

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

Via Videoconference

For General Public Viewing: <https://youtu.be/o4vtUXFOIGw>

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

Meeting URL:

<https://zoom.us/j/98916064232?pwd=ejFLeHFncFicUZWRWV5TmtHSm54UT09>

Meeting ID: 989 1606 4232

Password: 427419

November 19, 2020—11:00 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 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 Zoom link for this meeting is available at <https://pels.texas.gov/boardmeetings.htm>. 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 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. In Memoriam: Dr. Edward Summers
3. **Consent Agenda***
(The following items may be acted upon under Consent Agenda and are highlighted in blue on the Regular Quarterly Board Meeting Agenda)
 - August 19, 2020 Policy Advisory Opinion Committee Minutes (**See agenda item #4**)
 - August 19, 2020 Enforcement Committee Minutes (**See agenda item #5**)
 - August 19, 2020 Licensing Committee Minutes (**See agenda item #6**)
 - August 20, 2020 Nominating Committee Minutes (**See agenda item #7**)
 - August 20, 2020 Regular Quarterly Board Minutes (**See agenda item #8**)
 - October 14, 2020 Hearing on Land Surveyor Rules - Board Minutes (**See agenda item #9**)
 - November 10, 2020 Hearing on Land Surveyor Rules - Board Minutes (**See agenda item #10**)
 - Administrative Reports, Outstanding Administrative Penalties, Default Judgment, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (**See agenda item #20**)
 - Surveyor Continuing Education Course Approvals (**See agenda item #24**)
 - Licensing Applications (**See agenda item #25**)

Board and Committee Minutes:

4. (**Consent Agenda**) August 19, 2020 Policy Advisory Opinion Committee Minutes
5. (**Consent Agenda**) August 19, 2020 Enforcement Committee Minutes
6. (**Consent Agenda**) August 19, 2020 Licensing Committee Minutes
7. (**Consent Agenda**) August 20, 2020 Nominating Committee Minutes
8. (**Consent Agenda**) August 20, 2020 Regular Quarterly Board Minutes

9. **(Consent Agenda)** October 14, 2020 Hearing on Land Surveyor Rules - Board Minutes
10. **(Consent Agenda)** November 10, 2020 Hearing on Land Surveyor Rules - Board Minutes
11. Board Members' Quarterly Activity Update
 - Adejokun
 - Ballí
 - Cheng
 - Johnson
 - Nejad
 - Neugebauer
 - Norwood
 - Rubiano
 - Shah
 - McClinton Stoglin
12. Advisory Members' Quarterly Activity Update
 - Edwards
 - Gonzalez
 - Hodde
 - Nadkarni
 - Womack
13. Finance and Budget
 - FY20 4th Quarter Budget Report
 - FY20 Annual Financial Report
 - FY20 Internal Audit Report
 - FY20 Annual Self-Directed Semi-Independent Report

Issues Relating to Committee Matters:

14. Policy Advisory Opinion Committee Meeting Summary (November 18, 2020)

- Policy Advisory Opinion Request Regarding whether 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)
- Policy Advisory Opinion Request Regarding the Application of the Exemption for Employees of Certain Utilities or Affiliates to the Crossing of Transit Corridors (Policy Advisory Request No. 55)
- Policy Advisory Opinion Request Regarding the Application of the Texas Engineering Practice Act to Predominant Use Studies Involving the Use of Natural Gas or Electricity by a Business Entity (Policy Advisory Request No. 56)
- Policy Advisory Opinion Request Regarding the Requirements of an Engineer to Sign and Seal Amended Engineering Plans and the Ability of a Governmental Entity to Accept Unsealed Revised Plans (Policy Advisory Request No. 57)
- Update on Work Group Regarding the Use of and Sealing Procedure for Digital Three-Dimensional Models (Policy Advisory Request No. 50)

15. Licensing Committee Meeting Summary (November 18, 2020)

- Personal Appearances from Licensing Applicants:
 - Degutis, Christopher
 - Flagg, Edwin
 - Herron, Steve
 - Nikolich, Milan
 - Virgilio, Paul
- Adopt or Propose Amendments to Add 22 Tex. Admin. Code Chapter 134, Subchapter A - Surveyor-In-Training
 - §134.1 – Surveyor-In-Training Designation
 - §134.3 – Surveyor-In-Training Application and Certification
 - §134.5 – Surveyor-In-Training Experience Requirements

