

MINUTES
Regular Quarterly Board Meeting
Texas Board of Professional Engineers and Land Surveyors
May 15, 2025 - 10:30 am

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
Coleen Johnson, R.P.L.S.	Vice-Chair
Karen Friese, P.E.	Secretary
Kiran Shah	Treasurer
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 via Videoconference 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.	Technical Engineering Specialist
Odilia Trevino	Executive Administrator

C. Excuse Absent Board Members

It was MOVED/SECONDED (Nejad/McClinton-Stoglin) to excuse board members, Ademola Adejokun, P.E. and Albert Cheng.

A vote was taken, and the MOTION PASSED.

D. Recitation of the Pledge of Allegiance

Dr. Nejad led the Pledge of Allegiance.

E. Welcome Visitors

Jon Hodde, R.P.L.S., Advisory Board Member; Holt Carson; and Stephanie Stanford, P.E., TSPE liaison were present.

F. Public Comment

1. Holt Carson, R.P.L.S, L.S.L.S.

Mr. Carson gave a brief background of his experience and stated he has been a surveyor for over 40 years. He discussed the timeframe on the agency's complaint process. He stated he feels we are not protecting the public as required by our Law and Rules when it has been 16 months since a complaint was filed and there is still no resolution.

No action was required on this agenda item.

2. **Consent Agenda***

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

- A. February 12, 2025, Licensing and Registration Committee Meeting Minutes (See agenda item #3)
- C. February 13, 2025, Legislative Issues Committee Meeting Minutes (See agenda item #4)
- D. February 13, 2025, Regular Quarterly Board Meeting Minutes (See agenda item #5)
- E. Administrative Reports, Outstanding Administrative Penalties, Default Judgment, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (See agenda item #17)
- F. Licensing and Registration Applications – Engineering and Land Surveying (See agenda item #20)

It was MOVED/SECONDED (Shah/McClinton-Stoglin) 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* February 12, 2025, Licensing and Registration Committee Meeting Minutes**
- 4. **Consent Agenda* February 13, 2025, Legislative Issues Committee Meeting Minutes**
- 5. **Consent Agenda* February 13, 2025, 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. Friesse
 - 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 provided as exhibits. No action was required on these agenda items.

Finance and Budget Matters:

8. Finance and Budget
 - A. Fiscal Year 2025 2nd Quarter Budget Report

Mr. Mutscher reviewed the 2nd Quarter Budget Report. The report reflects activity through the end of February 2025. Both expenditures and revenue show a positive variance.

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

- B. Fiscal Year 2026 Budget Report Draft – Fees and Expenses Discussion with Fund Balance Forecast

Mr. Mutscher reviewed the draft for the 2026 Budget Report. He indicated the fund balance is higher than normal, and this works in our favor with the upcoming change to the two-year renewal rule. We are on track with a 10-year goal of not needing to increase fees again.

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

Committee Matters:

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

9. Licensing and Registration Committee Meeting Summary
 - A. Applications for Licensure Personal Interview Cases:
 1. Hickie, Jason Michael

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

2. Villalpando, Robert

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

B. Adoption of Rule Amendments

1. Recommendation on Adoption of Amendments to 22 Tex. Admin. Code Chapter 131, Subchapter A - Scope and Definitions
§131.2 Definitions
2. Recommendation on Adoption of Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter C - Professional Engineer License Application Requirements
§133.27 Application for Temporary License for Engineers Currently Licensed Outside the United States

Dr. Kinney briefed the Board on the Rule Amendments up for adoption. He indicated these are the final Rules for the UK Mobility Agreement package. He stated they were posted as required and no comments were received.

It was MOVED/SECONDED (Norwood/Johnson) that the Rule Amendments in agenda items B1 and B2 be adopted as presented.

A vote was taken, and the MOTION PASSED.

C. Application Experience Reporting Project Update

Dr. Kinney reviewed the exhibit provided. He stated the new Experience Reporting process will be voted on at the NCEES Annual Meeting in August 2025.

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 provided. He provided exam updates.

No action was required on this agenda item.

10. Policy Advisory Opinion Committee Meeting Summary

Mr. Moreno reported that the Committee had met and discussed PAO #72 and PAO #73.

Mr. Sims reviewed the information for the PAOs. Exhibits were provided.

- A. Policy Advisory Opinion Request Regarding Limits on Foreign Based Countries Offering Engineering Services in Texas (Policy Advisory Opinion Request No. 72)

Mr. Sims discussed the Policy Advisory Opinion request which was submitted anonymously and was received on March 1, 2025. He stated that the Rules do not differentiate between engineering firms based on where they are located. The only requirement for a firm to offer services in Texas is that the firm be registered with the Board and have licensed Texas PEs on staff. If it is not registered and has no licensed PEs, they cannot provide engineering services in Texas but can contract them out.

It was MOVED/SECONDED (Moreno/Johnson) to adopt the response, as written, for PAO #72.

