

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

Via Videoconference

For General Public Viewing: <https://youtu.be/sTPgif7VUG0>

For Participants and Public Comment –

Videoconference Meeting URL:

<https://zoom.us/j/94642681690?pwd=MEpidUx4Q083Vm50OUJmUIRid2hMdz09>

Meeting ID: 946 4268 1690

Password: 334678

Call-In Number: +1 (346) 248-7799

August 26, 2021—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, this meeting of the Board will be held by videoconference with two-way telephone accessibility, as authorized under Texas Government Code sections 551.127 and 551.125, respectively. 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 will also have access to participate and make public comment in this meeting, by two-way audio-only telephone call, by calling the number identified on the agenda above. An electronic copy of the agenda is available at <https://pels.texas.gov>. A recording of the meeting will be available after September 3, 2021, 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 three (3) minutes, unless extended by Board vote. 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. Recitation of the Pledge of Allegiance
- C. Roll Call
- D. Excuse absent Board members
- E. Welcome Visitors
- F. Public Comment

2. **Consent Agenda***

(The following items may be acted upon under Consent Agenda and are highlighted in blue on the Regular Quarterly Board Meeting Agenda)

- May 26, 2021 Policy Advisory Opinion Committee Meeting Minutes (**See agenda item #3**)
- May 26, 2021 Legislative Issues Committee Meeting Minutes (**See agenda item #4**)
- May 26, 2021 Licensing Committee Meeting Minutes (**See agenda item #5**)
- May 27, 2021 Regular Quarterly Board Meeting Minutes (**See agenda item #6**)
- June 15, 2021 Special Board Meeting Minutes (**See agenda item #7**)
- June 30, 2021 Special Board Meeting Minutes (**See agenda item #8**)
- Administrative Reports, Outstanding Administrative Penalties, Default Judgment, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (**See agenda item #19**)
- Licensing and Registration Applications – Engineering and Land Surveying (**See agenda item #24**)
- Calendar Year 2022 Board Meeting Schedule (**See agenda item #25**)

Board and Committee Meeting Minutes:

- 3. (**Consent Agenda**) May 26, 2021 Policy Advisory Opinion Committee Meeting Minutes
- 4. (**Consent Agenda**) May 26, 2021 Legislative Issues Committee Meeting Minutes
- 5. (**Consent Agenda**) May 26, 2021 Licensing Committee Meeting Minutes
- 6. (**Consent Agenda**) May 27, 2021 Regular Quarterly Board Meeting Minutes
- 7. (**Consent Agenda**) June 15, 2021 Special Board Meeting Minutes
- 8. (**Consent Agenda**) June 30, 2021 Special Board Meeting Minutes

Board and Advisory Members' Quarterly Activity Update:

9. Board Members' Quarterly Activity Update, including conferences and meetings attended and presentations given:

- Adejokun
- Ballí
- Cheng
- Johnson
- Nejad
- Neugebauer
- Norwood
- Rubiano
- Shah
- McClinton Stoglin

10. Advisory Members' Quarterly Activity Update, including conferences and meetings attended and presentations given:

- Edwards
- Gonzalez
- Hodde
- Nadkarni
- Womack

Finance and Budget Matters:

11. Finance and Budget

- FY21 3rd Quarter Budget Report
- FY22 Budget and Fees

Committee Matters:

12. Licensing and Registration Committee Meeting Summary
(August 26, 2021)

- Applications for Licensure

- Personal Interviews Cases:
 - Zandi, Firooz
- Aminabadi, Kahshay tabled discussion. Propose motion for Licensure.
- Propose Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter H – Review Process of Applications and License Issuance
 - §133.83 Executive Director Review, Evaluation, and Processing of Applications
 - §133.85 Board Review of and Action on Applications
 - §133.87 Final Action on Applications
 - §133.89 Processing of Administratively Withdrawn Applications
- Propose Amendment to 22 Tex. Admin. Code Chapter 134, Subchapter H – Review Process of Applications and Registration Issuance
 - §134.83 Executive Director Review, Evaluation, and Processing of Applications
 - §133.85 Board Review of and Action on Applications
 - §134.87 Final Action on Applications
 - §134.89 Processing of Administratively Withdrawn Applications
- 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

13. Policy Advisory Opinion Committee Meeting Summary
(August 26, 2021)

- Policy Advisory Opinion Request Regarding Professional Engineers Not Licensed in Texas Providing Expert Reports for Texas Court Cases (Policy Advisory Request No. 58)

