

Texas Board of Professional Engineers and Land Surveyors
Regular Quarterly Board Meeting
August 08, 2024
10:30 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

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 10:31 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 Board members were present:

Dr. Sina K. Nejad, P.E., P.Eng.	Chair
Ademola Adejokun, P.E.	Vice-Chair
Albert Cheng	Secretary
Kiran Shah	Treasurer
Karen Friese, P.E.	Member
Coleen Johnson, R.P.L.S.	Member
Roberto Moreno, P.E.	Member
Mark Neugebauer, R.P.L.S., L.S.L.S.	Member
Catherine Norwood, P.E.	Member
Dr. Marguerite McClinton Stoglin	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 Board member was absent:

All Committee members were present.

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
Jeff Mutscher	Chief Financial Officer
Ed Brannan, P.E.	Technical Engineering Specialist
Brian Waltman, P.E.	Technical Engineering Specialist
Odilia Trevino	Executive Administrator
Mason Schoolfield	Director of Operations (via Zoom)
Elissa Mazza	Staff Attorney (via Zoom)

C. Excuse Absent Board Members

All Board Members were present.

D. Recitation of the Pledge of Allegiance

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

E. Welcome Visitors

Jon Hodde, R.P.L.S., Advisory Member; Govind Nadkarni, P.E., Advisory Member; Bobby Balli, P.E., Advisory Member; Davey Edwards, R.P.L.S., L.S.L.S., Advisory Member; Trena Vanderhoeven, Executive Director, Texas Society of Professional Surveyors; Colby Brackin, S.I.T. and C.F.M.; Mark Dillon Harp, R.P.L.S., L.S.L.S.; Britney Richardson, TxDOT; Jonathan Cooper, R.P.L.S., L.S.L.S.; and Belinda Cooper were present.

F. Public Comment

Mr. Nadkarni gave an update on board advisory member, Mr. Edmundo Gonzalez.

2. Consent Agenda*

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

- A. May 15, 2024, Licensing and Registration Committee Meeting Minutes (See agenda item #3)
- B. May 16, 2024, Policy Advisory Committee Meeting Minutes (See agenda item #4)
- C. May 16, 2024, 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 #19)

It was MOVED/SECONDED (McClinton-Stoglin/Norwood) to approve items A-E as presented in the Consent Agenda.

A vote was taken, and the MOTION PASSED.

Board and Committee Meeting Minutes:

- 3. [Consent Agenda* May 15, 2024, Licensing and Registration Committee Meeting Minutes](#)
- 4. [Consent Agenda* May 16, 2024, Policy Advisory Committee Meeting Minutes](#)
- 5. [Consent Agenda* May 16, 2024, Regular Quarterly Board Meeting Minutes](#)

Agenda items 3-5 were approved under [Consent Agenda](#), see agenda item #2.

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. Moreno
 - F. Nejad
 - G. Neugebauer
 - H. Norwood
 - 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

Agenda items 6-7 are provided as exhibits. No action was taken on agenda items 6-7.

Finance and Budget Matters:

8. Finance and Budget

A. FY 24 3rd Quarter Budget Report

Mr. Mutscher reviewed the 3rd Quarter Budget report with the Board. The report reflects activity through the end of May 2024 with revenue showing 2% positive variance. He stated that the long-term fee adjustment last year will sustain the balance up to nine years.

Agenda item provided as exhibit. No action was required on this agenda item.

B. FY 25 Fees and Budget – Discussion and Approval

Mr. Mutscher reviewed the FY 25 Budget and Fees with the Board which was provided as an exhibit. The report shows the proposed budget revenues and expenses for FY 25. He indicated the reports include the 5% legislative mandated increase.

Mr. Mutscher stated that the chairman of the board did an annual performance evaluation for the executive director and the FY 25 Budget includes a merit increase for the executive director.

Mr. Shah complimented Mr. Mutscher on the budget status. Dr. Nejad complimented the board and staff on their efficiency in maintaining a healthy budget.

It was MOVED/SECONDED (Shah/McClinton-Stoglin) to approve the FY '25 budget as submitted.

A vote was taken, and the MOTION PASSED.

Committee Matters:

9. Licensing and Registration Committee Meeting Summary

Ms. Norwood reported that the Committee had met and discussed the personal interview cases and shared a review of each case.

A. Applications for Licensure

Personal Interviews Cases:

1. Isaak, Benjamin Earl

It was MOVED/SECONDED (Norwood/Johnson) to approve Mr. Isaak for Texas PE licensure after passing the NCEES PE exam, submitting documentation of the successful completion of the 60-hour Intermediate Level Ethics course from Texas Tech Murdough Center for Engineering, and then return for a personal appearance before the Licensing Committee.