A vote was taken, and the MOTION PASSED.

B. Policy Advisory Opinion Request Regarding How Information Technology Services Fall Under Electrical Engineering as They Relate to the Public Work Exemption Found in The Texas Engineering Practice Act (Policy Advisory Opinion Request No. 73)

Mr. Sims stated that this request was submitted by Mr. Rudy Juarez and was received on March 4, 2025. He indicated that more time was needed to research the specific definition for electrical engineering as the term is used in the section of the Act about public works but is not defined anywhere in statute. Therefore, PAO 73 will be presented at the August 2025 meeting.

No action was required on this agenda.

11. Legislative Issues Committee Meeting Summary

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

Dr. Kinney reviewed the exhibit provided on the bills being tracked. He stated there are two that will directly impact us: SB61 and SB1259. He stated we are working through models and will bring the Rule drafts to the August Board meeting.

No action was required on this agenda item.

B. Important Dates for the 89th Legislative Session

Dr. Kinney reviewed the exhibit provided with deadline dates on bills being tracked.

No action was required on this agenda item.

Executive Matters:

12. Executive Director Activities and Reports

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

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

B. Agency Operations Report

Dr. Kinney reviewed the report provided as an exhibit. He spoke on the Return-to-Work directive from the Governor's office.

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 2025

Dr. Kinney reported that Texas was well represented at the Southern Zone Meeting. Mr. Ademola Adejokun was recognized for his achievements and contributions to the Zone and the profession.

No action was required on this agenda item.

2. NCEES Annual Meeting - August 2025

Meeting details were provided as an exhibit. Dr. Kinney stated the agency quarterly board meetings are the week before the Annual Meeting. He stated that funded delegates should be receiving email notices soon. Members were asked to contact Ms. Trevino for travel assistance.

No action was required on this agenda item.

D. Outreach Report

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.

13. Department Director Reports

A. Licensing and Registration Report, including updates on the department's operations and workload.

Mr. Strong discussed his report, which was provided as an exhibit. He provided an overview of the department's operations and workload. He announced that one of the two program specialists' position has been filled, and our new employee is scheduled to start June 1st. He announced that we have had four applications approved under the UK agreement. He gave an overview of TSSE exams.

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, which was provided as an exhibit. He provided an overview of the department's operations and workload. He reviewed case numbers and status of CEP audits. He stated there has been an increase in reports of compromised seals through online companies. We are currently working with the Office of the Attorney General on a process for consequences. He stated that the investigator position is being reposted following four interviews in April in which we were unable to identify a candidate who meets the full qualifications.

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, which was provided as an exhibit. He provided an overview of the department's operations and workload. He gave updates on security awareness, WIFI, the badging system, the NCEES verification system and ongoing facilities projects. He stated the open position job functions have been updated and will be posted soon.

No action was required on this agenda item.

14. Fiscal Year 2025 Mid-Year Performance Measures Report

Agenda item was provided as an exhibit. Mr. Sims and Mr. Strong provided department highlights.

No action was required on this agenda item.

15. Surveying Advisory Committee Report - May 9, 2025

Dr. Kinney reviewed the exhibit provided and discussed the meeting highlights. He stated it is time to rotate members. We will be posting the application and bringing potential names to the August meeting.

No action was required on this agenda item.

Enforcement/Disciplinary Matters:

16. Request to Amend Conditions of Previously Adopted Consent Order
- Mohammed Sarwar Kamal, P.E. - D-38683

Mr. Sims stated the consent order would be tabled. The PE wants to be present but was unable to attend the meeting. His license has been actively suspended for another three months. The PE has not submitted additional documentation to show cause for amendment.

No action was required on this agenda item.

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

18. Agreed Board Order

A. Engineering

1. Eric Scott Kohl, P.E. - D-42637 (Frieze - recused)

Mr. Sims provided background on the case.

It was MOVED/SECONDED (McClinton-Stoglin/Johnson) to adopt the reprimand as recommended by staff.

A vote was taken and the MOTION PASSED.

19. Consent Orders

A. Engineering

1. Jon Richard Vandergrift, P.E. - D-42344
2. Musa Abdel-Khaleq, P.E. - D-43079 Informal Reprimand
3. D-42668
4. D-43142
5. D-43144
6. D-43146

B. Surveying

7. Nathan Alan Pare, R.P.L.S. - D-42517
8. Leslie Bo Mansfield, R.P.L.S. - D-42882
9. Richard Jabe Fussell, R.P.L.S. - D-43083

Mr. Sims provided information on the Consent Orders.

It was MOVED/SECONDED (Friese/McClinton-Stoglin) to approve Consent Orders 19 A1-6 and B7-9 as submitted.

A vote was taken and the MOTION PASSED.

Licensing and Registration Matters:

20. **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:

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 11:40 a.m.

A vote was taken, and the MOTION passed.

Date Board approved minutes: 08/14/2025