

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

4099 Calder Ave
Beaumont, TX 77706

In-Person and via Videoconference

For General Public Viewing: <https://youtu.be/zTVSKyS39Q>

For Participants and Public Comment –

Videoconference Meeting URL:

<https://zoom.us/j/93032364870?pwd=MG9kVjA0M3R4RzJEQ3laTm80MmNEQT09>

Meeting ID: 930 3236 4870

Passcode: 789528

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

February 10, 2022—10:30 AM

This meeting is a videoconference meeting pursuant to Texas Open Meetings Act, Government Code section 551.127. Members of the board and staff may appear remotely. The board officer presiding over the meeting will be present at the physical location set forth in this agenda.

Members of the public will have access to view the meeting via YouTube at the link above and the link will be available on the agency website at <https://pels.texas.gov>. Members of the public may attend the meeting in person at the location listed above. Members of the public will have access to participate and make public comment in this meeting either in person or 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 February 18, 2022, 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 New Board Members
 - F. Welcome Visitors
 - G. Public Comment

The following items may be acted upon under [Consent Agenda*](#):

2. **[Consent Agenda*](#)**
 - November 18, 2021 Regular Quarterly Board Meeting Minutes (**See agenda item #3**)
 - Administrative Reports, Outstanding Administrative Penalties, Default Judgment, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (**See agenda item #13**)
 - Licensing and Registration Applications – Engineering and Land Surveying (**See agenda item #17**)

Board Meeting Minutes:

3. **[Consent Agenda*](#)** November 18, 2021 Regular Quarterly Board Meeting Minutes

Board and Advisory Members' Quarterly Activity Matters:

4. Board Members' Quarterly Activity Update, including conferences and meetings attended and presentations given:
 - Adejokun
 - Ballí
 - Cheng
 - Friese
 - Johnson
 - Nejad

- Neugebauer
 - Norwood
 - Rubiano
 - Shah
 - McClinton Stoglin
5. Advisory Members' Quarterly Activity Update, including conferences and meetings attended and presentations given:
- Edwards
 - Gonzalez
 - Hodde
 - Nadkarni
 - Womack
6. Contract for Advisory Board Member for Fiscal Year 2022
- Lamberto Ballí, P.E

Finance and Budget Matters:

7. Finance and Budget
- FY22 1st Quarter Budget Report

Committee Matters:

8. Licensing and Registration Committee Meeting Summary
(February 9, 2022)
- Applications for Licensure
 - Personal Interviews Cases:
 - Colle, Bruce James
 - 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
 - §134.85 Board Review of and Action on Applications
 - §134.87 Final Action on Applications
 - §134.89 Processing of Administratively Withdrawn Applications

- Propose Amendments to 22 Tex. Admin. Code Chapter 140, Subchapter A – Criminal History and Convictions
 - §140.1 Criminal History and Convictions – Engineers
 - §140.3 Criminal History and Convictions – Surveyors

- Propose Repeal to 22 Texas Admin. Code Chapter 133, Subchapter H – Review and Process of Applications and Registration Issuance
 - §133.99 Processing of Applications with a Criminal Conviction

- Texas Board of Professional Engineers and Land Surveyors’ Land Surveying Exam Update

- Licensing and Registration Director’s Report
 - Engineer Results and Statistics: Licensing Application and Examination Report
 - Surveyor Results and Statistics: Registration Application and Examination Report

9. Enforcement Committee Meeting Summary

(February 10, 2022)

- Propose Amendments to 22 Texas Administrative Code (Tex. Admin. Code) Chapter 133, Subchapter C – Professional Engineer License Application Requirements
 - § 133.23 – Applications From Former Standard License Holders

- Propose Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter H – Review Process of Applications and License Issuance

