

**AGENDA  
ENFORCEMENT COMMITTEE MEETING  
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**Via Videoconference**

**For General Public Viewing: <https://youtu.be/WleCiAnX1cl>**

**For Participants and Public Comment – Zoom (<https://zoom.us/>)  
Meeting URL:**

**<https://zoom.us/j/98512024209?pwd=aUxvWERla1NhQTdGc3FVT0dBTLhvUT09>**

**Meeting ID: 985 1202 4209**

**Password: 046976**

**November 19, 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 November 19, 2020, meeting of the Enforcement Committee will be held by videoconference, 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>. 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 November 27, 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 (Lamberto Ballí, P.E., Chair)
  - A. Call to Order
  - B. Roll Call
  - C. Excuse absent Committee members
  - D. Welcome Visitors
  - E. Public Comment
2. August 19, 2020 Enforcement Committee Meeting Minutes
3. Adopt or Propose Amendments to Add 22 Tex. Admin. Code Chapter 138, Subchapter A – Individual and Surveyor Compliance
  - §138.1 – License and Registration Holder Designations
  - §138.5 – Notifications of Name Change, Address Change, Employer Change, and Criminal Convictions
  - §138.7 – License or Registration Expiration and Renewal
  - §138.9 – Renewal for Expired License or Registration
  - §138.11 – Expiration and Licensed or Registered in Another Jurisdiction
  - §138.13 – Inactive Status
  - §138.14 – Voluntary Surrender of License or Registration
  - §138.15 – Replacement of Printed Licenses or Certificates
  - §138.17 – Continuing Education
4. Adopt or 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
5. Adopt or 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
6. Adopt or 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
7. Adopt or 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
8. Adopt or Propose Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter A – General Enforcement Authority
- §139.1 – General
9. Adopt or Propose Amendments to 22 Tex. Admin. Code Chapter 139, Subchapter B – Complaint Process and Procedures
- §139.11 – Complaints – General

- §139.13 – Filing a Complaint
  - §139.17 – Investigating a Complaint
  - §139.19 – Final Resolution of a Complaint
  - §139.21 – Reporting Complaint Status to the Board
  - §139.23 – Technical Consultants
10. Adopt or Propose Amendments to 22 Tex. Admin. Code Chapter 139, Subchapter C – Enforcement Proceedings
- §139.31 – Enforcement Actions for Violations of the Acts or Board Rules
  - §139.33 – Informal Settlement Conferences
  - §139.35 – Sanctions and Penalties – Engineering
  - §139.37 – Sanctions and Penalties – Surveying
11. Adopt or Propose Amendments to 22 Tex. Admin. Code Chapter 139, Subchapter D – Special Disciplinary Provisions for License or Registration Holders
- §139.41 – License or Registration Holder with Renewable, Expired License or Registration
  - §139.43 – License or Registration Holder with Criminal Convictions
  - §139.45 – Restitution
  - §139.47 – Probation
  - §139.49 – License or Registration Suspension/Revocation Based on Status Review
  - §139.51 – License or Registration Suspension Based on Delinquent Child Support
12. Adopt or Propose Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter E – Hearings
- §139.63 – Extensions of Time
13. Adopt or Propose Amendment to 22 Texas Administrative Code Chapter 137, Subchapter C – Professional Conduct and Ethics
- §137.63 – Engineer's Responsibility to the Profession
14. Propose Amendment to 22 Texas Administrative Code Chapter 138, Subchapter E – Professional and Technical Standards
- §138.81 – Introduction
15. Compliance & Enforcement Report

- Update on Compliance & Enforcement Department
- Status of Compliance & Enforcement caseload
- Status of Continuing Education audit(s)
- Update to Criminal Conviction Policy for Registrants and Licensees
- Fiscal Year 2020 Performance Measures
- Overview of the Calculation of Sanctions for Violating the Acts or Board Rules

#### 16. Issues for consideration for future Committee meetings

#### 17. Adjourn

The Committee may meet in closed session on any agenda item listed above as authorized by the Texas Open Meetings Act, Texas Government Code 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.