- Adopt or Propose Amendment to Add 22 Tex. Admin. Code Chapter 134, Subchapter B – Professional Surveyor Registration
 - §134.11 – Types of Surveyor License and Registration
- Adopt or Propose Amendments to Add 22 Tex. Admin. Code Chapter 134, Subchapter C – Land Surveyor Application Requirements
 - §134.21 – Application for Standard Registration
 - §134.23 – Application from Standard Registration Holders
 - §134.25 – Application from Out-of-State Registration Holders
 - §134.27 – Application for Licensed State Land Surveyor
 - §134.29 – Application for Temporary License for Military Spouses Who Are Licensed or Registered in Another State
- Adopt or Propose Amendments to Add 22 Tex. Admin. Code Chapter 134, Subchapter D – Education
 - §134.31 – Educational Requirements for Applicants
 - §134.35 – Proof of Educational Qualifications – Accredited / Approved Programs
 - §134.37 – English Translation
- Adopt or Propose Amendments to Add 22 Tex. Admin. Code Chapter 134, Subchapter E – Experience
 - §134.41 – Supplementary Experience Record
 - §134.43 – Experience Evaluation
- Adopt or Propose Amendments to Add 22 Tex. Admin. Code Chapter 134, Subchapter F – Reference Documentation
 - §134.51 – Reference Providers
 - §134.53 – Reference Statements
 - §134.55 – Reference Communication
- Adopt or Propose Amendments to Add 22 Tex. Admin. Code Chapter 134, Subchapter G – Examinations
 - §134.61 – Surveying Examinations Required for a Registration to Practice as a Professional Surveyor
 - §134.65 – Examination on the Fundamentals of Surveying

- §134.67 – Examination on the Principles and Practice of Surveying
- §134.68 – Licensed State Land Surveyor Examination
- §134.69 – Waiver of Examinations
- §134.71 – Examination for Record Purposes
- §134.73 – Examination Results and Analysis
- §134.75 – Examination Irregularities
- Adopt or Propose Amendments to Add 22 Tex. Admin. Code Chapter 134, Subchapter H – Review Process of Applications and Registration Issuance
 - §134.81 – Receipt and Processing of Applications by the Board
 - §134.83 – Executive Director Review, Evaluation, and Processing of Applications
 - §134.87 – Final Action on Applications
 - §134.89 – Processing of Administratively Withdrawn Applications
 - §134.91 – Reconsideration of Denied Applications
 - §134.93 – Personal Interviews of Applicants
 - §134.95 – Application Files
 - §134.97 – Issuance of Registration
- Adopt or Propose Amendments to Add 22 Tex. Admin. Code Chapter 136, Firm Registration
 - §136.1 - Authority
 - §136.3 – Application for a Certificate of Registration
 - §136.5 – Renewal and Good Standing
- Extend Time for Emergency Rule Amendment 22 Tex. Admin. Code Chapter 133, Subchapter G – Examinations
 - §133.67 – Examination on the Principles and Practice of Engineering – (Emergency Rule for Extension of Exam Deadline)
- Propose Amendment to 22 Tex. Admin. Code Chapter 133, Subchapter G – Examinations
 - §133.67 – Examination on the Principles and Practice of Engineering
- 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
- Update to Criminal Conviction Policy for Applicants

16. General Issues Committee Meeting Summary
(November 19, 2020)

- Adopt or Propose Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter A – Scope and Definitions
 - §131.1 – Purpose and Duties
- Adopt or Propose Amendment to Add 22 Tex. Admin. Code Chapter 131, Subchapter A – Scope and Definitions
 - §131.2 – Definitions
- Adopt or Propose Amendments to 22 Tex. Admin. Code Chapter 131, Subchapter B – Administration and the Board
 - §131.3 – Headquarters of the Board
 - §131.5 – Board Seal
 - §131.7 – Organization of the Board
 - §131.9 – Officers of the Board
 - §131.11 – Board Member Responsibilities and Duties
 - §131.15 – Committees
- Adopt or Propose Amendments to 22 Tex. Admin. Code Chapter 131, Subchapter C – Board Staff
 - §131.31 – Executive Director
 - §131.37 – State Contract Guidelines
- Adopt or Propose Amendments to 22 Tex. Admin. Code Chapter 131, Subchapter D – Meetings
 - §131.41 – Meetings
 - §131.43 – Public Participation
 - §131.45 – Regular Board Meetings
- Adopt or Propose Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter G – Administration
 - §131.85 – Board Rules Procedures

