

MINUTES
Regular Quarterly Board Meeting
Texas Board of Professional Engineers and Land Surveyors
1917 S Interstate 35
Austin, TX 78741
February 13, 2025 - 9:30 am Central Time

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 9:38 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:

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

Mr. Steven Ogle, 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 |
| Jeff Mutscher | Chief Financial Officer |
| Elissa Mazza | Staff Attorney |
| Ed Brannan, P.E. | Technical Engineering Specialist |

Brian Waltmann, P.E.
Odilia Trevino

Technical Engineering Specialist
Executive Administrator

C. Excuse Absent Board Members

All board members were present.

D. Recitation of the Pledge of Allegiance

Dr. Nejad led the Pledge of Allegiance.

E. Welcome Visitors

Lamberto “Bobby” Balli, P.E., Advisory Member; Colby Brackin, S.I.T., C.F.M.; Jibrael Keith Ahmad, R.P.L.S., L.S.L.S., and Iman Ahmad were present.

F. Public Comment

There were no public comments.

2. **Consent Agenda***

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

- A. November 13, 2024, Licensing and Registration Committee Meeting Minutes (See agenda item #3)
- B. November 14, 2024, Policy Advisory Committee Meeting Minutes (See agenda item #4)
- C. November 14, 2024, Legislative Issues Committee Meeting Minutes (See agenda item #5)
- D. November 14, 2024, Regular Quarterly Board Meeting Minutes (See agenda item #6)
- E. Administrative Reports, Outstanding Administrative Penalties, Default Judgment, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (See agenda item #16)
- F. Licensing and Registration Applications – Engineering and Land Surveying (See agenda item #19)

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

A vote was taken, and the MOTION PASSED.

Board and Committee Meeting Minutes:

- 3. **Consent Agenda* November 13, 2024, Licensing and Registration Committee Meeting Minutes**
- 4. **Consent Agenda* November 14, 2024, Policy Advisory Committee Meeting Minutes**
- 5. **Consent Agenda* November 14, 2024, Legislative Issues Committee Meeting Minutes**

6. **Consent Agenda* November 14, 2024, Regular Quarterly Board Meeting Minutes**

Agenda items 3-6 were approved under [Consent Agenda](#), see agenda item #2.

Board and Advisory Members' Quarterly Activity Matters:

7. Board Members' Quarterly Activity Update, including conferences and meetings attended and presentations given:
 - A. Adejokun
 - B. Cheng
 - C. Friesse
 - D. Johnson
 - E. Moreno
 - F. Nejad
 - G. Neugebauer
 - H. Norwood
 - I. Shah
 - J. McClinton Stoglin
8. 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 7-8 are provided as exhibits. No action was required on these agenda items.

Finance and Budget Matters:

9. Finance and Budget
 - A. FY 25 1st Quarter Budget Report

Mr. Mutscher reviewed the 1st Quarter Budget Report with the Board. The report reflects activity through the end of November 2024 with both expenditures and revenue showing a positive variance. He informed the Board that the first draft of the annual budget will be presented at the May meeting.

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

- B. SDSI Ch 472, Section 472.104 (a) Report

Mr. Mutscher reported that this report is a requirement every two years. It was completed and submitted. The report went well and there were no recommendations.

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

10. Four Year Rule Review -Adoption

- A. Chapter 131 - Organization and Administration
- B. Chapter 133 - Licensing for Engineers
- C. Chapter 134 - Licensing, Registration, and Certification for Surveyors
- D. Chapter 135 - Engineering Firm Registration
- E. Chapter 136 - Surveying Firm Registration
- F. Chapter 137 - Compliance and Professionalism for Engineers
- G. Chapter 138 - Compliance and Professionalism for Surveyors
- H. Chapter 139 - Enforcement
- I. Chapter 140 - Criminal History and Convictions

Dr. Kinney briefed the Board on the four-year rule process and the proposal for adoption. We are required to review agency rules every four years for necessity. He indicated they had been posted as required and no comments were received.

It was MOVED/SECONDED (McClinton-Stoglin/Johnson) that the rules in agenda items A-I be adopted as written.

A vote was taken, and the MOTION PASSED.

Committee Matters:

11. Licensing and Registration Committee Meeting Summary

Mrs. 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) that Mr. Isaak be approved for Texas PE licensure.

A vote was taken, and the MOTION PASSED.

- 2. Benali, Ahmed

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

A vote was taken, and the MOTION PASSED.

3. Radi, Mohsen

It was MOVED/SECONDED (Norwood/McClinton-Stoglin) that Mr. Radi be approved for Texas PE licensure upon successful completion of the 60-hour Intermediate Level Ethics course from the Texas Tech Murdough Center for Engineering.

A vote was taken, and the MOTION PASSED.

4. Winston, Matthew

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

A vote was taken, and the MOTION PASSED.

B. Adoption of Rule Amendments

11. Recommendation on Adoption of Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter B - Professional Engineer Licenses
§133.11 Types of Licenses
12. Recommendation on Adoption of Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter C - Professional Engineer License Application Requirements
§133.26 Application for Licensure Via Comity
13. Recommendation on Adoption of Amendments to 22 Tex. Admin. Code Chapter 133 - Subchapter G - Examinations
§133.69 Waiver of Examinations

Dr. Kinney briefed the Board on the rule amendments up for adoption. These rules are related to licensure mobility and the UK Mobility Agreement. He indicated they had been posted as required and no comments were received.

It was moved/seconded (Norwood/Moreno) that the rule amendments in agenda items 11-13 be adopted as presented.

