

**MINUTES**  
**REGULAR QUARTERLY BOARD MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
**VIA VIDEOCONFERENCE**  
**August 20, 2020—10:00 AM**

**Discuss and Possibly Act on the Following Agenda Items:**

**1. Preliminary Matters:**

**A. Call to Order.**

Dr. Sina K. Nejad, P.E., P.Eng., Presiding Officer, called the Regular Quarterly Board meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 10:00 a.m. via Videoconference. (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 Board members were present:**

Dr. Sina K. Nejad, P.E., P.Eng.	Chair
Lamberto Ballí, P.E.	Vice-Chair
Catherine Norwood, P.E.	Secretary
Albert Cheng	Treasurer
Ademola Adejokun, P.E.	Member
Coleen Johnson, R.P.L.S.	Member
Mark Neugebauer, R.P.L.S., L.S.L.S.	Member
Rolando Rubiano, P.E.	Member
Kiran Shah	Public Member
Dr. Marguerite McClinton Stoglin	Public Member

Veena Mohan, 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
Rick Strong, P.E.	Director of Licensing and Registration
Michael Sims, P.E.	Director of Compliance and Enforcement
Elissa Mazza	Staff Attorney
Jeff Mutscher	Chief Financial Officer
Janet Sobieski	Director of Operations
Mason Schoolfield	Lead Systems Developer
Cristabel Bodden	Executive Assistant

**C. Excuse absent Board members.**

All Board members were present.

**D. Welcome Visitors.**

Jibrael Ahmad, R.P.L.S; Tracey Calvin; William Edwards, Ph.D., R.P.L.S., L.S.L.S., Advisory Member; Steven J. Freeman, II, R.P.L.S., Texas Society of Professional Surveyors; Edmundo Gonzalez, P.E., R.P.L.S., Advisory Member; Mike McMinn, R.P.L.S., L.S.L.S., McMinn Land Surveying Co.; Merle W. Miller, R.P.L.S.; Govind Nadkarni, P.E., Advisory Member; Daniel Sullivan, R.P.L.S., Tri-Tech Surveying; R. Kyle Womack, P.E., Retired, Advisory Member, were present via Videoconference.

**E. Public Comment.**

There were no public comments.

**2. Consent Agenda**

- **May 20, 2020 Licensing Committee Minutes (See agenda item #3)**
- **May 21, 2020 Regular Quarterly Board Minutes (See agenda item # 4)**
- **Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases (See agenda item #14)**
- **Surveyor Continuing Education Course Approvals (See agenda item #17)**
- **Licensing Applications (See agenda item #18)**
- **Calendar Year 2021 Board Meeting Schedule (See agenda item #19)**

It was MOVED/SECONDED (Norwood/Johnson) to approve the items listed in the **Consent Agenda** as presented. A vote was taken and the MOTION PASSED.

**Board and Committee Minutes:**

3. **(Consent Agenda) May 20, 2020 Licensing Committee Minutes.**
4. **(Consent Agenda) February 20, 2020 Regular Quarterly Board Minutes.**

Agenda items 3-4 were approved under **Consent Agenda**, see above.

**5. Board Members' Quarterly Activity Update.**

- Adejokun
- Ballí
- Cheng
- Johnson
- Nejad
- Neugebauer
- Norwood
- Rubiano
- Shah
- McClinton Stoglin

## **6. Advisory Members' Quarterly Activity Update.**

- Edwards
- Gonzalez
- Hodde
- Nadkarni
- Womack

Agenda items 5-6 were included for information only, no action was required.

## **7. Finance and Budget.**

- **FY20 3<sup>rd</sup> Quarter Budget Report.**

Mr. Mutscher reviewed the 3rd Quarter Budget report with the Board. The report reflected income and expenses for the agency for both Engineers and Land Surveyors through the end of May 31, 2020.

No action was required on this agenda item.

