

**MINUTES  
REGULAR QUARTERLY BOARD MEETING  
TEXAS BOARD OF PROFESSIONAL ENGINEERS  
1917 S. IH 35  
Austin, TX 78741  
February 15, 2018—10:30 AM**

**Call to Order.** Daniel O. Wong, Ph.D., P.E., Presiding Officer, called the Regular Quarterly Board meeting of the Texas Board of Professional Engineers to order at 10:30 a.m. at the Texas Board of Professional Engineering at 1917 S. IH 35, Austin, TX. A quorum was present.  
(NOTE: all votes are unanimous unless noted.)

**1. Roll Call and Welcome Visitors.**

**The following Board members were present:**

Daniel O. Wong, Ph.D., P.E.	Chair
Sam Kannappan, P.E.	Vice Chair
Sina Nejad, Ph.D., P.E.	Secretary
Edward Summers, Ph.D.	Treasurer
Lamberto Ballí, P.E.	Member
Albert Cheng	Public Member
Catherine Norwood, P.E.	Member
Elvira Reyna	Public Member
Kyle Womack, P.E.	Member

A quorum was present.

Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Mr. Edmundo Gonzalez, P.E., Mr. Jose Guerra, P.E., and Mr. Govind Nadkarni, P.E., Advisory Members, were present.

**The following staff members were present:**

Lance Kinney, Ph.D., P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
Rick Strong, P.E.	Director of Licensing
Cristabel Bodden	Executive Assistant

**Visitors:** Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE), Kent O'Brien, P.E., Texas Department of Transportation.

**2. Public Comment.** None.

**3. Consent Agenda\*.**

**(The following items may be acted upon under [Consent Agenda](#) and are highlighted in blue on the Regular Quarterly Board Meeting Agenda)**

- November 15, 2017, Licensing Committee Minutes (**See agenda item #5**)
- November 16, 2017, Policy Advisory Opinion Committee Minutes (**See agenda item #6**)

- November 16, 2017, General Issues Committee Minutes (**See agenda item #7**)
- November 16, 2017, Enforcement Committee Minutes (**See agenda item #8**)
- November 16, 2017, Regular Quarterly Board Meeting Minutes (**See agenda item #4**)
- Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (**See agenda item #17**)
- Licensing Applications. (**See agenda item #20**)

It was MOVED/SECONDED (Summers/Norwood) to adopt the Consent Agenda as submitted. A vote was taken and the MOTION PASSED.

**Discuss and Possibly Approve Board Minutes:**

4. (**Consent Agenda**) November 16, 2017, Regular Quarterly Board Minutes

**Discuss and Possibly Accept Committee Minutes:**

5. (**Consent Agenda**) November 15, 2017, Licensing Committee Minutes
6. (**Consent Agenda**) November 16, 2017, Policy Advisory Opinion Committee Minutes
7. (**Consent Agenda**) November 16, 2017, General Issues Committee Minutes
8. (**Consent Agenda**) November 16, 2017, Enforcement Committee Minutes

Agenda items 4-8 were approved under Consent Agenda, see above.

**Discuss and Possibly Act on the following agenda items (9-23):**

**9. Board Members' Activity Reports.**

- |             |           |
|-------------|-----------|
| • Ballí     | • Reyna   |
| • Cheng     | • Summers |
| • Kannappan | • Womack  |
| • Nejad     | • Wong    |
| • Norwood   |           |

**10. Advisory Members' Activity Reports.**

- |            |            |
|------------|------------|
| • Gonzalez | • Nadkarni |
| • Guerra   |            |

Agenda items 9-10 were included for information only, no action was taken.

**11. Finance and Budget.**

• **FY18 1st Quarter Budget.**

Mr. Mutscher reviewed with Board members the 1<sup>st</sup> Quarter Budget report and commented that the report shows that the Board is on target with revenues and expenses. No action taken.

• **Texas Comptroller of Public Accounts Audit.**

Mr. Mutscher presented the audit report and commented that the report was very good with only minimal recommendations. Staff has already completed all recommendations. No action required.

## **Discuss and Possibly Act on Issues Regarding Committee Reports or Items on the Committee Agendas:**

### **12. Licensing Committee Meeting Summary.**

- **Personal Appearances from Licensing Applicants:**

- Brown, Michael Louis
- Hansen, Dane Howell
- Russell, Michael Thomas
- Paul, Dr. Sanjay

Mr. Ballí reported that the Committee discussed and reviewed the personal appearance cases.

