

Texas Board of Professional Engineers and Land
Surveyors
Regular Quarterly Board
Meeting Minutes
May 11, 2023
9:30 am Central Time

Physical Meeting Location:

Texas Board of Professional Engineers and Land Surveyors
1917 S. Interstate 35
Austin, TX 78741

NOTE: all votes are unanimous unless noted.

1. Preliminary Matters (Sina K. Nejad, P.E., P.Eng., Presiding Officer)

A. Call to Order

Dr. Sina K. Nejad, P.E., P.Eng., Chair, called the Regular Quarterly Board meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 9:30 a.m. at the Texas Board of Professional Engineers and Land Surveyors at 1917 S. Interstate 35, Austin, TX.

B. Recitation of the Pledge of Allegiance

Dr. Nejad led the recitation of the Pledge of Allegiance.

C. Roll Call

The following Board members were present:

Dr. Sina K. Nejad, P.E., P.Eng.	Chair
Rolando Rubiano, P.E.	Vice-Chair
Coleen Johnson, R.P.L.S.	Secretary
Kiran Shah	Treasurer
Ademola Adejokun, P.E.	Member
Albert Cheng	Member
Karen Friese, P.E.	Member
Coleen Johnson, R.P.L.S.	Member
Mark Neugebauer, R.P.L.S., L.S.L.S.	Member
Catherine Norwood, P.E.	Member

The following Board member was absent:

Dr. Marguerite McClinton Stoglin	Member
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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
Michael Sims, P.E.	Director of Compliance and Enforcement
Rick Strong, P.E.	Director of Licensing and Registration
Elissa Mazza	Staff Attorney
Jeff Mutscher	Chief Financial Officer
Mason Schoolfield	Director of Operations
Ed Brannan, P.E.	Staff Engineer
Cristabel Bodden	Executive Assistant

D. Excuse Absent Board Members

Dr. McClinton Stoglin's absence was excused by the Board chair.

E. Welcome Visitors

Lamberto Ballí, P.E., Advisory Member; Jon Hodde, R.P.L.S., Advisory Member; Michele Mulryan, Texas Department of Transportation; Govind Nadkarni, P.E., Advisory Member; Ben Purser, self; Britney Richardson; Texas Department of Transportation; Stephanie Stanford, P.E., Texas Society of Professional Engineers; Scott Stewart, ACEC Texas; and Behrouz Tehrani, self were present.

F. Public Comment

There were no public comments.

2. **Consent Agenda***

The following items may be acted upon under Consent Agenda*:

- A. February 15, 2023 Licensing and Registration Committee Meeting Minutes (See agenda item #3)
- B. February 16, 2023 Policy Advisory Opinion Committee Meeting Minutes (See agenda item #4)
- C. February 16, 2023 Legislative Issues Committee Meeting Minutes (See agenda item #5)
- D. February 16, 2023 Regular Quarterly Board Meeting Minutes (See agenda item #6)
- E. Administrative Reports, Outstanding Administrative Penalties, Default Judgment, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (See agenda item #16)
- F. Licensing and Registration Applications – Engineering and Land Surveying (See agenda item #19)

It was MOVED/SECONDED (Johnson/Shah) to approve items A-F as presented in the Consent Agenda. A vote was taken and the MOTION PASSED.

Board and Committee Meeting Minutes:

3. [Consent Agenda* February 15, 2023 Licensing and Registration Committee Meeting Minutes](#)
4. [Consent Agenda* February 16, 2023 Policy Advisory Opinion Committee Meeting Minutes](#)
5. [Consent Agenda* February 16, 2023 Legislative Issues Committee Meeting Minutes](#)
6. [Consent Agenda* February 16, 2023 Regular Quarterly Board Meeting Minutes](#)

Board and Advisory Members' Quarterly Activity Matters:

7. 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
8. Advisory Members' Quarterly Activity Update, including conferences and meetings attended and presentations given:
 - A. Ballí
 - B. Edwards
 - C. Gonzalez
 - D. Hodde
 - E. Nadkarni

Exhibits were provided to Board members in support of Agenda Items 7 and 8. No action was taken on agenda items 7-8.