- **FY21 Budget & Fees Report.**

Mr. Mutscher reviewed the proposed FY21 Budget and Fees with the Board. The budget proposal includes a reduction in RPLS renewal fees from \$174 to \$100. The agency hopes to reduce land surveyor fees through a phased approach to be closer to engineer fees. Other fees are also being adjusted as noted in the board handout. The budget was also compared to the budget surplus model and will keep us in the acceptable policy range. He also noted that Dr. Nejad reviewed Dr. Kinney's performance and the proposed budget includes a merit increase for the Executive Director.

Mr. Rubiano inquired about telephone access for staff during the pandemic and if there were efforts or budget for this. Dr. Kinney stated that Ms. Sobieski has looked at proposals for a cloud-based phone system for staff to replace the current phone system.

Mr. Adejokun inquired how the 5% budget reduction request from the Governor's Office impacted the agency budget. Dr. Kinney stated that the budget was analyzed during preparation and further reductions along with salary savings from vacant positions would be enough to cover the 5% reduction request if necessary.

It was MOVED/SECONDED (Ballí/Norwood) to approve the FY21 Budget & Fees schedule as presented. A vote was taken and the MOTION PASSED.

## **8. Four Year Rule Review.**

- **Chapter 131 – Organization and Administration**
- **Chapter 133 – Licensing**
- **Chapter 135 – Firm Registration**

- **Chapter 137 – Compliance and Professionalism**
- **Chapter 139 – Enforcement.**

Dr. Kinney discussed the Four Year Rule Review process with the Board. Every four years, the agency must review all rules and ensure that they still comport with our statutes and are still necessary. This is a standard procedure and the agency must post notice in the Texas Register. Dr. Kinney stated that any changes needed will be presented at a future board meeting.

It was MOVED/SECONDED (Rubiano/Norwood) to approve the start of the Four Year Rule Review process as presented and publish in the Texas Register. A vote was taken and the MOTION PASSED.

#### **Issues Relating to Committee Matters:**

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

- **Policy Advisory Opinion Request Regarding the Need to Seal Drawings or Calculations for Pressure Vessels Designed and Installed in Texas (Policy Advisory Request No. 54)**

Mr. Rubiano reported that the Committee had met and discussed the Policy Advisory Opinion Regarding the Need to Seal Drawings or Calculations for Pressure Vessels Designed and Installed in Texas.

It was MOVED/SECONDED (Rubiano/Ballí) to approve staff's recommendation, accept the letter written by Board staff, and publish on the website. A vote was taken and the MOTION PASSED.

- **Policy Advisory Opinion Request Regarding If the Installation of Fiber Optic Lines by a Telecommunications Provider Qualifies for the Public Works or Telephone Company Exemptions in the Texas Engineering Practice Act (Policy Advisory Request No. 53)**

Mr. Rubiano reported that the Committee had met and discussed the Policy Advisory Opinion Regarding If the Installation of Fiber Optic Lines by a Telecommunications Provider Qualifies for the Public Works or Telephone Company Exemptions in the Texas Engineering Practice Act.

It was MOVED/SECONDED (Rubiano/Norwood) to accept the Policy Advisory request No. 53 and allow staff to research the topic and engage with interested stakeholders. A vote was taken and the MOTION PASSED.

- **Update on Work Group Regarding the Use of and Sealing Procedure for Digital Three-Dimensional Models (Policy Advisory Request No. 50)**

Mr. Rubiano asked Mr. Adejokun to report on the Policy Advisory Request Regarding the Use of and Sealing Procedure for Digital Three Dimensional Models.

Mr. Adejokun stated that the last meeting and discussion was very fruitful, and they discussed guidelines and specifications to facilitate digital selling going forward. The committee is not necessarily providing specific solutions, but guidelines and each stakeholder can then go and implement the guidelines as appropriate, either manually or automated.

No action was required on this agenda item.

#### **10. Enforcement Committee Meeting Summary**

- **Adopt Amendments to 22 Texas Administrative Code Chapter 137, Subchapter A – Individual and Engineer Compliance.**
  - **§137.7 – License Expiration and Renewal**
  - **§137.9 – Renewal for an Expired License**
  - **§137.13 – Inactive Status**

Dr. Kinney stated that these rules were presented at a previous meeting, no comments were received, and the rules are ready to be adopted.

