

AGENDA
SURVEYING ADVISORY COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Via Webinar
July 7, 2020 – 1 – 3:30 p.m.

Discuss and Possibly Act on the Following Agenda Items:

1. Call to Order

- Attendees:
 - Jon Hodde, RPLS – Chair
 - Manny Carrizales, RPLS
 - Mary Chruszczak, RPLS
 - Davey Edwards, PhD, RPLS, LSLS
 - Paul Kwan, RPLS
 - Stan Piper, RPLS, LSLS
 - Heather Welch-Westfall, RPLS
 - Lamberto Balli, PE – Board Liaison
 - Coleen Johnson, RPLS – Board Liaison
 - Mark Neugebauer, RPLS, LSLS – Board Liaison
 - Lance Kinney, PhD, PE – TBPELS Executive Director
 - Michael Sims, PE – TBPELS Director of Compliance & Enforcement
 - Rick Strong, PE – TBPELS Director of Licensing & Registration
 - Elissa Mazza – TBPELS Staff Attorney

2. Update on Agency Merger

- Dr. Kinney provided a summary of agency events to-date

3. Rules Update: Chapters 131, 133, 134, 136, 138, 139

- Dr. Kinney presented a summary of the status of proposed rule changes. These rules have been discussed at previous meetings by the SAC and have been presented to the Board and approved for posting. The chapters are going to the Governor's Office for review. They will next be posted in the Texas Register.
- Chapter 138 as listed above is the partial section related to renewals and continuing education. The next section related to professional practice was reviewed and commented on by the SAC at the April 2020 meeting. All of Chapter 139 related to

enforcement processes has been reviewed and is in process except for rule 139.35, related to proposed sanction tables. This will be discussed later in the meeting with a goal of proposing both 138 and 139.35 at the next board meeting.

- Mr. Piper brought up a concern he has regarding the firm branch rules as proposed. Previously, surveying firms were required to have a surveyor assigned to each individual branch office. He expressed concerns about supervision locally and the need for an RPLS to oversee the work in each office. Other members expressed that the SAC had discussed previously and felt that RPLS should act professionally and only sign/seal work they did themselves or had direct control over, regardless where their office is physically located. An example was provided where surveying (RPLS) in a larger firm was centralized and an RPLS might have oversight for a number of smaller local offices, but may not necessarily be IN those offices. It was also noted that this is not always feasible based on the number of RPLS in Texas. But, all agreed this IS an ethics issue and if work is not overseen or is 'plan stamped', that would be a violation. This can definitely be an issue and some abuse it, but that should be handled via enforcement actions. The group did not recommend changing from the current proposal to remove the branch RPLS requirement.

4. Exam Development Update and Discussion: NCEES PS / RPLS / State Specific Exams; schedule for conversion and April 2021 Exam

- Mr. Strong presented information on the timeline for exam delivery, new exam development, and the work plan to move to the PS exam with Texas state specific components.
- Originally, the plan was to deliver the April 2020 RPLS and October 2020 RPLS exams, and work during 2020 to develop a state-specific exam with a goal of early

2021 to move to the NCEES PS exam with the Texas state-specific. However, due to the coronavirus pandemic, the April RPLS exams were cancelled. In addition, agency work was moved to an all-telework situation, and in-person meetings were curtailed. This impacted exam development activities. Exam committee work is not resuming, albeit slowly due to limitations of in-person meetings and exam security issues.

- Dr. Kinney reported that the PAKS study for the new exam is ongoing and noted that information was due by the end of July for the next step. However, much work remains to be done. There is some confidence that a completely new exam will not need to be developed and much of the current reciprocal exam can be the basis for the state specific exam.
- The SAC discussed exam work and whether the new exam could be completed for an early 2021 delivery. The go/no-go timing is important to notify examinees as to what to prepare for, for exam prep providers to be ready to develop materials, etc. TBPELS staff is working to complete the work but cannot confirm at this point that a new exam would be complete and available in time to switch before the April 2021 exam.
- After discussion, the SAC generally supported providing an April 2021 RPLS exam with the goal to convert to the NCEES plus state-specific model after the April 2021 exam.
- Mr. Balli suggested that staff provide options for the upcoming Licensing Committee and Board meeting regarding the exam schedule.
- The committee also discussed the delivery of the upcoming October 2020 RPLS exam and coronavirus health and safety procedures. Staff shared that we have

secured additional space at the exam location. We anticipate 100 examinees and have space for more to allow for spacing. Staff will visit with the exam location to verify all spacing and other preparations. In addition, the committee discussed options and pros/cons such as delivery in more than one city (additional proctors, travel, secure locations, additional costs, but additional convenience for examinees.) Staff will check with other states as well as NCEES for input on precautionary measures. The committee also discussed future options such as a mail-in or online exam for the state specific exam. This is done in other states.

5. Rules Discussion: Chapter 139.35 Sanction Tables

- Staff presented the engineering and surveying sanction tables in the rules and discussed their format, content, and sanction differences. They are not matched in format or content, and there is a different maximum dollar penalty by statute for engineering (\$5,000) and surveying (\$1,500). However, many violation types are similar for both practice and ethics issues.
- The committee discussed a method to review the sanction tables. Due to the complexity and time constraints during the meeting, staff was given direction to work up a draft of the sanctions table for surveyors and to provide to the SAC via Basecamp for discussion.

6. Issues for Discussion at Next Meeting

- Follow up on rules and exams.

7. Adjourn