

**Texas Board of Professional Engineers and Land Surveyors  
Licensing and Registration Committee Meeting Minutes  
1917 S. Interstate 35  
Austin, TX 78741  
February 15, 2023  
2:00 pm-4:00 pm Central Time**

**1. Preliminary Matters (Catherine Norwood, P.E., Chair)**

**a. Call to Order**

Ms. Catherine Norwood, P.E., Chair, called the Licensing and Registration Committee meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 2:00 p.m. at the Texas Board of Professional Engineers and Land Surveyors at 1917 S. Interstate 35, Austin, TX. (NOTE: all votes are unanimous unless noted.)

**b. Roll Call**

Ms. Bodden called the roll. It was noted for the record that a quorum was present.

**The following Committee members were present:**

Catherine Norwood, P.E.	Chair
Albert Cheng	Member
Coleen Johnson, R.P.L.S.	Member
Rolando Rubiano, P.E.	Member

Melissa Juarez, Assistant Attorney General and General Counsel for the Board was present to provide legal counsel to the Board.

**The following staff members were present:**

Lance Kinney, Ph.D., P.E.	Executive Director
Rick Strong, P.E.	Director of Licensing and Registration
Michael Sims, P.E.	Director of Compliance and Enforcement
Elissa Mazza	Staff Attorney
Mason Schoolfield	Director of Operations
Ed Brannan, P.E.	Technical Engineering Specialist
Cristabel Bodden	Executive Assistant

**c. Excuse absent Committee members**

All Committee members were present.

**d. Welcome Visitors**

Steven J. Freeman, R.P.L.S., Texas Society of Professional Surveyors; Kyle Joseph Geitner; Casey Alexander Miller; Sina K. Nejad, P.E., P.Eng., Board Member; Mark Neugebauer, R.P.L.S., L.S.L.S., Board Member; David William Russillo; and Aaron Henri Wiseman, were present.

**e. Public Comment**

There were no public comments.

**2. November 16, 2022 Licensing and Registration Committee Meeting Minutes**

It was MOVED/SECONDED (Johnson/Rubiano) to approve the November 16, 2022, Licensing and Registration Committee minutes as presented. A vote was taken and the MOTION PASSED.

**3. Applications for Licensure**

**• Personal Interviews Cases:**

**• Geitner, Kyle Joseph**

This applicant applied for licensure. Mr. Geitner came before the Committee due to multiple and recent judgements. The Committee and applicant discussed his experience and lessons learned.

Ms. Norwood asked staff to provide a redacted example of an SER to Mr. Geitner.

It was MOVED/SECONDED (Norwood/Rubiano) to recommend to the Board at its Regular Quarterly Board meeting on February 16, 2023, that Mr. Geitner come before the Board in August 2023, submit to the Committee more detailed information on his engineering experience on his prior two jobs, fill out an SER form for his current job, resolve all legal and court requirements, and complete the 30-hour Basic Level Ethics course from Texas Tech Murdough Center for Engineering Ethics for reconsideration of licensure. A vote was taken and the MOTION PASSED.

**• Miller, Casey Alexander**

This applicant applied for licensure. Mr. Miller came before the Committee due to multiple and recent judgements. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Rubiano/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 16, 2023, that Mr. Miller come before the Board again for reconsideration of licensure in Texas upon the successful completion of the 60-hour Intermediate Level Ethics course from Texas Tech Murdough Center for Engineering. A vote was taken and the MOTION PASSED.

- **Russillo, David William**

This applicant applied for licensure. Mr. Russillo came before the Committee due to multiple and recent judgements. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Norwood/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 16, 2023, to allow licensure in Texas upon the successful completion of the 30-hour Basic Level Ethics course from Texas Tech Murdough Center for Engineering Ethics. A vote was taken and the MOTION PASSED.

- **Wiseman, Aaron Henri**

This applicant applied for licensure. Mr. Wiseman came before the Committee due to reported multiple incidents. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Rubiano/Johnson) to present to the Board at its Regular Quarterly Board meeting on February 16, 2023, to allow licensure in Texas. A vote was taken and the MOTION PASSED.