It was MOVED/SECONDED (Ballí/Johnson) to adopt amendments made to Chapter 137, Subchapter A as proposed by staff. A vote was taken and the MOTION PASSED.

- **Propose Amendments to 22 Texas Administrative Code Chapter 138, Subchapter B – Sealing Requirements**
  - **§138.31 – Seal Specifications**
  - **§138.33 – Sealing Procedures**
  - **§138.35 – Electronic Seals and Electronic Signatures**
  - **§138.37 – Sealing Misconduct**

Dr. Kinney discussed the proposed amendments to Chapter 138, Subchapter B. Ms. Johnson stated that the Surveying Advisory Committee was very involved in making the amendments to these rules.

It was MOVED/SECONDED (Ballí/Johnson) to propose for publication in the Texas Register Chapter 138, Subchapter B rules submitted and discussed by staff for public comment, contingent upon no substantive changes to the rules after the Governor’s Office review, and bring back to the Board for adoption. A vote was taken and the MOTION PASSED.

- **Propose Amendments to 22 Texas Administrative Code Chapter 138, Subchapter C – Professional Conduct and Ethics**
  - **§138.51 – General Practice**
  - **§138.53 – Surveyor Standards of Compliance with Professional Services Procurement Act**
  - **§138.55 – Surveyors Shall Protect the Public**
  - **§138.57 – Surveyors Shall Be Objective and Truthful**
  - **§138.59 – Surveyors' Actions Shall Be Competent**
  - **§138.61 – Surveyors Shall Maintain Confidentiality of Clients**
  - **§138.63 – Surveyor's Responsibility to the Profession**
  - **§138.65 – Action in Another Jurisdiction**

Dr. Kinney discussed the proposed amendments to Chapter 138, Subchapter C.

Ms. Johnson stated that the Surveying Advisory Committee was very involved in making the amendments to these rules.

It was MOVED/SECONDED (Ballí/Johnson) to propose for publication in the Texas Register Chapter 138, Subchapter C rules submitted and discussed by staff for public comment, contingent upon no substantive changes to the rules after the Governor's Office review, and bring back to the Board for adoption. A vote was taken and the MOTION PASSED.

- **Propose Amendments to 22 Texas Administrative Code Chapter 138, Subchapter D – Firm and Governmental Entity Compliance**
  - **§138.73 – Firm Record Modifications**
  - **§138.75 – Registration Renewal and Expiration**
  - **§138.77 – Firm Registration Compliance**
  - **§138.79 – Standards for Compliance with Professional Services Procurement Act**

Dr. Kinney discussed the proposed amendments to Chapter 138, Subchapter D.

Ms. Johnson stated that the Surveying Advisory Committee was involved in the development and review of these rules.

It was MOVED/SECONDED (Ballí/Johnson) to propose for publication in the Texas Register Chapter 138, Subchapter D rules submitted and discussed by staff for public comment, contingent upon no substantive changes to the rules after the Governor's Office review, and

bring back to the Board for adoption. A vote was taken and the MOTION PASSED.

- **Propose Amendments to 22 Texas Administrative Code Chapter 138, Subchapter E – Professional and Technical Standards**
  - §138.83 – Precision and Accuracy
  - §138.85 – Boundary Construction
  - §138.87 – Monumentation
  - §138.89 – Certification
  - §138.91 – Survey Drawing/Written Description/Report
  - §138.93 – Subdivision Plat
  - §138.95 – Descriptions Prepared for Political Subdivisions
  - §138.97 – Easement Depiction

Dr. Kinney discussed the proposed amendments to Chapter 138, Subchapter E.

Ms. Johnson stated that the Surveying Advisory Committee was involved in the development and review of these rules.

It was MOVED/SECONDED (Ballí/Johnson) to propose for publication in the Texas Register Chapter 138, Subchapter E rules submitted and discussed by staff for public comment, contingent upon no substantive changes to the rules after the Governor’s Office review, and bring back to the Board for adoption. A vote was taken and the MOTION PASSED.