Finance and Budget Matters:

9. Finance and Budget
 - A. FY23 2nd Quarter Budget Report
 - B. FY24 Budget and Fees Discussion

Mr. Mutscher reviewed the 2nd Quarter Budget report with the Board. The report reflects activity through the end of February 28, 2023. Mr. Mutscher stated that the agency is in a great financial position and is on target with all budgeting metrics.

Mr. Mutscher stated presented the proposed budget and fee schedule for Fiscal Year 2024. The fee schedule would include an increase in renewal fees for engineers and surveyors to \$50, the first fee increase in nine years. Mr. Mutscher also proposed to the Board that the fee for the Texas Specific Surveying Exam will be \$75 instead of the previous fee of \$150. Mr. Mutscher also informed the Board that Board staff is moving forward with an update to the building lobby and anticipates construction to begin by the end of the calendar year. Mr. Mutscher also provided the Board with supporting documentation for the proposed budget and indicated a formal vote on the proposed budget will be considered at the August Board meeting.

It was MOVED/SECONDED (Friese/Norwood) to reaffirm the Board's previous vote on the fees for the next fiscal year as these fees must be implemented beginning in August 2023 prior to the next Board meeting. A vote was taken and the MOTION PASSED.

Committee Matters:

10. Licensing and Registration Committee Meeting Summary

Ms. Norwood, Licensing Committee Chair, reported on the Licensing Committee Meeting that was held on May 10, 2023.

A. Applications for Licensure

Personal Interviews Cases:

1. Beard, Jared Kyle

It was MOVED/SECONDED (Norwood/Rubiano) that Mr. Beard be approved to sit for the PS Exam and the Texas Specific Surveying Exam. A vote was taken and the MOTION PASSED.

2. Harman, Thomas Leonard

It was MOVED/SECONDED (Norwood/Rubiano) to allow engineering licensure in Texas for Mr. Harman 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.

3. Maley, Patrick Glenn

It was MOVED/SECONDED (Norwood/Rubiano) to allow engineering licensure in Texas for Mr. Maley 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.

4. Miller, Casey Alexander

The Licensing Committee voted to table Mr. Miller's application until his pending court matter is resolved. No action was taken on this agenda item.

5. Yoon, Sungun

It was MOVED/SECONDED (Norwood/Rubiano) that Mr. Yoon earn two additional years of qualifying engineering work experience, as of May 10, 2023 and document said work experience in a Supplementary Experience Record; provide two additional new favorable PE references of this additional work experience using the Board approved reference form; and complete the 60-hour Intermediate Level Ethics course from Texas Tech Murdough Center for Engineering Ethics for reconsideration of licensure before then reappearing before the Licensing Committee for additional consideration. A vote was taken and the MOTION PASSED.

B. Propose Amendments to 22 Tex. Admin. Code Chapter 134, Subchapter C – Land Surveyor Application Requirements

§134.23 Application from Standard Registration Holders

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

§134.101 Proposed Actions on Applications

Items B and C were presented together. Mr. Sims stated these items are proposed rule amendments to correct two mistakes that were in the rule packages adopted by the Board in February 2023. It was MOVED/SECONDED (Norwood/Rubiano) to propose the rule amendments for publication in the Texas Register to allow for public comment and possible adoption by the Board at a future Board meeting. A vote was taken and the MOTION PASSED.

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

Ms. Norwood stated that Mr. Strong provided an update on this item to the Committee.

Mr. Strong stated that the April 2023 exam was administered successfully. The Texas Specific Surveying Exam blueprint and study materials will be rolled out soon. The next exam will be on October 13 will be held again at the Norris Conference Center. The PS Exam through NCEES is active and available.

No action was required on this agenda item.

E. Adopt Criminal History Guidelines

No comments were received for the newly formatted criminal history guidelines. It was MOVED/SECONDED (Norwood/Johnson) to adopt the updated criminal history guidelines. A vote was taken and the MOTION PASSED.

11. Legislative Issues Committee Meeting Summary

A. Important Dates and Information Related to the 88th Legislative Session

B. Update on bills relating to the Texas Board of Professional Engineers and Land Surveyors

Mr. Cheng stated the Committee met and reviewed key legislative dates and major unresolved issues and anticipates a wrap-up committee meeting after the session ends. No action was required on this agenda item.