It was MOVED/SECONDED (Ballí/Womack) to approve Michael Louis Brown for licensure as recommended by the Licensing Committee. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Womack) to approve Dane Howell Hansen for licensure as recommended by the Licensing Committee. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Summers) to approve Michael Thomas Russell for licensure after successful completion of the Level I 30-hour Ethics course as recommended by the Licensing Committee. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Ballí/Summers) to approve Dr. Sanjay Paul for licensure after providing staff with PE references from Dr. Pendyala for SER Engagement 1 and Mr. Lee for SER Engagement 3 as recommended by the Licensing Committee. A vote was taken and the MOTION PASSED.

- **Discuss and possibly adopt the following proposed rules.**

- **Chapter 133**

- §133.13 Branches of Engineering
- §133.21 Application for Standard License
- §133.23 Applications from Former Standard License Holders
- §133.25 Applications from Engineering Educators
- §133.27 Application for Temporary License for Engineers Currently Licensed Outside the United States
- §133.43 Experience Evaluation
- §133.83 Executive Director Review, Evaluation and Processing of Applications
- §133.93 Personal Interviews of Applicants
- §133.97 Issuance of License
- §133.99 Processing of Applications with a Criminal Conviction

Mr. Howell reported that the Committee discussed and reviewed the proposed rules. Board Members discussed comments and questions received concerning adding "Welding" to §133.13 Branches of Engineering.

It was MOVED/SECONDED (Ballí/Womack) to approve the recommendation from the Licensing Committee and adopt the rules as stated in the Agenda. A vote was taken and the MOTION PASSED.

- **International Licensure Update.**
- **Memorandum of Understanding (MOU) with Spain and Next Steps.**

Dr. Kinney provided a status update on a joint venture between TBPE and the Unión Profesional De Colegios De Ingenieros. Dr. Kinney relayed that the Memorandum of Understanding was moving forward as planned and are in the process of receiving the agreement back. Dr. Kinney added that the next phase would include a face-to-face meeting and would make it the first European Agreement. No action required.

### **13. Policy Advisory Opinion Committee Meeting Summary.**

- Discuss and possibly approve the response for advisory opinion response for:
- EAOR 43 Policy Advisory Request Regarding a Texas Real Estate Commission (TREC) licensed inspector providing an opinion on a residential foundation and its relation to the practice of engineering.

Mr. Womack provided an overview to the Board and relayed that no public comments were submitted to the policy advisory draft published in the Texas Register. Mr. Womack stated the policy is now ready for adoption. Advisory Member, Edmundo Gonzalez provided comments.

It was MOVED/SECONDED (Womack/Ballí) to approve the EAOR 43 Policy Advisory as recommended by the Committee to the Board. A vote was taken and the MOTION PASSED.

### **14. General Issues Committee Meeting Summary.**

- **Discuss and possibly adopt the following rule proposals.**
  - **Chapter 131**
  - §131.15 Committees
  - §131.43 Public Participation
  - §131.87 Negotiated Rule Making Procedures
  - §131.113 Mediation and Alternative Dispute Resolution
  - **Chapter 137**
  - §137.7 License Expiration and Renewal
  - §137.15 Replacement or New Design Certificates
  - §137.17 Continuing Education Program

Dr. Nejad reported that the Committee discussed and reviewed the possible adoption of rules as listed for Chapters 131 and 137.

It was MOVED/SECONDED (Nejad/Reyna) to approve the recommendation from the General Issues Committee to adopt rules as proposed in Chapter 131 and 137. A vote was taken and the MOTION PASSED.

### **15. Enforcement Committee Meeting Summary.**

- **Discuss and possibly adopt the following rule proposals.**
  - **Chapter 137**
  - §137.57 Engineers Shall Be Objective and Truthful
  - §137.63 Engineers' Responsibility to the Profession
  - **Chapter 139**
  - §139.19 Final Resolution of Complaint
  - §139.35 Sanctions and Penalties

Ms. Norwood reported that the Committee discussed and reviewed the rules for adoption. Ms. Norwood relayed that the Committee had received an activity report from Mr. Howell.

It was MOVED/SECONDED (Norwood/Kannappan) to approve the recommendation from the General Issues Committee to adopt rules as proposed in Chapter 137 and 139. A vote was taken and the MOTION PASSED.

