

Texas Board of Professional Engineers and Land Surveyors
Regular Quarterly Board Meeting Minutes
May 16, 2024
10:30 am Central Time

Physical Meeting Location:
Hotel Viata - Juniper Room
320 S Capital of Texas Hwy
West Lake Hills, TX 78746

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 Hotel Viata – Juniper Room; 320 S Capital of Texas Hwy in West Lake Hills, TX 78746. (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

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
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

The following Board member was absent:

Kiran Shah

Treasurer

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
Brian Waltman, P.E.	Technical Engineering Specialist
Odilia Trevino	Executive Administrator

Steven Ogle, Assistant Attorney General, and General Counsel for the Board, was present to provide legal counsel to the Board.

D. Excuse Absent Board Members

It was MOVED/SECONDED (Nejad/Johnson) to excuse the absent board member, Kiran Shah, from the Regular Quarterly Board meeting.

A vote was taken, and the MOTION PASSED.

E. Welcome Visitors

Mohammed Salama, P.E.; Steven Freeman, R.P.L.S. – Texas Society of Professional Surveyors (TSPS) President Elect; Danny Davis, R.P.L.S. - Unintech; Justin Whisenant, S.I.T. - Unintech; Scott Stewart – American Council of Engineering Companies – Texas, (ACEC-Texas); Stephanie Stanford, P.E. – TSPE Liaison; Colby Brackin, S.I.T.; Mitch Brackin – Access Surveyors; Govind Nadkarni, P.E., Advisory Member; Jon Hodde, R.P.L.S., Advisory Member; Bobby Balli, P.E., Advisory Member; Rolando Rubiano, P.E., Former Board Member

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 for his comments.

Mr. Mitch Brackin addressed the Board regarding land surveyors' professionalism and educational requirements. It was MOVED/SECONDED (Nejad/Johnson) to allow Mr.

Brackin additional time. A vote was taken, and the MOTION PASSED. The Board thanked Mr. Brackin for his comments.

Mr. Mohammed Salama addressed the Board requesting the Board Sealing rules regarding electronic seals be revisited and requirements be stricter for security purpose. The Board thanked Mr. Salama for his comments.

2. **Consent Agenda***

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

- A. **February 14, 2024 Licensing and Registration Committee Meeting Minutes (See agenda item #3)**
- B. **February 15, 2024, Policy Advisory Committee Meeting Minutes (See agenda item #4)**
- C. **February 15, 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 #16)**

It was MOVED/SECONDED (Norwood/Johnson) 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 3-4 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. Fiscal Year 2024 Second Quarter Budget Report

Mr. Mutscher reviewed the 2nd Quarter Budget report with the Board. The report reflects activity through the end of February 2024 with revenue showing 1% positive variance and expenses 8% positive variance. These numbers indicate we are spending less than budgeted because of current vacancies.

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

B. Fiscal Year 2025 Budget Report Draft – Fees and Expenses Discussion with Fund Balance Forecast

Mr. Mutscher stated the exhibit reports show the anticipated fund balance. Based on the end of April data, the agency has a healthy fund balance that is slightly higher than budgeted due to continued vacancies. Our main line-item expense is salaries and benefits.

Mr. Mutscher estimated expenses from May through August, and stated we will continue to see a positive variance between revenue and expenses. He does not recommend any fee changes. He stated there is no vote or approval needed at this time. He will have another forecast and a final version of the budget for review and approval at the August Board meeting.

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

Committee Matters:**9. 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. Ortiz, Hector Enrique**

It was MOVED/SECONDED (Norwood/Johnson) that Mr. Ortiz 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.

2. Rendon Bernot, Ricardo

It was MOVED/SECONDED (Norwood/Johnson) that Mr. Bernot be approved for licensure in Texas. He has successfully completed the 60-hour Intermediate Level Ethics course and his court requirements.

A vote was taken, and the MOTION PASSED.

3. Smith, Kyle Thomson

It was MOVED/SECONDED (Norwood/Johnson) that Mr. Smith 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.

4. Wang, Kuei

It was MOVED/SECONDED (Norwood/Johnson) that Mr. Wang be approved for licensure in Texas upon passing the PE exam; resubmitting an updated CHRC background check; the successful completion of the 90-hour Advanced Ethics course from Texas Tech Murdough Center for Engineering, and returning to the Licensing Committee for personal appearance.

A vote was taken, and the MOTION PASSED.

- B. Propose Amendments to 22 Tex. Admin. Code Chapter 131,
Subchapter A – Scope and Definitions
§131.2 Definitions**
- C. Propose Amendments to 22 Tex. Admin. Code Chapter 133,
Subchapter D – Education
§133.31 Educational Requirement for Applicants**
- D. Propose Amendments to 22 Tex. Admin. Code Chapter 133,
Subchapter E – Experience
§133.43 Experience Evaluation**
- E. Propose Amendments to 22 Tex. Admin. Code Chapter 133,
Subchapter F – Reference Documentation
§133.53 Reference Statements**
- F. Propose Amendments to 22 Tex. Admin. Code Chapter 133,
Subchapter G – Examinations
§133.67 Examination on the Principles and Practice of Engineering**
- G. Propose Amendments to 22 Tex. Admin. Code Chapter 133,
Subchapter G– Examinations
§133.69 Waiver of Examinations**
- H. Propose Amendments to 22 Tex. Admin. Code Chapter 134,
Subchapter C – Land Surveyor Application Requirements
§134.25 Application from Out-Of-State Registration Holders**
- I. Propose Amendments to 22 Tex. Admin. Code Chapter 134,
Subchapter E – Experience
§134.43 Experience Evaluations**
- J. Propose Amendments to 22 Tex. Admin. Code Chapter 134,
Subchapter F – Reference Documentation
§134.53 Reference Statements**
- K. Propose Amendments to 22 Tex. Admin. Code Chapter 134,
Subchapter G– Examinations
§134.67 Examination on the Principles and Practices of Surveying**
- L. Propose Amendments to 22 Tex. Admin. Code Chapter 134,
Subchapter G– Examinations
§134.68 Licensed State Land Surveyor Examination**

It was moved/seconded (Norwood/Johnson) that items B-L be approved to be published in the Texas Register for public comments and possible adoption by the board at a future board meeting.