Executive Matters:

12. Executive Director Activities and Reports

A. Quarterly Meeting Activity Update, including conferences and meetings attended and presentations given

Dr. Kinney stated his report was provided as an exhibit. No action was required on this agenda item.

B. Agency Operations Report

Dr. Kinney stated that his report on agency operations was provided as an exhibit. A discussion about the lobby updates was held. No action was required on this agenda item.

C. National Council of Examiners for Engineering and Surveying (NCEES) - Meetings and Activity Update

1. NCEES Zone Meeting - April 2023

2. NCEES Annual Meeting - August 2023

Dr. Kinney provided a summary of the April Zone meeting and provided an update on plans for the annual meeting. No action was required on this agenda item.

D. Outreach Report

Dr. Kinney stated his report was provided as an exhibit. Outreach to surveying education programs was highlighted. No action was required on this agenda item.

E. Kudos Report

Dr. Kinney stated his report was provided as an exhibit. No action was required on this agenda item.

13. Department Director Reports

A. Licensing and Registration Report, including updates on the department's operations and workload.

Mr. Strong discussed his report and provided an overview of the department's operations and workload with the Board.

No action is required on this agenda item.

B. Compliance & Enforcement Report, including updates on the department's operations and workload.

Mr. Sims discussed his report with the Board and provided an update on the department's operations and workload.

No action is required on this agenda item.

C. Operations Report, including updates on the department's operations and workload.

Mr. Schoolfield discussed his report with the Board.

No action was required on this agenda item.

14. Surveying Advisory Committee Report

Dr. Kinney provided a report of the last Surveying Advisory Committee Report detailing the ongoing efforts to review the educational requirements for surveyors.

No action was required on this agenda item.

15. FY 23 Mid-Year Performance Measures Report

Mr. Sims, Mr. Strong, and Dr. Kinney discussed the mid-year performance measures report that was provided as an exhibit item.

No action was required on this agenda item.

Enforcement/Disciplinary Matters:

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

17. Agreed Board Orders

A. Engineering

1. Martin G. Robbins, Individually, and Doing Business as RR Engineering Consultants - B-41240 (Norwood-recused)
2. Justin William Hall, P.E. - D-41082 (Norwood - recused)

B. Surveying

1. William Alan Cook, RPLS - D-41332 (Johnson - recused)
2. Kevin Kenneth Kolb, RPLS - D-41424 (Neugebauer)

It was MOVED/SECONDED (Rubiano/Friese) to adopt the Agreed Board Orders as presented. A vote was taken and the MOTION PASSED.

18. Consent Orders

A. Engineering

1. Fidel Garza - B-41270
2. Vance Goynes - B-41496
3. Stephen Gerard Cook, P.E. – D40496

Informal Reprimands

4. D-40858

B. Surveying

1. Mark Damon Haney, RPLS - D-41587
2. Mark Damon Haney, RPLS - D-41820
3. Joe Alan Covey, RPLS - D-41850

It was MOVED/SECONDED (Friese/Norwood) to adopt the Consent Orders as presented. A vote was taken and the MOTION PASSED.

Licensing and Registration Matters:

19. **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:

20. Licensing Applications Reconsideration

Eghtedari-Tehrani, Behrouz

Mr. Tehrani appeared before the Board to request the Board reconsider its previous decision on his license application from November 2022. It was MOVED/SECONDED (Rubiano/Norwood) to deny the motion for rehearing and maintain the Board's requirement that Mr. Tehrani successfully complete the 60-hour Intermediate Level Ethics course from Texas Tech Murdough Center for Engineering Ethics and pass the NCEES PE exam in order to be eligible to become licensed in Texas. A vote was taken and the MOTION PASSED.

Purser, Benjamin

Mr. Purser appeared before the Board to request the Board reconsider its previous decision on his license application from November 2022. It was MOVED/SECONDED (Friese/Rubiano) to deny the motion for rehearing and affirm the Board's decision from November 2022 to deny Mr. Purser's license application. A vote was taken and the MOTION PASSED.

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

No action was taken on this item.

22. Adjourn

It was MOVED/SECONDED (Johnson/Norwood) to adjourn the meeting at 11:32 AM. A vote was taken and the MOTION PASSED.

***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.

Date Board approved minutes: August 10, 2023.