

Texas Board of Professional Engineers and Land Surveyors
Regular Quarterly Board Meeting Minutes
February 15, 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 10:30 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. Recitation of the Pledge of Allegiance

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

C. Roll Call

Mr. Sims 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
Kiran Shah	Treasurer
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

The following Board member was absent:

Albert Cheng	Secretary
Karen Friese, P.E.	Member
Dr. Marguerite McClinton Stoglin	Member

Denis McKinney, 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
Mason Schoolfield	Director of Operations
Elissa Mazza	Staff Attorney
Jeff Mutscher	Chief Financial Officer
Ed Brannan, P.E.	Technical Engineering Specialist

D. Excuse Absent Board Members

It was MOVED/SECONDED (Nejad/Johnson) to excuse the absent board members from the Regular Quarterly Board meeting. A vote was taken, and the MOTION PASSED.

E. Welcome Visitors

Lamberto Ballí, P.E., Advisory Member; Govind Nadkarni, P.E., Advisory Member; Stephanie Stanford, Texas Society of Professional Surveyors; Colby Brackin, SIT; Steven Kanetzky; and Bryan LaFoy, Texas Society of Professional Engineers, were present.

F. Public Comment

Mr. Colby Brackin addressed the board requesting the Board to create a rule for surveyor applicants to waive educational requirements. The board thanked Mr. Brackin.

No action was taken on this agenda item.

2. Consent Agenda*

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

- A. November 8, 2023 Licensing and Registration Committee Meeting Minutes (See agenda item #3)
- B. November 9, 2023 Regular Quarterly Board Meeting Minutes (See agenda item #4)
- C. Administrative Reports, Outstanding Administrative Penalties, Default Judgment, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (See agenda item #14)
- D. Licensing and Registration Applications – Engineering and Land Surveying (See agenda item #17)

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

Board and Committee Meeting Minutes:

3. [Consent Agenda* November 8, 2023 Licensing and Registration Committee Meeting Minutes](#)
4. [Consent Agenda* November 9, 2023 Regular Quarterly Board Meeting Minutes](#)

Agenda items 3-4 were approved under [Consent Agenda](#), see agenda item #2.

Board and Advisory Members' Quarterly Activity Matters:

5. 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
6. 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 5-6 are provided as exhibits. No action was taken on agenda items 5-6.

Finance and Budget Matters:

7. Finance and Budget

A. FY24 1st Quarter Budget Report

Mr. Mutscher reviewed the 1st Quarter Budget report with the Board. The report reflects activity through the end of January 2024.

Mr. Mutscher stated that the agency filled some of its vacancies and is still on track with the budget. He stated that the end of February will be mid-year already. He will work on projections for the end of the year. He stated the online payment system is working well.

Mr. Mutscher stated the lobby renovation starts on Monday, April 22nd. The budget cost stayed on track and was paid with the money we received through the sale of parcel to Texas Department of Transportation (TXDOT). He also mentioned that TXDOT recently had to purchase an additional small portion from the agency.

Mr. Mutscher stated that at May's Board meeting the first draft for next year's budget will be available.

No action was taken on this agenda item.

Committee Matters:

8. Licensing and Registration Committee Meeting Summary

A. Applications for Licensure

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

Personal Interviews Cases:

1. Badger, Philip Edmund

It was MOVED/SECONDED (Norwood/Johnson) that Mr. Badger be approved for licensure in Texas upon the successful completion of the 30-hour Basic Level Ethics course from Texas Tech Murdough Center for Engineering.

A vote was taken, and the MOTION PASSED.

2. Waterman, Derrick Justin

It was MOVED/SECONDED (Norwood/Johnson) that Mr. Waterman be approved for 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.

B. International Licensure Report

Dr. Kinney provided an update on the international meetings he and Dr. Nejad attended as part of the Texas delegation. The meetings were also attended by UK Government Ministers, senior executives from prominent UK engineering companies, and leaders of the UK Engineering Council (ECUK). The discussion was regarding a mutual recognition agreement between NCEES and the Engineering Council of licensing credentials for reciprocity. NCEES and ECUK are anticipating finalizing a Mutual Recognition Agreement in March and then forwarding it to the individual state boards for consideration. No Board action is required at this time.

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

Mr. Strong gave an update on the NCEES PE exam. All 8-hour exam disciplines have been converted to computer-based testing (CBT). The CBT structural engineering exam will be converted this year.

Mr. Strong stated that the first Texas Specific Surveying Exam was administered on October 13, 2023, with 98 test-takers. Forty-eight examinees passed, for a 49% pass rate, which is in line with the national exam and with the previous RPLS exam. The new exam format will be offered three times per year. Overall, feedback on the new exam was extremely positive. He also presented additional TSSE Statistics for the October 2023 exam.

Mr. Strong thanked those involved for their hard work with the exams.

9. Policy Advisory Committee

Mr. Adejokun reported that the Committee had met and discussed the proposed Policy Advisory Opinion responses.

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

It was MOVED/SECONDED (Adejokun/Shah) to approve the staff's response to Policy Advisory Request No. 64 regarding the use of engineering work done for a previous employer in marketing materials.