- **Propose Amendments to 22 Texas Administrative Code Chapter 139, Subchapter C – Enforcement Proceedings**
  - §139.35 – Sanctions and Penalties – Engineering
  - §139.37 – Sanctions and Penalties – Surveying

Dr. Kinney discussed the proposed amendments to Chapter 139, Subchapter C.

Ms. Johnson stated that the Surveying Advisory Committee was involved in the development and review of these rules.

It was MOVED/SECONDED (Ballí/Johnson) to propose for publication in the Texas Register Chapter 139, Subchapter C rules submitted and discussed by staff for public comment, contingent upon no substantive changes to the rules after the Governor’s Office review, and bring back to the Board for adoption. A vote was taken and the MOTION PASSED.

- **Propose Amendment to 22 Texas Administrative Code Chapter 137, Subchapter C – Professional Conduct and Ethics**

- **§137.63 – Engineer's Responsibility to the Profession**

Dr. Kinney discussed the proposed amendment to Chapter 137, Subchapter C.

It was MOVED/SECONDED (Ballí/Johnson) to propose for publication in the Texas Register Chapter 137, Subchapter C rules submitted and discussed by staff for public comment, contingent upon no substantive changes to the rules after the Governor's Office review, and bring back to the Board for adoption. A vote was taken and the MOTION PASSED.

- **Compliance & Enforcement Report**

- **Update on Compliance & Enforcement Department**
- **Status of Compliance & Enforcement caseload**
- **Status of Continuing Education audit(s)**

Mr. Sims reviewed the information with the board and stated that an exhibit was available for the Board to review.

No action was required on this agenda item.

#### **11. Licensing Committee Meeting Summary.**

- **Personal Appearances from Licensing Applicants:**
  - **Baltazar, Victor Raymond**
  - **Butler, Orien**
  - **Flagg, Edwin**
  - **Gill, Matthew Shane**
  - **Mantone, David**
  - **Mead, Joshua**
  - **Suarez, Eliseo.**

Ms. Norwood reported that the Committee had met and reviewed the personal appearances cases.

It was MOVED/SECONDED (Norwood/Ballí) to allow Mr. Baltazar licensure in Texas. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Norwood/Ballí) to allow Mr. Butler licensure in Texas upon successful completion of the 30-hour Basic Level Ethics course from Texas Tech Murdough Center for Engineering Ethics. A vote was taken and the MOTION PASSED.



Mr. Flagg did not come before the Committee. No motion was required.

It was MOVED/SECONDED (Norwood/Ballf) to allow Mr. Gill licensure in Texas. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Norwood/Ballf) to allow Mr. Mantone licensure in Texas. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Norwood/Ballf) to allow Mr. Mead licensure in Texas upon successful completion of the 30-hour Basic Level Ethics course from Texas Tech Murdough Center for Engineering Ethics. A vote was taken and the MOTION PASSED.

It was MOVED/SECONDED (Norwood/Ballf) to allow Mr. Suarez licensure in Texas upon successful completion of the 30-hour Basic Level Ethics course from Texas Tech Murdough Center for Engineering Ethics. A vote was taken and the MOTION PASSED.

- **Adopt Proposed Amendments to 22 Texas Administrative Code Chapter 133, Subchapter C – Professional Engineer License Application Requirements**
  - **§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**

Dr. Kinney stated that Chapter 133, Subchapter C – Professional Engineer License Application Requirements rules had gone through the full process and were ready for adoption. These rules were previously proposed to the Board, have been reviewed by the Governor’s Office, were posted on the Texas Register for public comment and no comments were received.

It was MOVED/SECONDED (Norwood/Johnson) to adopt Chapter 133, Subchapter C – Professional Engineer License Application Requirements rules as presented by Board staff. A vote was taken and the MOTION PASSED.

