

AGENDA
REGULAR QUARTERLY BOARD MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
1917 S. Interstate 35
Austin, Texas 78741

May 12, 2022—10:30 AM

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

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

2. **[Consent Agenda*](#)**
 - A. February 9, 2022 Licensing and Registration Committee Meeting Minutes (**See agenda item #3**)
 - B. February 10, 2022 Enforcement Committee Meeting Minutes (**See agenda item #4**)
 - C. February 10, 2022 Regular Quarterly Board Meeting Minutes (**See agenda item #5**)
 - D. Administrative Reports, Outstanding Administrative Penalties, Default Judgment, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (**See agenda item #15**)
 - E. Licensing and Registration Applications – Engineering and Land Surveying (**See agenda item #18**)

Board Meeting Minutes:

3. **[Consent Agenda*](#)** February 9, 2022 Licensing and Registration Committee Meeting Minutes
4. **[Consent Agenda*](#)** February 10, 2022 Enforcement Committee Meeting Minutes
5. **[Consent Agenda*](#)** February 10, 2022 Regular Quarterly Board Meeting Minutes

Board and Advisory Members' Quarterly Activity Matters:

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

- A. Adejokun
- B. Cheng
- C. Friese
- D. Johnson
- E. Nejad
- F. Neugebauer
- G. Norwood
- H. Rubiano
- I. Shah
- J. McClinton Stoglin

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

- A. Ballí
- B. Edwards
- C. Gonzalez
- D. Hodde
- E. Nadkarni
- F. Womack

Finance and Budget Matters:

8. Finance and Budget

- A. FY22 2nd Quarter Budget Report
- B. FY23 Budget and Fees Discussion

Committee Matters:

9. Licensing and Registration Committee Meeting Summary

(May 11, 2022)

A. Applications for Licensure

Personal Interviews Cases:

1. Brecheisen, Brian Kelly
2. Faz, Gerardo

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

1. §133.83 Executive Director Review, Evaluation, and Processing of Applications
2. §133.85 Board Review of and Action on Applications
3. §133.87 Final Action on Applications
4. §133.89 Processing of Administratively Withdrawn Applications

C. Propose Amendment to 22 Tex. Admin. Code Chapter 134, Subchapter H – Review Process of Applications and Registration Issuance

1. §134.83 Executive Director Review, Evaluation, and Processing of Applications
2. §134.85 Board Review of and Action on Applications
3. §134.87 Final Action on Applications
4. §134.89 Processing of Administratively Withdrawn Applications

D. Propose Amendments to 22 Tex. Admin. Code Chapter 140, Subchapter A – Criminal History and Convictions

1. §140.1 Criminal History and Convictions – Engineers
2. §140.3 Criminal History and Convictions – Surveyors

E. Propose Repeal to 22 Texas Admin. Code Chapter 133, Subchapter H – Review and Process of Applications and Registration Issuance

1. §133.99 Processing of Applications with a Criminal Conviction

F. Texas Board of Professional Engineers and Land Surveyors' Land Surveying Exam Update

G. Licensing and Registration Director's Report

1. Engineer Results and Statistics: Licensing Application and Examination Report
2. Surveyor Results and Statistics: Registration Application and Examination Report

10. Enforcement Committee Meeting Summary

(May 12, 2022)

- A. Adopt Amendments to 22 Texas Administrative Code (Tex. Admin. Code) Chapter 133, Subchapter C – Professional Engineer License Application Requirements
 1. § 133.23 – Applications From Former Standard License Holders

- B. Adopt Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter H – Review Process of Applications and License Issuance
 1. § 133.97 – Issuance of License

- C. Adopt Amendments to 22 Tex. Admin. Code Chapter 134, Subchapter C – Land Surveyor Application Requirements
 1. § 134.23 Application From Standard Registration Holders

- D. Adopt Amendments to 22 Tex. Admin. Code Chapter 134, Subchapter H – Review Process of Applications and Registration Issuance
 1. § 134.97 – Issuance of Registration

- E. Adopt Amendments to 22 Tex. Admin. Code Chapter 135, Firm Registration
 1. § 135.3 – Application for a Certificate of Registration View

- F. Adopt Amendment to 22 Tex. Admin. Code Chapter 136, Surveying Firm Registration
 1. § 136.3 Application for a Certificate of Registration

- G. Adopt Amendments to 22 Tex. Admin. Code Chapter 137, Subchapter A – Individual and Engineer Compliance
 1. § 137.1 – License Holder Designations
 2. § 137.12 – Suspended License
 3. § 137.14 – Voluntary Surrender of License
 4. § 137.17 – Continuing Education Program

- H. Adopt Amendments to 22 Tex. Admin. Code Chapter 137, Subchapter B – Sealing Requirements
 - 1. § 137.31 – Seal Specifications
 - 2. § 137.33 – Sealing Procedures
 - 3. § 137.37 – Sealing Misconduct

