

MINUTES
POLICY ADVISORY OPINION COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 S. IH 35
Austin, Texas 78741
May 23, 2019—9:00 AM

Discuss and Possibly Act on the Following Agenda Items:

1. Preliminary Matters:

A. Call to Order.

Mr. Lamberto Ballí, P.E., Chair, called the Policy Advisory Opinion Committee meeting of the Texas Board of Professional Engineers to order at 9:00 a.m. at the Texas Board of Professional Engineers, 1917 S. IH 35, Austin, TX. (NOTE: all votes are unanimous unless noted.)

B. Roll Call.

Ms. Bodden called the roll. It was noted for the record that a quorum was present.

The following Committee members were present:

Lamberto Ballí, P.E.	Chair
Ademola Adejokun, P.E.	Member
Sina Nejad, D.Eng., P.E.	Member
Rolando Rubiano, P.E.	Member

Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Edmundo Gonzalez, P.E., and Govind Nadkarni, P.E., Advisory Members were present. Board Members Albert Cheng; Catherine Norwood, P.E.; Kiran Shah; Dr. Daniel Wong, P.E.; and Elvira Reyna 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
Michael Sims, P.E.	Director of Compliance and Enforcement
Elissa Mazza	Staff Attorney
Clif Bond	Senior Investigator
Cristabel Bodden	Executive Assistant

C. Excuse absent committee members. All committee members were present.

D. Welcome Visitors.

Terry Bilderback, P.E., Texas Society of Professional Engineers was present.

E. Public comment. None.

2. February 14, 2019 Policy Advisory Opinion Committee Meeting Minutes.

It was MOVED/SECONDED (Nejad/Adejokun) to approve the February 14, 2019, Policy Advisory Opinion Committee minutes as submitted. A vote was taken and the MOTION PASSED.

3. Policy Advisory Opinion Regarding the Ability of an Engineer to Retract Signed and Sealed Documents (Request No. 49).

Mr. Ballí asked Mr. Sims to describe the Policy Advisory Opinion process to the new Board Members.

Mr. Sims stated that the process was established to assist those that have questions that are not clearly answered via the current statute and rules. They can send a letter to the Board asking for clarification for their specific situation and receive guidance from the Board.

Mr. Sims stated that the request was received in February from Mr. Curtis Cassidy, P.E., from Mesquite, TX. Mr. Cassidy seeks clarification on whether an Engineer can retract signed and sealed documents once they have been released due to a contract dispute such as a lack of receipt of full payment.

After review, staff believe that the question is fully addressed by current Board rules. Committee Members discussed and concurred with the staff decision.

It was MOVED/SECONDED (Rubiano/Nejad) to present the letter response as presented to the full Board for approval. A vote was taken and the MOTION PASSED.

4. Policy Advisory Opinion Regarding the Use of and Sealing Procedure for Digital Three-Dimensional Models (Request No. 50).

Mr. Ballí asked Mr. Sims to describe the Policy Advisory Opinion regarding the use of and sealing procedure for digital three-dimensional models.

Mr. Sims stated that request was received in February from Mr. Guillermo Guerrero, P.E. Mr. Guerrero seeks guidance on if the Board considers digital model-based systems as a form of Engineering work and if digital models can replace a paper-based system either in part or completely and how an Engineer would correctly seal a three-dimensional model.

After review, staff believe that Board rules do not fully address his questions and recommends that the Committee accept his policy advisory request as allowed by Chapter 131, subchapter G of the Board rules. Upon Board concurrence to accept the request, staff will further research the issues and seek to engage expert resources and stakeholders and provide a report and response to Mr. Guerrero at the next meeting.

Committee Members discussed and concurred with the staff decision. Mr. Ballí directed staff to add Mr. Rubiano and Mr. Adejokun as stakeholders in this policy advisory request.

It was MOVED/SECONDED (Ballí/Rubiano) to accept the policy advisory request and direct staff to proceed, research, and work closely with stakeholders to provide an opinion regarding the use of and sealing procedure for digital three-dimensional models. A vote was taken and the MOTION PASSED.

5. Update on Sealing Related to Contracting and Procurement as Directed at February 2019 Policy Advisory Opinion Committee Meeting.

Mr. Ballí asked Mr. Sims to provide an update on sealing related to contracting and procurement.

Mr. Sims stated that this agenda item is an update from the February 2019 meeting where staff were directed to review how the practice of Engineering fits in to the overall issue of procurement and specifically how it relates to non-public sector projects and tasked staff to engage experts in the field on this issue.

Mr. Sims relayed that staff are in the process of contacting stakeholders for their input and would provide a report at the next committee meeting.

No action was required on this agenda item.

6. Issues for consideration for future board meetings.

Mr. Ballí asked that staff consider adding more time to the Policy Advisory Opinion Committee meetings to allow for complete and further discussion of agenda items. Mr. Ballí asked that the meeting be at least forty-five minutes.

7. Adjourn.

It was MOVED/SECONDED (Nejad/Adejokun) to adjourn the meeting at 9:36 a.m. A vote was taken and the MOTION PASSED.

Date minutes were approved by Committee as submitted:

August 22, 2019

Date Board accepted minutes:

August 22, 2019