. Adjourn.

It was MOVED/SECONDED (Ballí/Wong) to adjourn the meeting at 11:31 a.m. A vote was taken and the MOTION PASSED.

Date the Board approved the minutes as submitted:

May 23, 2019