A vote was taken, and the MOTION PASSED.

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

It was moved/seconded (Norwood/Johnson) that item M be approved to be published in the Texas Register for public comments and possible adoption by the board at a future board meeting.

A vote was taken, and the MOTION PASSED.

N. International Licensure Report

Dr. Kinney reviewed the proposed Mutual Recognition Agreement (MRA) between NCEES and the Engineering Council – UK and recommended that the MRA be signed at the NCEES Annual Meeting in August 2024.

It was moved/seconded (McClinton-Stoglin/Friese) that Texas sign the MRA at the NCEES Annual Meeting in August 2024 in Chicago, IL.

A vote was taken, and the MOTION PASSED.

O. 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 has been converted to CBT and is currently being offered.

Mr. Strong stated that the first Texas Specific Surveying Exam administered on October 13, 2023, was very successful. We are offering three per year. TBPELS recently administered the TSSE on March 22, 2024. The next exam is scheduled for June 21, 2024. The third one will be in October of 2024.

Mr. Strong gave statistics for the LSLS exam administered on April 19, 2024. There were four examinees and two passed for a 50% pass rate.

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

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

10. Policy Advisory Committee

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

Mr. Sims presented the draft staff response to the Policy Advisory request. This was previously discussed at the February 2024 Board Meeting and minor changes have been made. It was MOVED/SECONDED (Friese/McClinton-Stoglin) to approve the staff's response to Policy Advisory Request No. 65 regarding the use of the term "network engineer" in local government job titles.

A vote was taken, and the MOTION PASSED.

Executive Matters:

11. 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. He stated it is great to work with the team and be back to doing outreach presentations.

No action was required on this agenda item.

B. Agency Operations Report

Dr. Kinney provided a report as an exhibit. Management is still working on filling a couple of vacancies. Dr. Kinney thanked everyone for all their work to fill in those gaps while we are looking for new team 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 went well, and Texas was well represented.

2. NCEES Annual Meeting - August 2024

Dr. Kinney reported that the NCEES Annual Meeting is scheduled August 14-17, 2024, in Chicago, IL. He stated that registration is now open. He asked that non-funded members contact Odi Trevino, or himself, for assistance with registration and travel.

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.

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.

12. 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 also hired Brian Waltman, P.E. as a Technical Reviewer. Mr. Strong announced that our Team Lead, Serena Lloyd, will be retiring August 31, 2024.

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

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 staffing continues to be an issue. The department has had an investigator vacancy for almost three years. We had an investigator out on medical leave from January to late April which impacted the overall workflow. Mr. Sims announced that our Investigator Supervisor, Rick Valdes, will be retiring August 31, 2024.

Mr. Sims stated that the SOAH Hearing scheduled for May as been pushed to August at the respondent's request. He stated he is working on scheduling Informal Conferences once the building construction is complete. He stated they are working on cleaning up Compliance & Enforcement rules for a possible Enforcement Committee meeting in August.

Mr. Sims thanked his team for all the extra work they've taken on.

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 reviewed the State mandated reports required by the legislature that we are working on. He stated he will be emailing the board members with information regarding the required Annual Cybersecurity Awareness Training. Mr. Schoolfield announced that we have an Information Security Analyst position vacant.

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

13. Surveying Advisory Committee Report - April 26, 2024

Dr. Kinney discussed his report with the Board. He stated that the Surveying Advisory Committee has been doing great work. He stated the Committee met in April at the General Land Office because of the lobby construction at TBPELS headquarters. Dr. Kinney thanked Mr. Neugebauer for his assistance in setting up the meeting there. The Committee developed a proposal for revising the 32-hour checklist which is included in the provided exhibit.

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

14. FY 24 Mid-Year Performance Measures Report

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

Enforcement/Disciplinary Matters:

Consent Agenda* Administrative Reports, Outstanding Administrative Penalties, Default Judgment, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases, Felony Conviction Revocations

15. Consent Orders**A. Engineering**

1. David John Tsang, P.E. - D-42160
2. Raja Sleiman El-Awar, P.E. - D-42212
3. Elmer Kenneth Corbin - E-42569

B. Surveying

1. Thomas Steven Martin - B-41626
2. Otto Danysh - B-42039
3. Larry James Pollok, R.P.L.S. - D-40947
4. Benjamin John Jauma, R.P.L.S. - D-41657
5. Wayne Brandon Johnson, R.P.L.S. - D-41877
6. Dennis James Ellis, R.P.L.S. - D-42040
7. Terrance Pual Mish, R.P.L.S. – D-42106

Mr. Sims presented the Consent Orders for adoption.

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

A vote was taken, and the MOTION PASSED.

Licensing and Registration Matters:**16. 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:

17. Recognition of Rolando Rubiano, P.E.

Dr. Nejad presented Mr. Rubiano with a Certificate, Proclamation, and flag. Mr. Rubiano was thanked for his contributions and service to the agency while on the Board.

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

Mr. Adejokun unofficially requested that the Agency’s August Quarterly Board Meetings would be considered being moved to a later date in August. He is scheduled to present at the National Society of Professional Engineers’ 2024 Professional Engineers Conference.

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: 08/08/2024