

Meeting Notes
SURVEYING ADVISORY COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Via Webinar
April 9, 2020
Session 1: 9:00 - 11:00 AM
Session 2: 1:00 - 3:00 PM

Session 1: (9:00 - 11:30 AM)

1. Call to Order

- This meeting was held via webinar due to the coronavirus pandemic and stay-at-home orders.

2. 9-9:30 AM: Introductions / New Members

- Members:
 - Jon Hodde, RPLS, Chair
 - Manny Carrizales, RPLS
 - Mary Chruszczak, RPLS
 - Paul Kwan, RPLS
 - Stan Piper, RPLS, LSLs
 - Heather Welch Westfall, RPLS
 - Not Present / Excused: Davey Edwards, PhD, RPLS, LSLs
- TBPELS Board Liaisons
 - Bobby Balli, PE
 - Coleen Johnson, RPLS
 - Mark Neugebauer, RPLS, LSLs
 - Rolando Rubiano, PE
- TBPELS Staff
 - Lance Kinney, PhD, PE, Executive Director
 - Michael Sims, PE, Director of Compliance & Enforcement
 - Rick Strong, PE, Director of Licensing & Registration
 - Elissa Mazza, Staff Attorney

3. 9:30-10 AM: Update on Agency Merger

- Dr. Kinney provided an overview of agency merger activities. In summary, the merger began on Sept 1, 2019, and all operations are now occurring as a single board. All RPLS, SIT, and surveying firm registrations are being issued and LSLs licenses are being issued by the combined board. Enforcement cases are being worked by the combined C&E team and the backlog is being cleared out. Outreach presentations are being made to TSPS chapters and surveying sections are included in the standard outreach presentation package. The exam process is being revised

and all exam workgroups are ongoing. Staff is cross-training in all areas. December 2019 RPLS and firm renewals are complete. The October 2019 exam was delivered by TPBELS; the April 2020 exam has been postponed due to the pandemic. Rules changes are ongoing.

4. 10-10:15 AM: Review of Compliance with Sunset Recommendations / Report

- Dr. Kinney summarized the review of the action items from the Sunset report and HB1523. The highlights include implementation of the associates degree as a path to licensure which is currently in place. The Criminal History Record Check (CHRC) process will start soon (delayed by pandemic and closure of fingerprinting locations). The report encouraged the agency to review the use of the national PS exam and TBPEL and the SAC have reviewed and endorsed this change. Rule changes are ongoing.

5. 10:15-10:30 AM: Rules Update: Chapter 131, 133, 134, 136, 138, 139

- The rule change process was reviewed, as was the new structure of the surveying rules as they are moved from the 660 rule series to the 130 rule series. Chapters for licensing, firms, and professional practice chapters have been developed that parallel current engineering chapters (eg – chapter 133 engineering licensing; chapter 134 surveying registration, etc.) Chapter 131 merges the agency operations into a single chapter as there is a single agency. Chapter 139 merges the enforcement process into a single chapter as HB1523 removed the surveying enforcement process and provided guidance to merge the processes.
- Changes to all chapters except chapter 138 (surveying practice) and the enforcement table for surveying cases (139.35) have been reviewed and feedback provided by the SAC and approved by the Board for publication and review by the Governor's Office. They have not yet been posted for public comment. Chapter 138 will be reviewed by the SAC at this meeting.
- Members asked about proposed rule changes that would remove the requirement for pre-approval of continuing education courses. Concerns included the impact on the quality of courses without oversight, impact to providers of courses such as TSPS, sales presentations being counted as education (and whether the content can be educational), and the potential overall lowering of quality opportunities. It was noted that it is up to the surveyor to find quality educational opportunities and that strong courses will continue to be available. Staff noted that almost no other states have this process any longer and engineering does not have this requirement.

6. 10:30-11:15 AM: Exam Development Update and Discussion: NCEES PS / RPLS / State Specific Exams

- Mr. Strong updated the committee on the current status and changes to the TBPELS RPLS exam development process. As the SAC has supported and the Board has endorsed, TBPELS is moving from the fully TBPELS developed RPLS exam to the use of the national NCEES PS exam in conjunction with a TBPELS developed state-specific exam. This is the common model with other state surveying boards and provides. TPBELS is working to finalize two additional RPLS exams and then move

to the development of a Texas state-specific exam. This is to support the exam conversion in early 2021.

- The currently scheduled RPLS exam for April has been rescheduled for June. However, with the pandemic and stay-at-home orders, this date is also questionable. The committee was asked about the potential impact within the surveying community of a move to later in the summer, or to just cancel the April delivery and combine it with the October exam. After discussion, the group supported the cancelation of the April exam and the combination with the October exam. Staff will pass this information to the board chair.
- The committee discussed the state-specific exam. It was suggested at the last SAC meeting that it could be based on the current reciprocal exam that is used for out-of-state applicants (in conjunction with the NCEES PS exam). This will be the starting place for the development of the state-specific exam. Staff will undertake a PAKS study to develop an exam spec for this exam.
- The NCPS exam was discussed and that there are sections that are not relevant to surveying in Texas. It was noted that there are sections that should be generally known by any practicing surveyor and this issue is true for every state (and all other US states us the PS exam). The state-specific exam will compensate with Texas-only topics.

7. 11:15-11:30: Nettleman Institute Request

- The Nettleman Institute is a private organization that has developed a private two-year surveying program that is delivered online (with a short period of hands-on work) that is targeted to support the new associate degree criteria. However, this program is new and has not been accredited by ABET or the Southern Association of Colleges. The Nettleman Institute is asking that the board recognize this program as acceptable for licensure while they work toward accreditation.
- The committee discussed the program and how the board accredits programs. It was noted that the board does not have the resources or expertise to review the content of a surveying program and only accepts ABET programs or programs accredited by other regional accreditation systems. The board cannot independently verify the quality of this program.
- After discussion of the program and other issues, it was recommended by the SAC to *not* endorse the Nettleman Institute as an acceptable for licensure until such time as it is formally accredited by a recognized third-party accreditation program (NCEES, regional accreditation, etc.) It was also noted that these courses could definitely count toward continuing education if appropriate.

(The committee adjourned and reconvened at 1 p.m.)

Session 2: (1:00 – 3:00 PM)

8. 1-2:45 PM: Rules Change Discussion: Chapter 138 – Compliance and Professionalism for Land Surveyors and Rule 139.35 Sanction Tables (Surveyors)

- As noted above, chapter 138 related to professional practice needs review and input by the SAC prior to bringing forward to the board. Staff has prepared a draft version of the chapter that incorporates the professional practice provisions of the previous surveying rules with only changes to format and wording, but not to the purpose or main direction

of the rules. The staff has questions regarding certain provisions in the previous surveying rules concerning the meaning or intent of the rules, as well as if some provisions need modification or some language removed for standardization, conformance to current professional practice, or parallel construction with engineering practice.

- The SAC spent the remaining time reviewing each provision in detail and providing feedback and suggested wording to the TBPELS staff for edits. The entire rule package is not included in these notes. Once the edits are complete, they will be shared with the SAC prior to presentation to the Board for review and a vote to proceed.

9. 2:45-3 PM: Issues for consideration for future committee meetings

- Updates on rule progress
- Updates on exam process

10. Select next committee meeting date(s)

11. Adjourn