

Texas Board of Professional Engineers and Land Surveyors
Policy Advisory Committee Meeting
August 08, 2024
9:00 am Central Time

Physical Meeting Location:

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

Discuss and Possibly Act on the Following Agenda Items:

1. Preliminary Matters - Officer Presiding

A. Call to Order

Ms. Karen Friese, P.E., Chair, called the Policy Advisory Committee meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 9:05 a.m. (NOTE: all votes are unanimous unless noted.)

B. Roll Call

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

The following Committee members were present:

Karen Friese P.E.	Chair
Ademola Adejokun, P.E.	Member
Roberto Moreno, P.E.	Member
Kiran Shah	Member

Mr. Steven Ogle, Assistant Attorney General and General Counsel for the Board, was present via Videoconference 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
Ed Brannan, P.E.	Technical Engineering Specialist
Brian Waltman, P.E.	Technical Engineering Specialist
Odilia Trevino	Executive Administrator
Elissa Mazza	Staff Attorney (via Zoom)
Mason Schoolfield	Director of Operations (via Zoom)

C. Excuse absent Committee members

All Committee members were present.

D. Welcome Visitors

The following visitors were present at the meeting:

Catherine Norwood, P.E., Board Member; Mark Neugebauer, R.P.L.S., L.S.L.S., Board Member; Jon Hodde, R.P.L.S., Advisory Member; and Colby Brackin, S.I.T. and C.F.M. were present.

E. Public Comment

There were no public comments.

2. May 16, 2024, Policy Advisory Committee Meeting Minutes

It was MOVED/SECONDED (Shah/Moreno) to approve the May 16, 2024, Policy Advisory Committee minutes as presented.

A vote was taken, and the MOTION PASSED.

3. Policy Advisory Opinion Request Regarding The Ethical Expectation of Engineers to Share Concerns About a Project (Policy Advisory Opinion Request No. 67)

Mr. Sims discussed Policy Advisory Request No. 67 regarding the ethical expectation of engineers to share concerns about a project received by Ann Colina, P.E.

Mr. Sims stated that Rule 137.55(a) covers the responsibility of an engineer. In this case, the PE seeking guidance is neither designing nor signing project, so could not be held liable for the design itself. The Rule further states that if a PE has some concerns about a job they are working on, they should submit their concerns in writing.

Mr. Sims stated that overall, the Rules do adequately address the situation. A draft response letter answering the question at hand was prepared and provided to the Committee. Mr. Sims recommends the Committee recommend adoption of the proposed response to the full Board.

It was MOVED/SECONDED (Adejokun/Moreno) to recommend to the Board at its Regular Quarterly Board meeting on August 8, 2024, to adopt the staff's recommendation of the draft.

A vote was taken, and the MOTION PASSED.

4. Policy Advisory Opinion Request Regarding The Expectations of an Engineer Engaging in Peer Review of a Project (Policy Advisory Opinion Request No. 68)

Mr. Sims discussed Policy Advisory Request No. 68 regarding the expectations of an engineer engaging in peer review of a project received by Mark Goodson, P.E.

Mr. Sims stated that peer review of technical reports is common practice to ensure accuracy and quality. Communication in the peer review process should be transparent.

Mr. Sims stated that Rule 137.33 addresses the situation. A draft response letter answering the question at hand was prepared and provided to the Committee. Mr. Sims recommends the Committee recommend adoption of the proposed response to the full Board.

It was MOVED/SECONDED (Shah/Moreno) to recommend to the Board at its Regular Quarterly Board meeting on August 8, 2024, to adopt the staff's recommendation of the draft.

A vote was taken, and the MOTION PASSED.

5. Policy Advisory Opinion Request Regarding The Definition of Specification as Found in Section 1001.401 of the Texas Engineering Practice Act (Policy Advisory Opinion Request No. 69)

Mr. Sims discussed Policy Advisory Request No. 69 regarding the definition of specification as found in section 1001.401 of the Texas Engineering Practice Act as received by Joshua Crawford, P.E.

Mr. Sims stated that the referenced section relates to plans and specifications that shall be sealed by a practicing engineer. He stated the documents referred to by the requestor are not site specific and do not contain enough detail to allow for construction to move forward so would not be a specification that would need to be signed and sealed.

Mr. Sims indicated that the Act provides enough context to answer the question. A draft response letter answering the question at hand was prepared and provided to the Committee. Mr. Sims recommends the Committee recommend adoption of the proposed response to the full Board.

It was MOVED/SECONDED (Moreno/Shah) to recommend to the Board at its Regular Quarterly Board meeting on August 8, 2024, to adopt the staff's recommendation of the draft.

A vote was taken, and the MOTION PASSED.

6. Policy Advisory Opinion Request Regarding The Ability of Engineers to Contractually Limit Their Liability (Policy Advisory Opinion Request No. 70)

Mr. Sims stated this request was submitted anonymously and discussed Policy Advisory Request No. 70 regarding the use of the ability of engineers to contractually limit their liability. It was stated that overall compliance of the Act and Board Rules is expected. And that the Board has no jurisdiction over contractual liability.

Mr. Sims stated the proposed response recommends the requestor consult an attorney as it appears the questions at hand are a civil matter. A draft response letter was prepared and provided to the Committee. Mr. Sims recommends the Committee recommend adoption of the proposed response to the full Board.

It was MOVED/SECONDED (Moreno/Adejokun) to recommend to the Board at its Regular Quarterly Board meeting on August 8, 2024, to adopt the staff's recommendation of the draft.

A vote was taken, and the MOTION PASSED.

7. Future Committee Meetings: Agenda items, dates, locations, and other arrangements

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

8. Adjourn

It was MOVED/SECONDED (Shah/Moreno) to adjourn the meeting at 9:23 a.m.

A vote was taken, and the MOTION PASSED.

Note: In accordance with Attorney General Opinion No. GA-0957, dated July 27, 2012, this is notification that some Board members who are not members of the Policy Advisory Committee may be present at this Committee meeting, thereby creating a quorum of the Board. This agenda does not authorize Board members, other than the Policy Advisory Committee members, to deliberate or vote on matters before the Policy Advisory Committee. All matters reported out of this Committee will be presented at a future Board meeting for deliberation and possible action.

Date Committee approved minutes: 11/14/2024

Date Board approved minutes: 11/14/2024