## **Discuss and Possibly Act on Reports or Items reported by the Executive Director.**

### **16. Executive Director's Report.**

- **Daily Activity.**  
Dr. Kinney mentioned his report is provided as an exhibit. No action required.
- **Texas State Auditor's Office Audit.**  
Dr. Kinney relayed that this was a really good report and any issues identified had been addressed and completed. No action required.
- **Building Repair Update.**  
Dr. Kinney relayed that the roof project had been completed and that everything had gone very well. Dr. Kinney relayed that we are moving on to the next phase of building improvements and updates which included optimizing building usage and expanding the parking lot. No action required.
- **Strategic Plan/Journey Towards Excellence (JTE).**  
Dr. Kinney relayed that teams would be created for the Strategic Plan staff workshop and staff would be heavily involved in providing recommendations to leadership.
- **Survey of Employee Engagement (SEE).**  
Dr. Kinney provided information on the Survey of Employee Engagement and relayed that this survey is for internal improvements and relayed that results indicate that staff at TBPE are happy and that TBPE is an excellent place to work. The overall score was excellent: 420 out of 500.
- **National Council of Examiners for Engineering and Surveying (NCEES).**
  - **Upcoming Southern Zone (SZ) Meeting.**  
Dr. Kinney relayed that the Southern Zone meeting is coming up in April in Charlottesville, VA. Several staff and Board Members are slated to attend and asked if any additional Board Members were interested in attending.
  - **Nomination of Lamberto Ballí, P.E. for Southern Zone Assistant Vice-President.**  
Dr. Kinney commented that Mr. Ballí is up for re-election of the Southern Zone Secretary/Treasurer position at the April Southern Zone meeting.

It was MOVED/SECONDED (Nejad/Summers) to nominate Mr. Ballí for Southern Zone Secretary/Treasurer. A vote was taken and the MOTION PASSED.

- **Outreach.**  
Dr. Kinney relayed that the Board has been very involved with Outreach activities and conferences. The Board continues to have great success with the Outreach program, especially the webinars.
- **Draft Plan for Regional Advisory Meetings.**
  - **Beaumont-March 28, 2018.**  
Dr. Kinney commented that the Regional Advisory meeting in Beaumont is moving forward and a new date had been set for March 28, 2018. There will be a Regional Advisory meeting in Midland in the fall as well.
- **Professional Licensure Activities.**
  - **Engineering Change Lab - USA.**  
Dr. Kinney relayed that this is a fairly new group that just started and very similar to the Engineering group in Canada. Dr. Kinney will be attending the summit this summer in Nebraska.

- **Federation of Associations of Regulatory Boards (FARB).**

Dr. Kinney relayed that this was a national regulatory meeting including Architects, Dentists, and Veterinarians. This is an excellent way to keep up-to-date on trends and regulatory issues.

- **Kudos.**

Dr. Kinney mentioned that Kudos are included for the Board members to view. He thanked everyone that makes the Outreach presentations a success. He relayed that Mr. Nadkarni had been recognized and received an award from the Friends of Engineering at Texas A&M Corpus Christi Engineering Department.

**Discuss and Possibly Act on Enforcement/Disciplinary Matters:**

**17. (Consent Agenda) Administrative Reports, Outstanding Administrative Penalties, Case Pending Status Report, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases.**

This Board agenda was approved under the Consent Agenda, see Agenda item #3 above.

**18. Consent Orders.**

**Non-Practice Violations**

1. Brian Llenes Agbulos, P.E. - D-37452
2. Derek Patrick Cronin, P.E. - D-37412

**Sanctions Against Non-License Holders**

3. Jeffery L. Mattson - B-37377

**Firm Registration**

4. John A. Rives Consulting Engineers - B-37480
5. Star Structures, Inc. - B-37479

It was MOVED/SECONDED (Womack/Summers) to approve Consent Orders 1, 2, 4, and 5 as submitted. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Nejad/Norwood) to approve Consent Order 3 as submitted. A vote was taken and the MOTION PASSED. Mr. Lamberto Ballí, P.E., recused himself.

**19. Discuss and possibly act on Revocation Order.**

- Jason R. Needham, D-37390.

It was MOVED/SECONDED (Ballí/Summers) to accept Revocation Order as submitted. A vote was taken and the MOTION PASSED.

**Discuss and Possibly Act on Licensing Applications requiring board ruling.**

**20. (Consent Agenda) Licensing Applications.**

- Approved for Exams
- Approved for Licensure
- Firms Approved
- Waivers – FE
- Waivers---PE
- Not Approved for Licensure

This Board agenda was approved under the Consent Agenda, see Agenda item #3 above.

**Discuss and Possibly Act on Other Matters.**

**21. Texas Board of Professional Engineers' 2018 Board meeting and Informal Conference Schedules.**

Dr. Kinney mentioned that the dates are included in the Board material. The next Board meeting is scheduled for May 17, 2018.

**22. Issues from the Board members to consider for next scheduled Board Meeting.**

No issues were discussed.

**23. Adjourn.**

It was MOVED/SECONDED (Nejad/Ballf) to adjourn the meeting at 11:27 a.m. A vote was taken and the MOTION PASSED.

Date the Board approved the minutes as submitted:

May 17, 2018

\*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 pulled for discussion. The Board will vote on the agenda item in one vote, and will not discuss items separately unless requested by the Chair, a Board Member or a citizen, in which event the item will be removed from the consent agenda and considered as a regular agenda item.