A vote was taken, and the MOTION PASSED.

C. Application Experience Reporting Project Update

Mrs. Norwood stated that Dr. Kinney is on the NCEES Licensing Committee which are working on an SER rubric. Dr. Kinney stated the task force is working on comity licensure and strengthening the licensure process. They are working on a rubric standard to provide structure when documenting experience on an application.

Dr. Kinney stated that Texas has agreed to pilot the program. He indicated that there will be some related motions at the NCEES Zone and Annual meetings.

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

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

Mr. Strong reviewed the exhibit and provided exam updates.

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

12. Legislative Issues Committee

A. Monitoring Bills Related to the Texas Board of Professional Engineers and Land Surveyors During the 89th Legislative Session

Mr. Cheng provided a briefing on the report on bills the agency is currently tracking relating to engineering and surveying.

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

B. Important Dates for the 89th Legislative Session

Dr. Kinney stated the final bill filing date is March 14, 2025. He stated that if there are any emergency issues, a special committee meeting will be scheduled.

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

Executive Matters:

13. Executive Director Activities and Reports

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

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

B. Agency Operations Report

Dr. Kinney reviewed the report provided and indicated we are working on the AC units replacement project.

Agenda item provided as an exhibit. 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 - February 2025

Dr. Kinney asked that members please notify the agency if they are not attending the meeting in Little Rock, AR. He asked those attending and needing assistance with registration and travel contact Odi Trevino.

He reminded the board that emails should have been received regarding committee assignments. He asked anyone that responded please inform him of requests. He also stated that Dr. Nejad was being nominated for Southern Zone Assistant Vice President.

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

D. Outreach Report

Dr. Kinney reported the outreach presentations are ongoing.

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

E. Kudos Report

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

14. 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 they are working on filling the two vacancies currently in the department. He stated that Job Pleasant has taken the lead on training and 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 indicated the new investigator who was hired in July is doing well and progressing. He stated they are working on filling the other investigator position. He stated their caseload is steady and he will begin scheduling informal conferences soon. He stated there was one case opened for not responding to the September CEP audit. He stated there is an SAC subcommittee working on clarifying surveying rules.

Agenda item provided as an 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 stated that the recent WIFI deployment was successful. The start of the new payment processing system has been pushed back by Texas.gov, and the current system's contract was extended until the end of the fiscal year. He indicated we are working on replacing all AC and heating units for the building.

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

15. Surveying Advisory Committee Report - February 5, 2025

Dr. Kinney stated the February meeting was virtual. He informed the Board about the SAC discussions, including exam reports, 32-hour rule package implementation, surveyor technical rule review, legislative updates, review of the complaint process, and surveyor roles in subsurface utility engineering.

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

Enforcement/Disciplinary Matters:

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

17. Consent Orders

A. Engineering

1. Carlos Villanueva - B-40660
2. Gabriel Hinojosa, P.E. - D-42283
3. Jeff William Gibeaux, P.E. - D-42412

B. Surveying

4. Paul William Smith, RPLS - D-42616

Mr. Sims provided information on the Consent Orders.

It was MOVED/SECONDED (Moreno/McClinton-Stoglin) to approve Consent Orders A1-3 and B4 as submitted.

A vote was taken, and the MOTION PASSED.

18. SOAH Docket No. 460-24-05223; Texas Board of Professional Engineers & Land Surveyors v. Xavier Chapa; Before the State Office of Administrative Hearings – Our File Nos. D-38458, D-38465, D-38505, and D-40400 (Johnson-recused)

Mr. Ogle provided a briefing on the SOAH process and the suggested Proposal for Decision.

Mrs. Mazza provided the background on the case. She informed the Board of SOAH's recommendation of a Reprimand and a \$13,500 administrative penalty.

Mrs. Mazza informed the Board of Staff's recommendation of adding a violation for 22 Tex.

Admin. Code §663.10(7) and modifying the penalty to a four-year probated suspension of Mr. Chapa's registered professional land surveyor registration and assessing a \$13,500 administrative penalty.

It was MOVED/SECONDED (Cheng/Friese) to adopt the Proposal for Decision, with the modifications as recommended by Staff. The modified findings and conclusions are incorporated into the Final Board Order.

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

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

Miscellaneous Matters:

20. L.S.L.S. Recognition of Jibrael Ahmad, R.P.L.S., L.S.L.S.

Mr. Neugebauer provided the history and requirements for Licensed State Land Surveyors. He indicated there were four examinees at the October 2024 TSSE with only one passing successfully. He introduced and congratulated Mr. Jibrael Ahmad, R.P.L.S., L.S.L.S., on his passage of the exam.

No action was required on this agenda item.

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

No issues were presented or addressed for consideration at the next Quarterly Board Meeting.

22. Adjourn

It was MOVED/SECONDED (Johnson/McClinton-Stoglin) to adjourn the meeting at 10:42 a.m.

A vote was taken, and the MOTION PASSED.

*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.

Note: This meeting may be held by videoconference call pursuant to Texas Government Code §551.127. The member presiding over the meeting will be physically present at the location of the meeting listed above and will preside over the meeting at that location. The meeting will be accessible to the public at the physical location listed above.

The Board may meet in closed session on any agenda item listed above as authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551.

Individuals needing auxiliary aids or services should contact the Texas Board of Professional Engineers and Land Surveyors at (512) 440-7723, in a timely manner.

Date Board Approved Minutes as Submitted: 05/15/2025