A vote was taken, and the MOTION PASSED

2. Smith, James McClellan

It was MOVED/SECONDED (Norwood/McClinton-Stoglin) to approve Mr. Smith for Texas PE licensure after submitting documentation of completing one additional year of qualifying engineering experience from August 7, 2024, providing two additional favorable PE references from professionals that are familiar with his additional engineering work, and successfully completing the 60-hour Intermediate Level Ethics course from Texas Tech Murdough Center for Engineering,

A vote was taken, and the MOTION PASSED.

3. Vartevan, Koruin Vahan

It was MOVED/SECONDED (Norwood/Shah) to approve Mr. Vartevan, an applicant for re-licensure, for Texas PE licensure with a FE exam waiver after passing the NCEES PE exam and submitting documentation of 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.

4. Venson, Anthony Ray

A motion was passed in the Licensing Committee to table this applicant's review until the November 2024 committee meeting.

No discussion or vote was necessary.

B. Adopt Amendments to 22 Tex. Admin. Code Chapter 134, Subchapter D – Education §134.31 Educational Requirements for Applicants

Mr. Sims briefed the committee on the changes to the Rule. It affects the educational requirements for Surveyors in Training (SITs) to become a Registered Professional Land Surveyor (R.P.L.S.) or a Licensed State Land Surveyor (L.S.L.S.). It has been posted, as required, to the Texas Register and there were no public comments. It would go into effect in January 2026.

It was moved/seconded (Norwood/Johnson) that the Board adopt the rule amendments

in Chapter 134, Subchapter D. The rule becomes effective September 2024. However, the requirements in the rule will not begin until January 1, 2026.

A vote was taken, and the MOTION PASSED.

C. International Licensure Report

Dr. Kinney stated the Texas delegation will sign the MRA with the Engineering Council of the UK at the NCEES Annual Meeting on Tuesday, August 13, 2024. Dr. Kinney and Dr. Nejad will sign on behalf of Texas.

No action required on this item.

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

Mr. Strong reviewed the exhibits provided to the Committee members and provided applications and exam results. He stated that the Licensed State Land Surveyor Exam administered on April 19, 2024, was a success with four exams scored and two passed.

He stated there have been three successful Texas Specific Surveying Exam (TSSE) exams administered. The next TSSE exam is scheduled for October 18, 2024. There are three TSSE exams scheduled for 2025 at the Norris Center. In 2025 staff and the exam work teams will look at the number of exams for 2026 and also review possible exam locations.

Agenda item provided as exhibit. No action was required on this agenda item.

E. Recognition of new Licensed State Land Surveyors: Jonathan Edward Cooper and Mark Dillon Harp

Mr. Neugebauer discussed the background of the surveying rules regarding licensed state land surveyors, which begin in 1919, as well as the requirements. He then introduced Mr. Cooper and Mr. Harp. The board recognized and congratulated our two newly Licensed State Land Surveyors.

No action required on this item.

10. Policy Advisory Committee

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

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.

B. 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 provided a draft copy of the staff's response to Mr. Mark Goodson, P.E., as an exhibit. 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.

C. 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 provided a draft copy of the staff's response to Mr. Joshua Crawford, P.E., as an exhibit. 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.

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

Mr. Sims provided a draft copy of the staff's response as an exhibit. The request was submitted anonymously via email. It was stated that overall compliance of the Act and Board Rules is expected. And that the Board has no jurisdiction over contractual liability.

It was MOVED/SECONDED (Friese/Norwood) that the Board adopt the staff's recommendation of the drafts for items A-D as presented.

A vote was taken, and the MOTION PASSED.

11. Nominating Committee

A. Nomination of Board Officers for Fiscal Year 2025

It was MOVED/SECONDED (Nejad/McClinton-Stoglin) to approve the following Board members as Board Officers for Fiscal Year 2025:

Vice-Chair: Coleen Johnson, R.P.L.S.

Secretary: Karen Friese, P.E.

Treasurer: Kiran Shah

A vote was taken, and the MOTION PASSED.

B. Renewal of Contracts of Advisory Members for Fiscal Year 2025

It was MOVED/SECONDED (Nejad/Shah) to approve the renewal of contracts for the following Advisory Members for Fiscal Year 2025:

1. Lamberto Balli, P.E.
2. William Edwards, Ph.D., R.P.L.S., L.S.L.S
3. Edmundo Gonzalez, P.E., R.P.L.S
4. Jon Hodde, R.P.L.S.
5. Govind Nadkarni, P.E.

A vote was taken, and the MOTION passed.

Executive Matters:

12. Executive Director Activities and Reports

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

Dr. Kinney stated that a report of his meetings and presentations was provided as an exhibit.

No action was required on this agenda item.

- B. Agency Operations Report

Dr. Kinney provided a report as an exhibit and gave an update on hiring, lobby renovation, exams, and agency's strategic planning workshop.

No action was required on this agenda item.

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

1. NCEES Annual Meeting - August 2024

Dr. Kinney reported that the NCEES Annual Meeting will be August 14-17, 2024, in Chicago, IL. He stated registrations and travel arrangements are all set.