**Mr. Cheng arrived at 2:57 p.m.**

**Agenda items # 4-10 were discussed as a group.**

Dr. Kinney stated that these rules had been discussed several times during the course of several meetings and have to do with the options for people potentially being denied licensure due to criminal convictions and to provide the applicant with the option to go to the State Office of Administrative Hearings (SOAH).

Dr. Kinney stated that these rules had been vetted by the Committee and Board and posted in the Texas Register for public comment and received only one general comment that required no further change or action. As such, all these rules are up for adoption.

It was MOVED/SECONDED (Rubiano/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 16, 2023, to adopt the rule amendments in agenda items # 4-10 and post in the Texas Register. A vote was taken and the MOTION PASSED.

- 4. Adopt Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter C - Professional Engineer License Application Requirements**
  - **§133.21 Application for Standard License**
  - **§133.23 Applications from Former Standard License Holders**
  - **§133.25 Applications from Engineering Educators**
  - **§133.27 Application for Temporary License for Engineers Currently Licensed Outside the United States**
  
- 5. Adopt Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter F - Reference Documentation**
  - **§133.53 Reference Statements**
  
- 6. Adopt Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter H - Review Process of Applications and License Issuance**
  - **§133.81 Receipt and Processing of Applications by the Board**
  - **§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**
  - **§133.97 Issuance of a License**
  - **§133.101 Proposed Actions on Applications**
  
- 7. Adopt Amendments to 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**
  
- 8. Adopt Amendments to 22 Tex. Admin. Code Chapter 134, Subchapter F - Reference Documentation**
  - **§134.53 Reference Statements**
  
- 9. Adopt Amendments to 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**
- **§134.85 Additional Review of and Action on Applications**
- **§134.87 Final Action on Applications**
- **§134.89 Processing of Administratively Withdrawn Applications**
- **§134.97 Issuance of Registration**
- **§134.101 Proposed Actions on Applications**

**10. Adopt Amendments to 22 Tex. Admin. Code Chapter 140, Subchapter A – Criminal History and Convictions**

- **§140.1 Criminal History and Convictions – Engineers (New)**
- **§140.3 Criminal History and Convictions – Surveyors (New)**

**11. Adopt Repeal to 22 Tex. Admin. Code Chapter 133, Subchapter H - Review Process of Applications and License Issuance**

- **§133.99 Processing of Applications with a Criminal Conviction**

Dr. Kinney stated that this rule is part of the rules package associated with agenda items #4-10. However, the action for this rule is a repeal. The repeal will remove rule §133.99 which is where the policy currently resides and move it into §140.1 and §140.3.

Dr. Kinney stated the proposed repeal was posted in the Texas Register and no public comments were received.

It was MOVED/SECONDED (Norwood/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 16, 2023, to repeal rule §133.99 processing of applications with a criminal conviction. A vote was taken and the MOTION PASSED.

**12. Propose Amendments to 22 Tex. Admin. Code Chapter 134, Subchapter G – Examinations**

- **§134.61 Surveying Examinations Required for a Registration to Practice as a Professional Surveyor**
- **§134.67 Examination on the Principles and Practice of Surveying**
- **§134.71 Examination for Record Purposes**
- **§134.73 Examination Results and Analysis**

Dr. Kinney stated that these rules are proposed amendments related to the Texas Specific Surveying Exam (TSSE). At the last Board meeting, the Board approved moving forward with the national PS exam and the TSSE exam for Surveyors.

Dr. Kinney stated that staff reviewed the rules to find areas that would need amendment to support that transition to the new exam process resulting in amendments to the four rules relating to registration for surveyors.

It was MOVED/SECONDED (Norwood/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on February 16, 2023, to propose rule amendments to Chapter 134, Subchapter G – Examinations and post on the Texas Register for public comment. A vote was taken and the MOTION PASSED.

**13. Propose Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter G – Examinations**  
• **§133.67 Examination on the Principles and Practice of Engineering**

Dr. Kinney discussed the proposed amendment to rule §133.67 Examination on the Principles and Practice of Engineering. During the review of the surveying exam process, discussions were started regarding the number of times an engineer might retake an exam and what process was needed to re-apply if needed. As part of the discussion, staff prepared a draft rule that would allow an applicant to take the PE an unlimited number of times with no need for additional or remedial action if the examinee did not pass.