14. Legislative Issues Committee Meeting Summary
(August 26, 2021)

- Update and Information Related to the 87th Legislative Session – Special Sessions
- Update on bills relating to the Texas Board of Professional Engineers and Land Surveyors

15. Nominating Committee Meeting Summary
(August 26, 2021)

- Nomination of Board Officers for Fiscal Year 2022

- Renewal Contract of Current Advisory Board Members for Fiscal Year 2022
 - William Edwards, Ph.D., R.P.L.S., L.S.L.S.
 - Edmundo Gonzalez, P.E., R.P.L.S.
 - Jon Hodde, R.P.L.S.
 - Govind Nadkarni, P.E.
 - R. Kyle Womack, P.E., Retired

Executive Matters:

16. Executive Director Activities and Reports

- Quarterly Meeting Activity Update, including conferences and meetings attended and presentations given
- Agency Operations/COVID-19 Report
- Texas Board of Professional Engineers and Land Surveyors' Strategic Planning Meeting – October 2021
- National Council of Examiners for Engineering and Surveying (NCEES) – Meeting and Activity Update
 - NCEES Annual Meeting – September 2021
- Texas Board of Professional Engineers and Land Surveyors' Regional Advisory Meeting, Corpus Christi – Fall 2021
- Outreach Report
- Kudos Report

17. Licensed State Land Surveyor (LSLS) New License Recognition:

- Doyle, Kim Thomas, R.P.L.S., L.S.L.S.
- Hansen, Robert Alan, R.P.L.S., L.S.L.S.
- Mattox, Joe Allen, R.P.L.S., L.S.L.S.

Enforcement/Disciplinary Matters:

18. Compliance and Enforcement Reports

- Update on Compliance and Enforcement Department
- Status of Compliance and Enforcement caseload
- Status of Continuing Education audit(s)

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

20. Agreed Board Orders

Engineering

1. Richard Daniel Tomlinson, P.E. – D-37772 (Cheng – recused)
2. Clifford Jason Clinton, P.E. – D-38300 (Rubiano – recused)
3. Thomas Allen Maloney, P.E. – D-40394 (McClinton Stoglin – recused)

Informal Reprimand

4. D-40398 (Rubiano – recused)

Surveying

5. Michael Cleo Billingsley, RPLS - D-40774 (Johnson – recused)

21. Consent Orders

Engineering

1. Durham Contractors, LLC – B-40803
2. David Ballard – B-40934
3. Green Star Engineering LLC – B-41094
4. Mark Benjamin, P.E. – D-38614
5. Thomas Allan LaLonde, Jr., P.E. – D-38713

Surveying

6. Louis Carranza – B-40360
7. William Victor Perry, RPLS – D-38737
8. Victor Silvas Medina, RPLS – D-40631

22. Johnnie Almaguer Terrazas, P.E. – D-38282, Request for an extension to complete ethics course

23. Litigation involving Manuel J. Montemayor, including:

- a. *Manuel J. Montemayor vs. Texas State Board of Professional Engineers and Land Surveyors*; Cause No. 2021-DCL-03117; In the 138th Judicial District Court; Cameron County, Texas.
- b. *Manuel J. Montemayor vs. Texas State Board of Professional Engineers and Land Surveyors*; Cause No. 2021-DCL-04695; In the 197th Judicial District Court; Cameron County, Texas.

Licensing and Registration Applications Matters:

24. (**Consent Agenda**) Licensing and Registration Applications – Engineering and Land Surveying

- Professional Surveyor Registration:
 - Firms Approved
 - Licensed State Land Surveyor (LSLS) Approved
 - Registered Professional Land Surveyor (RPLS) Approved
 - Surveyor-In-Training (SIT) Approved

- Professional Engineer Licensing:
 - Licensure/Registration Status Counts
 - Approved for Exams
 - Approved for Licensure
 - Firms Approved
 - Waivers – Fundamentals of Engineering Examination
 - Waivers – Professional Engineering Examination
 - Waivers – Both
 - Not Approved for Licensure

Miscellaneous Matters:

25. **(Consent Agenda)** Calendar Year 2022 Board Meeting Schedule


26. Request for an Attorney General Opinion on Potential Conflict Between the Professional Land Surveying Practices Act, the Texas Engineering Practice Act, and Local Government Code Regarding Platting Subdivisions Near An International Border

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

28. 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 considered separately from other agenda items. The Board may vote on all items in the consent agenda under one motion and will not discuss items separately unless requested by the Presiding Officer, 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 separate 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.