No action was required on this agenda item.

- D. Outreach Report

Dr. Kinney reported that staff have been doing a great job keeping up with the outreach requests. He stated outreach presentations are keeping staff busy with schools and companies submitting requests.

Agenda item provided as exhibit. No action was required on this agenda item.

E. Kudos Report

Agenda item provided as 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. He announced that our Team Lead, Serena Lloyd, will be retiring August 31, 2024. Job Pleasant has been promoted to Team Supervisor. They are working on filling vacancies. He stated the Team is working well together.

Agenda item provided as exhibit. No action was required on this agenda item.

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

Mr. Sims discussed his report and provided an overview of the department's operations and workload with the Board. He stated that new employee training is currently in progress. He stated that both Rick Valdes and Val Olfers will be retiring August 31, 2024. He thanked them for their years of service. He is working on scheduling interviews for another investigator position.

Mr. Sims reviewed upcoming SOAH Hearing; scheduling Informal Conferences; continuing education; cases closed; updating complaint forms; and other upcoming meetings being scheduled. Mr. Sims thanked his team for keeping up with their workload.

Agenda item provided as exhibit. No action was required on this agenda item.

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

Mr. Schoolfield discussed his report and provided an overview of the department's operations and workload with the Board. He discussed information security and that we are revising our internal WIFI at the agency.

Mr. Schoolfield stated emails to board members will be going out regarding the required Annual Cybersecurity Awareness Training. He announced he is working on posting the Information Security Analyst position.

Mr. Schoolfield gave an update on online applications; lobby/restroom renovations; trees removed around the parking lot; upcoming landscaping services; and quotes for a badging system.

Agenda item provided as exhibit. No action was required on this agenda item.

14. Surveying Advisory Committee Report - August 1, 2024

A. Nomination of New Surveying Advisory Committee Members

Dr. Kinney discussed the SAC report with the Board. He briefed on the number of members. He stated we had 42 applications submitted. They were reviewed at the August SAC meeting. After much discussion, the SAC selected the slate of nominees listed below.

- Jose Garcia, RPLS, PE – Edinburg
- Michael Hoover, RPLS, LSLs – Galveston
- Jason Jernigan, RPLS – Dallas

Ms. Johnson thanked the members rolling off the committee for their time and service.

It was MOVED/SECONDED (Johnson/McClinton-Stoglin) to approve the nominees to serve as SAC members starting Fiscal Year 2025.

A vote was taken, and the MOTION passed.

Enforcement/Disciplinary Matters:

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

16. Agreed Board Orders

Mr. Sims presented the Agreed Board Orders and relayed which board members would be recused.

A. Engineering Informal Reprimand

1. D-42476 (Norwood - recused)

It was MOVED/SECONDED (Johnson/McClinton-Stoglin) to approve the Agreed Board Order #1 as submitted.

A vote was taken, and the MOTION PASSED.

17. Consent Orders

A. Engineering

1. Rhett Townsend - B-42360
2. J.J.S. Custom Built Homes, Inc. - B-42363
3. Mohammed Sarwar Kamal, P.E. - D-38683
4. Jose Luis Obet Burgos Zepeda - D-42120 & B-42121
5. Herminio Oliveira Cruz, P.E. - D-42125
6. Zeyn Burhan Uzman, P.E. - D-42211
7. Paul Carl Gilham, P.E. - D-42407
8. Christopher Mark Hahn, P.E. - D-42481
9. Franklin Daniel Bingham, P.E. - D-42714

Informal Reprimand

10. D-42929

B. Surveying

11. Monument Surveys, LLC - B-42640
12. John Cordell Copley, R.P.L.S. - D-42197

Mr. Sims presented the Consent Orders for adoption.

It was MOVED/SECONDED (Cheng/Shah) to approve the Consent Orders as submitted.

A vote was taken, and the MOTION PASSED.

18. Request to Amend Conditions of Previously Adopted Consent Order

- Dennis James Ellis, R.P.L.S. - D-42040

Mr. Sims presented the Consent Order for adoption with a request to extension Mr. Ellis' original deadline from November 16, 2024, to May 16, 2025.

It was MOVED/SECONDED (Friese/Moreno) to approve the Amended Conditions to the Previously Adopted Consent Order as submitted.

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

This agenda item was approved under [Consent Agenda](#), see agenda item #2.

Miscellaneous Matters:

Mr. Nadkarni mentioned that the National Society of Professional Engineers is celebrating Engineers Week. Mr. Ademola will be attending and presenting in North Carolina on August 9-10, 2024.

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

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

21. Adjourn

It was MOVED/SECONDED (McClinton-Stoglin/Friese) to adjourn the meeting at 11:24 a.m.

A vote was taken, and the MOTION passed.

Date Board approved minutes: 11/14/2024