- § 133.97 – Issuance of License
- Propose Amendments to 22 Tex. Admin. Code Chapter 134, Subchapter C – Land Surveyor Application Requirements
 - § 134.23 Application From Standard Registration Holders
- Propose Amendments to 22 Tex. Admin. Code Chapter 134, Subchapter H – Review Process of Applications and Registration Issuance
 - § 134.97 – Issuance of Registration
- Propose Amendments to 22 Tex. Admin. Code Chapter 135, Firm Registration
 - § 135.3 – Application for a Certificate of Registration View
- Propose Amendment to 22 Tex. Admin. Code Chapter 136, Surveying Firm Registration
 - § 136.3 Application for a Certificate of Registration
- Propose Amendments to 22 Tex. Admin. Code Chapter 137, Subchapter A – Individual and Engineer Compliance
 - § 137.1 – License Holder Designations
 - § 137.12 – Suspended License
 - § 137.14 – Voluntary Surrender of License
 - § 137.17 – Continuing Education Program
- Propose Amendments to 22 Tex. Admin. Code Chapter 137, Subchapter B – Sealing Requirements
 - § 137.31 – Seal Specifications
 - § 137.33 – Sealing Procedures
 - § 137.37 – Sealing Misconduct
- Propose Amendments to 22 Tex. Admin. Code Chapter 137, Subchapter C – Professional Conduct and Ethics
 - § 137.55 – Engineers Shall Protect the Public
 - § 137.57 – Engineers Shall Be Objective and Truthful

- Propose Amendments to 22 Tex. Admin. Code Chapter 137, Subchapter D – Firm and Governmental Entity Compliance
 - § 137.77 – Firm Registration Compliance

- Propose Amendments to 22 Tex. Admin. Code Chapter 138, Subchapter A – Individual and Surveyor Compliance
 - § 138.1 – License Holder Designations
 - § 138.5 – Notification of Name Change, Address Change, Employer Change and Criminal Convictions
 - § 138.12 – Suspended License or Registration
 - § 138.14 – Voluntary Surrender of License or Registration
 - § 138.17 – Continuing Education

- Propose Amendments to 22 Tex. Admin. Code Chapter 138, Subchapter B – Sealing Requirements
 - § 138.31 – Seal Specifications
 - § 138.33 – Sealing Procedures
 - § 138.37 – Sealing Misconduct

- Propose Amendments to 22 Tex. Admin. Code Chapter 138, Subchapter C – Professional Conduct and Ethics
 - § 138.57 – Surveyors Shall Be Objective and Truthful
 - § 138.61 – Surveyors Shall Maintain Confidentiality of Clients

- Propose Amendments to 22 Tex. Admin. Code Chapter 139, Subchapter B – Complaint Process and Procedures
 - § 139.17 – Investigating a Complaint

- Propose Amendments to 22 Tex. Admin. Code Chapter 139, Subchapter C – Enforcement Proceedings
 - § 139.35 – Sanctions and Penalties - Engineering
 - § 139.37 – Sanctions and Penalties - Surveying

- Discussion about Licensed State Land Surveyor Seals
- Compliance & Enforcement Director's Report
 - Update on Compliance & Enforcement Department
 - Status of Compliance & Enforcement caseload
 - Status of Continuing Education audit(s)
 - Overview of Investigative and Enforcement Process

Executive Matters:

10. Executive Director Activities and Reports

- Quarterly Meeting Activity Update, including conferences and meetings attended and presentations given
- Agency Operations Report
- Revision of Agency Mission Statement
- National Council of Examiners for Engineering and Surveying (NCEES) – Meeting and Activity Update
 - NCEES Southern Zone Meeting – April 2022
 - NCEES Annual Meeting – August 2022
- Texas Board of Professional Engineers and Land Surveyors' Regional Advisory Meeting, Corpus Christi – March 2022
- Outreach Report
- Kudos Report

11. Operations Department Report

12. Surveying Advisory Committee

- Surveying Advisory Committee Meeting Notes – December 7, 2021
- Surveying Advisory Committee Meeting Notes – January 27, 2022
- Recommendation on Committee Structure
- State-Specific Exam – Draft Exam Specification
- State Specific Exam – Draft Exam Format

Enforcement/Disciplinary Matters:

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

14. Agreed Board Orders

Engineering

- Clinton Terry Butts, P.E. – D-38007 (Nejad – recused)
- Kent Douglas Schlager, P.E. – D-40480 (Nejad – recused)

Informal Reprimand

- D-41125 (Balli)

15. Consent Orders

Engineering

Informal Reprimand

- D-41272
- D-41273

Licensing and Registration Matters:

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

- Sunday, Kyle Carson, R.P.L.S., L.S.L.S.

17. **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:

18. Future Board Meetings: Agenda items, dates, locations, and other arrangements
19. 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.