- I. Adopt Amendments to 22 Tex. Admin. Code Chapter 137, Subchapter C – Professional Conduct and Ethics
 - 1. § 137.55 – Engineers Shall Protect the Public
 - 2. § 137.57 – Engineers Shall Be Objective and Truthful

- J. Adopt Amendments to 22 Tex. Admin. Code Chapter 137, Subchapter D – Firm and Governmental Entity Compliance
 - 1. § 137.77 – Firm Registration Compliance

- K. Adopt Amendments to 22 Tex. Admin. Code Chapter 138, Subchapter A – Individual and Surveyor Compliance
 - 1. § 138.1 – License Holder Designations
 - 2. § 138.5 – Notification of Name Change, Address Change, Employer Change and Criminal Convictions
 - 3. § 138.12 – Suspended License or Registration
 - 4. § 138.14 – Voluntary Surrender of License or Registration
 - 5. § 138.17 – Continuing Education

- L. Adopt Amendments to 22 Tex. Admin. Code Chapter 138, Subchapter B – Sealing Requirements
 - 1. § 138.31 – Seal Specifications
 - 2. § 138.33 – Sealing Procedures
 - 3. § 138.37 – Sealing Misconduct

- M. Adopt Amendments to 22 Tex. Admin. Code Chapter 138, Subchapter C – Professional Conduct and Ethics
 - 1. § 138.57 – Surveyors Shall Be Objective and Truthful
 - 2. § 138.61 – Surveyors Shall Maintain Confidentiality of Clients

- N. Adopt Amendments to 22 Tex. Admin. Code Chapter 139, Subchapter B – Complaint Process and Procedures
 - 1. § 139.17 – Investigating a Complaint

- O. Adopt Amendments to 22 Tex. Admin. Code Chapter 139, Subchapter C – Enforcement Proceedings
 - 1. § 139.35 – Sanctions and Penalties - Engineering
 - 2. § 139.37 – Sanctions and Penalties - Surveying

- P. Propose Amendments to 22 Tex. Admin. Code Chapter 138, Subchapter B – Sealing Requirements
 - 1. § 138.33 – Sealing Procedures

- Q. Compliance & Enforcement Director’s Report
 - 1. Update on Compliance & Enforcement Department
 - 2. Status of Compliance & Enforcement caseload
 - 3. Status of Continuing Education audit(s)
 - 4. Overview of How Sanctions Are Calculated

Executive Matters:

- 11. Executive Director Activities and Reports
 - A. Quarterly Meeting Activity Update, including conferences and meetings attended and presentations given
 - B. Agency Operations Report
 - C. National Council of Examiners for Engineering and Surveying (NCEES) – Meeting and Activity Update
 - 1. NCEES Southern Zone Meeting – April 2022
 - 2. NCEES Annual Meeting – August 2022
 - 3. NCEES Committee and Task Force Member Reports
 - a. Adejokun – Committee on Exam Policy and Procedures
 - b. Johnson – Committee on Examinations for Professional Surveyors
 - c. McClinton-Stoglin – Committee on Awards

- d. Kinney – Engineering Licensure Model Task Force
- e. Nadkarni – Committee on Examinations for Professional Engineers
- f. Ballí – Southern Zone Assistant Vice President

D. Texas Board of Professional Engineers and Land Surveyors’ Regional Advisory Meeting, Corpus Christi – March 2022

E. Outreach Report

F. Staff Recognition

12. Department Director Reports

A. Licensing & Registration Report

B. Compliance & Enforcement Report

C. Operations Report

13. Surveying Advisory Committee Report

14. FY22 Mid-Year Performance Measures Report

Enforcement/Disciplinary Matters:

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

16. Consent Orders

A. Engineering

1. David Aldana – B-41115

2. Informal Reprimand

a. D-41459

B. Surveying

1. Jean Michael Bravo-Mejia, individually and doing business as Gibbons & Bravos Surveying – B-40821

2. John William Tobin, RPLS – D-40608

17. Final Board Order

A. SOAH Docket No.: 460-22-0830; Texas Board of Professional Engineers & Land

Surveyors v. Leo Stengel Bond, RPLS #5793; Before the State Office of Administrative Hearings – Our Files D-38482 and D-38494

Licensing and Registration Matters:

18. **Consent Agenda*** Licensing and Registration Applications – Engineering and Land Surveying

A. Professional Surveyor Registration:

1. Firms Approved
2. Licensed State Land Surveyor (LSLS) Approved
3. Registered Professional Land Surveyor (RPLS) Approved
4. Surveyor-In-Training (SIT) Approved

B. Professional Engineer Licensing:

1. Licensure/Registration Status Counts
2. Approved for Exams
3. Approved for Licensure
4. Firms Approved
5. Waivers – Fundamentals of Engineering Examination
6. Waivers – Professional Engineering Examination
7. Waivers – Both
8. Not Approved for Licensure

Miscellaneous Matters:


19. Update on 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

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

21. 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.