- Adopt or Propose Amendment to 22 Tex. Admin. Code Chapter 131, Subchapter H – Engineering Advisory Opinions
 - §131.101 – Subject of an Advisory Opinion
 - §131.103 – Request for an Advisory Opinion
- Adopt Repeal of 22 Tex. Admin. Code Chapter 131, Subchapter C – Board Staff
 - §131.33 – Career Ladder
- Adopt Repeal of 22 Tex. Admin. Code Chapter 131, Subchapter D – Meetings
 - §131.49 – Rules of Order
- Adopt Repeal of 22 Tex. Admin. Code Chapter 131, Subchapter G – Administration
 - §131.81 – Definitions
- Adopt Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter A – The Board
 - §661.1 – Name
 - §661.2 – Headquarters
 - §661.3 – Chair
 - §661.4 – Vice Chair
 - §661.5 – Executive Director
 - §661.7 – Executive Committee
 - §661.8 – Standing Committees
 - §661.9 – Special Committees
 - §661.10 – Financial
 - §661.11 – Vacancies
- Adopt Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter B – Meetings
 - §661.23 – Notice of Meetings
 - §661.24 – Proceedings
- Adopt Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter C – Definition of Terms
 - §661.31 – Definitions
- Adopt Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter D – Applications, Examinations, and Licensing
 - §661.41 – Applications

- §661.42 – Fees
- §661.43 – References
- §661.44 – Rejections
- §661.45 – Examinations
- §661.46 – Seal and Oath
- §661.47 – Reciprocal Registration
- §661.50 – Surveyor In Training (SIT) Experience Requirements
- §661.51 – Surveyor-In-Training Education Requirement
- §661.52 – Inactive Status
- §661.53 – Active Duty Military
- §661.55 – Registration of Land Surveying Firms
- §661.56 – Land Surveying Firm Renewal and Expiration

- Adopt Repeal of 22 Tex. Admin. Code Chapter 661, Subchapter E – Contested Cases
 - §661.60 – Responsibility to the Board
 - §661.62 – Complaint Process
 - §661.63 – Frivolous Complaints
 - §661.64 – Computation of Time
 - §661.65 – Agreements to be in Writing
 - §661.67 – Conduct and Decorum
 - §661.68 – Appearances Personally or by Representative
 - §661.86 – Final Decisions and Orders
 - §661.87 – Administrative Finality
 - §661.88 – Motion for Rehearing
 - §661.100 – Probation Guidelines
 - §661.102 – Alternative Dispute Resolution for Personnel and Contracting Matters
 - §661.104 – Negotiated Rulemaking

- Adopt Repeal of 22 Tex. Admin. Code Chapter 664, Continuing Education
 - §664.1 – Purpose
 - §664.2 – Deadlines
 - §664.3 – Numerical Requirements for Continuing Education
 - §664.4 – Types of Acceptable Continuing Education

- §664.5 – Procedure for Course Approval
- §664.6 – Reporting and Record Keeping
- §664.7 – Review and Audit Process
- §664.8 – Failure to Complete Required Continuing Education
- §664.9 – Acceptable Carry-Over Continuing Education Units/Hours
- §664.10 – Exemptions

- Adopt Repeal of 22 Tex. Admin. Code Chapter 665, Examination Advisory Committee
 - §665.1 – Purpose
 - §665.2 – Size, Quorum and Qualifications
 - §665.3 – Process of Appointment
 - §665.4 – Terms of Office
 - §665.5 – Non-binding Statements
 - §665.6 – Reimbursement for Expenses
 - §665.7 – Training
 - §665.8 – Examination Process and Board’s Interaction
 - §665.9 – Continuing Education Credit
 - §665.10 – Texas Guaranteed Student Loan Corporation Defaulters

