

**Texas Board of Professional Engineers and Land Surveyors
Policy Advisory Opinion Committee Meeting Minutes
1917 S. Interstate 35
Austin, TX 78745
February 15, 2024
9:30 am-10:00 am Central Time**

1. Preliminary Matters (Ademola Adejokun, P.E., Member)

A. Call to Order

Mr. Ademola Adejokun, P.E., Member, called the Policy Advisory Opinion Committee meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 9:04 a.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

Mr. Sims called the roll. It was noted for the record that a quorum was present.

The following Committee members were present:

Ademola Adejokun, P.E.	Acting Chair
Roberto Moreno, P.E.	Member
Kiran Shah	Member
Catherine Norwood, P.E.	Alternate Member

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

C. Excuse absent Committee members

It was MOVED/SECONDED (Adejokun/Norwood) to excuse committee chair Karen Friese, P.E.

D. Welcome Visitors

Coleen Johnson, R.P.L.S., Board Member; Govind Nadkarni, P.E., Advisory Member; Sina K. Nejad, P.E., P.Eng., Board Member; Mark Neugebauer, R.P.L.S., L.S.L.S., Board Member; Lamberto Balli, P.E., Advisory Member; Colby Brackin, Brian LaFoy, P.E., Texas Society of Professional Engineers; and Dennis McKinney, Assistant Attorney General were present.

E. Public Comment

There were no public comments.

2. Policy Advisory Opinion Request Regarding The Use of Engineering Work Done for a Previous Employer in Marketing Materials (Policy Advisory Opinion Request No. 64)

Mr. Sims discussed Policy Advisory Request No. 64 regarding the use of engineering work done for a previous employer in marketing materials.

Mr. Sims stated that this request was received on July 21, 2023, from Mr. Jay Martin, P.E., who is seeking guidance on the consequences of an engineer using engineering work done for a previous employer in marketing materials.

Mr. Sims stated that after review and research, using previous work for marketing materials does not violate the Act or Rules as long as a disclaimer is included stating the work was done at a previous work engagement. The Board cannot speak to how such action may impact any employer-employee contractual agreement as such agreements fall outside the Board's jurisdiction.

A draft response letter has been prepared, and if adopted by the Committee and the full Board, will be sent to the requestor, and posted on the Board's website. Mr. Sims recommends the Committee recommend adoption of the proposed response to the full Board.

It was MOVED/SECONDED (Adejokun/Moreno) to adopt staff's recommendation of the draft response and recommend to the full Board to adopt the staff's response to Policy Advisory Request No. 59 regarding third-party plan reviewers working on behalf of a city. A vote was taken, and the MOTION PASSED.

3. Policy Advisory Opinion Request Regarding The Use of the Term "Network Engineer" In Local Government Job Titles (Policy Advisory Opinion Request No. 65)

Mr. Sims discussed Policy Advisory Request No. 65 regarding the use of the term

network engineer in local government job titles.

Mr. Sims stated that this request was received on November 3, 2023, from Ms. Anjanie Ramnarine with the Tarrant County Government's human resources department and seeks guidance on using the word engineer in job titles.

Mr. Sims stated that after review and research, the Act does not allow the use of the term "network engineer" in a public sector setting.

However, Mr. Sims sought guidance from the committee and board on how to respond. Options were to include language changes to the Act that could be pursued with the legislature if so desired.

After discussion, it was MOVED/SECONDED (Norwood/Shah) to recommend to the full Board to respond to the request as the Act currently stands. A vote was taken, and the MOTION PASSED.

4. Policy Advisory Opinion Request Regarding The Design of Lighting Systems and Controls (Policy Advisory Opinion Request No. 66)

Mr. Sims discussed Policy Advisory Request No. 66 regarding the design of lighting systems and controls.

Mr. Sims stated that this request, received on November 6, 2023, from Mr. Charles Culbertson, P.E., sought guidance on the design of lighting systems and how such design is treated under the Texas Engineering Practice Act.

Mr. Sims stated that after review, he believes the Act and Board rules adequately address the questions.

The design of lighting systems falling under the practice of engineering must be evaluated on a case-by-case basis dependent upon what is included in the design. 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 (Norwood/Shah) to recommend adoption of staff's recommendation of the draft response to the full Board. A vote was taken, and the MOTION PASSED.

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

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

6. Adjourn

It was MOVED/SECONDED (Adejokun/Norwood) to adjourn the meeting at 10:10 a.m. A vote was taken, and the MOTION PASSED.

Date Committee approved minutes: May 16, 2024

Date Board approved minutes: May 16, 2024