Mr. Rubiano asked for additional time to review the information and consider options.

No action was taken on this agenda item. The agenda item was tabled for discussion at the Regular Quarterly Board meeting on February 16, 2023.

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

Mr. Strong stated the report was available as an exhibit and would be discussed fully at the Regular Quarterly Board meeting.

Mr. Strong stated the next exam will be in April 2023. The exam is finalized and ready for printing. The exam will be held again at the Norris Conference Center.

No action was required on this agenda item.

**15. Propose Criminal History Guidelines**

Dr. Kinney stated that the guidelines go along with the recently adopted rule changes moving rule §133.99 to §140.1 and §140.3. The guidelines are currently on the website written out as policies.

Dr. Kinney stated rules §140.1 and §140.3 point to Texas Occupations Code Chapter 53 and the code states that a board must publish a guideline related to criminal background checks. This guideline has been developed based on previous agency policies, agency review, and guidance from the Governor's Office which recommended a format for revision.

Dr. Kinney stated that the guideline captures all the information from the current policy and that this is not a new policy. The only thing that is new is a section describing each violation category and why certain violations and convictions are related to the practice of engineering and surveying.

Mr. Rubiano asked staff to further investigate as he did not see that any crime related to property violations or trespasses would not apply to the engineering side.

Dr. Kinney stated that he would incorporate the changes recommended by Mr. Rubiano before presenting them to the full Board.

It was MOVED/SECONDED (Norwood/Johnson) to propose the Criminal History Guidelines to the Board at its Regular Quarterly Board meeting on February 16, 2023, and post on the Texas Register for comment. A vote was taken and the MOTION PASSED.

#### **16.Recommendation of NCEES Professional Surveying Exam Modules**

Dr. Kinney stated that NCEES is working on changing the format of the national PS exam to a modular exam.

Dr. Kinney stated that after extensive study and receiving data on the exam development, the NCEES Examinations for Professional Surveyors (EPS) Committee has made a proposal that future national PS exams have two exam sections. Each state would decide which sections would be required for registration or licensure in that state. There would be a core exam that would basically take the PS exam as it stands and change the specification to cover core surveying knowledge and skills, and then have an optional module for public land topics.

Dr. Kinney stated that NCEES has asked each state which exam they would use. The only section that is relevant to the practice of surveying in Texas is the Core Plus Boundary module.

Dr. Kinney stated that the proposal would be that our response to NCEES would use the Core Plus Boundary module and not require the public lands module. The rollout date for the new exam format is targeted for 2027.

It was MOVED/SECONDED (Johnson/Norwood) to recommend to the Board at its Regular Quarterly Board meeting on February 16, 2023, to notify NCEES that Texas will accept the Core Plus Boundary exam module once the exam changes format. A vote was taken and the MOTION PASSED.

## **17.Licensing and Registration Director's Report**

- **Engineer Results and Statistics: Licensing Application and Examination Report**

Mr. Strong stated the report was available as an exhibit and would be discussed fully at the Regular Quarterly Board meeting.

Mr. Strong discussed the workload for the Licensing team and in a previous meeting the Board was responsive to bringing in more members to the team. New team members have been brought in and they have been through an extensive amount of training to bring them up to speed.

Mr. Strong stated that the team has continued to see a 15% increase in workload and the management team has developed an improvement plan to be able to handle the increased volume.

No action was required on this agenda item.

- **Surveyor Results and Statistics: Registration Application and Examination Report**

Mr. Strong stated the report was available as an exhibit and would be discussed fully at the Regular Quarterly Board meeting.

No action was required on this agenda item.

## **18.Future Committee Meetings: Agenda items, dates, locations, and other arrangements**

No issues were presented or addressed for consideration at the next Committee meeting.

## **19. Adjourn**

It was MOVED/SECONDED (Johnson/Rubiano) to adjourn the meeting at 4:16 p.m. A vote was taken and the MOTION PASSED.

Date Committee approved minutes:

May 10, 2023

Date Board approved minutes:

May 11, 2023