- Propose Repeal of 22 Tex. Admin. Code Chapter 663, Standards of Professional Responsibility and Rules of Conduct
 - §663.1 – Ethical Standards
 - §663.3 – Offer to Perform Services
 - §663.4 – Conflicts of Interest
 - §663.5 – Representations
 - §663.6 – Unauthorized Practice
 - §663.8 – Adherence to Statutes and Codes
 - §663.9 – Professional Conduct
 - §663.10 – Disciplinary Rules
 - §663.11 – Criminal Convictions
 - §663.13 – Introduction
 - §663.15 – Precision and Accuracy
 - §663.16 – Boundary Construction

- §663.17 – Monumentation
 - §663.18 – Certification
 - §663.19 – Survey Drawing/Written/Description Report
 - §663.20 – Subdivision Plat
 - §663.21 – Descriptions for Political Subdivisions
- Propose Repeal of 22 Tex. Admin. Code Chapter 661, General Rules of Procedures
 - §661.33 – Easement Depiction
 - §661.57 – Land Surveying Firms Compliance
 - §661.97 – Action in Another Jurisdiction
 - §661.99 – Sanctions and Penalty Matrix
17. Legislative Issues Committee Meeting Summary
(November 19, 2020)
- Important Dates and Information Related to the 87th Legislative Session
 - Update on bills relating to the Texas Board of Professional Engineers and Land Surveyors
 - Legislative Communication Plans
18. Enforcement Committee Meeting Summary
(November 19, 2020)
- 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
 - 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

- 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

- 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

- 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

- Adopt or Propose Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter A – General Enforcement Authority
 - §139.1 – General
- 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
- 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
- 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
- Adopt or Propose Amendment to 22 Tex. Admin. Code Chapter 139, Subchapter E – Hearings
 - §139.63 – Extensions of Time
- 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
- Propose Amendment to 22 Texas Administrative Code Chapter 138, Subchapter E – Professional and Technical Standards
 - §138.81 – Introduction
- 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

Reports or Items presented by the Executive Director:

19. Executive Director Reports

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

Enforcement/Disciplinary Matters:

20. (**Consent Agenda**) Administrative Reports, Outstanding Administrative Penalties, Default Judgment, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases

21. Agreed Board Orders

Engineering

1. Michael Walker Beach – B-38274 (Ballí – recused)

Surveying

2. Stephen Gerard Cook, RPLS – D-38464 (Johnson – recused)
3. Richard Jabe Fussell, RPLS – D-38484 (Johnson – recused)
4. David Samson Harlan, Jr., RPLS – D-38503 (Johnson – recused)

22. Consent Orders

Engineering

1. William Anderson Griswold, Jr., P.E. (Expired) – D-38084
2. Robert Lynn Richardson, P.E. – D-38161
3. Brian Rogers Baird, P.E. – D-38245
4. Johnnie Almaguer Terraza, P.E. – D-38282
5. Joe P. Hill, P.E. – D-38539
6. John Ward, P.E. – D-38747
7. Edward Lee Snodgrass, P.E. – D-38748

Informal Reprimand

8. D-38768

Surveying

9. Paul Hidalgo – B-38657
10. Carl Nicholas Fauquier, RPLS – D-38592
11. Donald Keith Cox, RPLS – D-40420
12. James Marvin Mobly, RPLS – D-40456

23. Mike McCoy, P.E. – D-38325, Request for an extension to complete ethics course

24. (**Consent Agenda**) Surveyor Continuing Education Course Approvals
Course Approvals

1. Adams Surveying Company, LLC – Sponsor #1048
 - The Act and Rules – A real world guide to their application
2. Halfmoon Education, Inc. – Sponsor #34
 - Introduction to GNSS Surveying
 - Determining Land Ownership and Access Rights
 - Metes and Bounds Land Description Workshop

Individual Course Approval


3. John Philip Engle, RPLS – NGS Virtual Geodetic Digital Leveling Class
4. Andrew Beck
 - Fundamental Elements of Geodesy CER 720
 - History of Geodetic Datums CER 721
 - LiDAR Mapping CER 1910-18

Licensing Applications requiring board ruling:

25. (**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
26. Issues for consideration for the next scheduled Board meeting of the Texas Board of Professional Engineers and Land Surveyors
27. 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 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.