A vote was taken, and the MOTION PASSED.

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

It was MOVED/SECONDED (Adejokun/Johnson) to table this item to allow the staff to update the response to Policy Advisory Request No. 65 then review it at the next Policy Advisory Committee meeting in May.

A vote was taken, and the MOTION PASSED.

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

It was MOVED/SECONDED (Adejokun/Moreno) to approve the staff's response to Policy Advisory Request No. 66 regarding the design of lighting systems and controls.

A vote was taken, and the MOTION PASSED.

Executive Matters:

10. 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 were provided as an exhibit and stated it is great to work with the team and be back to doing some outreach.

No action was required on this agenda item.

B. Agency Operations Report

Dr. Kinney reported that most vacancies have been filled. There is still one in Compliance & Enforcement. Dr. Kinney thanked everyone for all their work to fill in those gaps while we were looking for new members.

No action was required on this agenda item.

C. National Council of Examiners for Engineering and Surveying (NCEES)

- Meetings and Activity Update

1. NCEES Southern Zone Meeting - April 2024

Dr. Kinney stated that the NCEES Southern Zone Meeting is scheduled for April 4-6, 2024, in Asheville, NC. Asked for members that are interested in attending to contact staff regarding registration, hotel, and any travel necessities.

2. NCEES Annual Meeting - August 2024

Dr. Kinney reported that the NCEES Annual Meeting is scheduled August 14-17, 2024, in Chicago, IL. He asked that board members start looking and signing up for any committees they are interested in participating in. Dr. Nejad asked that Dr. Kinney please update our newest board member, Roberto Moreno, on NCEES logistics. Board members will send Dr. Kinney information on which committees they are applying for.

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.

No action was required on this agenda item.

E. Kudos Report

Dr. Nejad stated that he wanted to recognize Dr. Kinney and the entire agency for all the hard work. The board recognized that a great leader creates a great team. Dr. Nejad is very grateful for everyone being trained in being able to fill in wherever the assistance was needed.

11. 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 reported that his team has brought on three program specialists since reporting at the last meeting. The department has a training program that the new staff are currently going through. The department still has a Technical Reviewer position vacant and posted.

Mr. Strong thanked the Board for their support in hiring the staff needed. Mr. Strong would also like to thank the team for all their hard work.

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. He stated that staffing continues to be an issue. The department has had an investigator vacancy for almost three years.

Mr. Sims thanked his team for all the extra work they've taken on. The department has an investigator that will be out for a few months.

Mr. Sims discussed the facility tour the C&E staff went through which was coordinated through Ms. Friese. He stated that it was very educational.

Mr. Sims stated that they had opened 133 cases, closed 109 cases, and have 226 cases pending. Stated continuing education audits for September have been completed with only one referral.

Mr. Sims stated he is working on scheduling an Informal Conference for March. He stated they are still working on updating the complaint forms to better assist complainants.

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 and provided an overview of the department's operations and workload with the Board. He talked about the information security reports required by the legislature that we are working on. He also mentioned the VPN pilot we are testing for teleworking and spoke about Microsoft's AI program.

No action was required on this agenda item.

12. Surveying Advisory Committee Report - January 11, 2024

Dr. Kinney stated that the Surveying Advisory Committee has been doing great work. Mr. Strong gave a little more in-depth report on TSSE and feedback from group has been positive.

The Committee is currently working on a revised 32-hour course guideline. The SAC created a proposed draft model and polled education institutions. The feedback was that the institutions and current curricula could support it. The committee is hoping to have something to present to the Board by summer.

No action was required on this agenda item.

13. Honorary Engineering and Surveying Award Procedures

Dr. Kinney presented the procedure for recognizing individuals for the Honorary Engineering and Surveying award.

It was MOVED/SECONDED (Nejad/Johnson) to approve the procedure.

A vote was taken, and the MOTION PASSED.

Enforcement/Disciplinary Matters:

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

15. Agreed Board Orders

A. Surveying

1. Enrique C. Elizondo, RPLS - D-40936 (Neugebauer-recuse)

Mr. Sims presented the Agreed Board Order for adoption. Mr. Neugebauer abstained from voting.

It was MOVED/SECONDED (Johnson/Norwood) to approve the Agreed Board Order as submitted.

A vote was taken, and the MOTION PASSED.

16. Consent Orders

A. Engineering

1. Roark Consulting LLC, - B-42391

B. Surveying

1. Ruben Gregg Saxon, R.P.L.S. - D-38732

2. Jordan Reeves Garrett, R.P.L.S. - D-40419

Mr. Sims presented the three Consent Orders for adoption.

It was MOVED/SECONDED (Johnson/Norwood) to approve Consent Orders as submitted.

A vote was taken, and the MOTION PASSED.

Licensing and Registration Matters:

17. **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:

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

Board members would like to discuss having board meetings at different locations. Mr. Adejokun mentioned the importance of cybersecurity for both the agency and NCEES and wants to keep that on the minds of staff and the board.

19. Adjourn

Dr. Nejad adjourned the meeting at 12:11 p.m.

***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 the minutes as submitted: May 16, 2024