- **Adopt Amendments to 22 Texas Administrative Code Chapter 133, Subchapter G – Examinations**
  - **§133.73 – Examination Results and Analysis**

Dr. Kinney stated that Chapter 133, Subchapter G – Examinations rule had gone through the full process and was ready for adoption. This rule was previously proposed to the Board, had been reviewed by the Governor’s Office, was posted on the Texas Register for public comment and no comments were received.

It was MOVED/SECONDED (Norwood/Johnson) to adopt Chapter 133, Subchapter G – Examinations rule as presented by Board staff. A vote was taken and the MOTION PASSED.

- **Adopt Amendments to 22 Texas Administrative Code Chapter 133, Subchapter H – Review Process of Applications and License Issuance**
  - **§133.89 – Processing of Administratively Withdrawn Applications**

Dr. Kinney stated that Chapter 133, Subchapter H – Review Process of Applications and License Issuance rule had gone through the full process and was ready for adoption. This rule was previously proposed to the Board, had been reviewed by the Governor’s Office, was posted on the Texas Register for public comment and no comments were received.

It was MOVED/SECONDED (Norwood/Johnson) to adopt Chapter 133, Subchapter G – Review Process of Applications and License Issuance rule as presented by Board staff. A vote was taken and the MOTION PASSED.

- **Adopt Emergency Rule Amendment 22 Texas Administrative Code Chapter 133, Subchapter G – Examinations**
  - **§133.67 – Emergency Rule for Extension of Exam Deadline**

Dr. Kinney discussed Chapter 133, Subchapter G – Examinations rule with the Board. Due to the pandemic, the April engineering exams were canceled. Applicants for the exams have to complete the process within in a certain amount of time as set by rule. The cancelation put some applicants in jeopardy of timing out due to no fault of their own. The proposed rule would extend the exam timeframe for these applicants by one additional year. This change is needed immediately to address this situation. He stated that an emergency rule has an expedited rule process and will go into effect immediately upon approval.

It was MOVED/SECONDED (Norwood/Ballí) to adopt Emergency Rule Amendment 22 Texas Administrative Code Chapter 133, Subchapter G – Examinations rule as presented by Board staff. A vote was taken and the MOTION PASSED.

- **Request by The Structural Engineers Association of Texas (SEAOt) regarding the regulation of the Structural Engineer title in Texas**

Ms. Norwood stated that the Committee had a discussion with The Structural Engineers Association of Texas regarding the regulation of the Structural Engineer title in Texas.

No action was required on this agenda item.

- **Texas Board of Professional Engineers and Land Surveyors’ Land Surveying Exam Update**

Ms. Norwood stated Mr. Strong had reported on and provided an update on the Land Surveying Exam.

No action was required on this agenda item.

- **Licensing Director's Report**
  - **Engineer Results and Statistics: Licensing Application and Examination Report**
  - **Surveyor Results and Statistics: Registration Application and Examination Report**

Ms. Norwood stated Mr. Strong had discussed the Director's Report with the Committee.

No action was required on this agenda item.

## **12. Nominating Committee Meeting Summary.**

- **Nomination of Board Officers for Fiscal Year 2021**

It was MOVED/SECONDED (Nejad/Shah) to approve the following Board members as Board Officers for Fiscal Year 2021:

- **Lamberto Ballí, P.E. – Vice-Chair**
- **Rolando Rubiano, P.E. – Secretary**
- **Albert Cheng – Treasurer**

A vote was taken and the MOTION PASSED.

- **Renewal Contract of Current Advisory Board Members for Fiscal Year 2021.**

It was MOVED/SECONDED (Nejad/Shah) to approve the contracts for the following Board Advisory members for Fiscal Year 2021:

- **William Edwards, Ph.D., R.P.L.S., L.S.L.S.**
- **Edmundo Gonzalez, P.E., R.P.L.S.**
- **Jon Hodde, R.P.L.S.**
- **Govind Nadkarni, P.E.**
- **R. Kyle Womack, P.E., Retired**

A vote was taken and the MOTION PASSED.

## **Reports or Items reported by the Executive Director:**

### **13. Executive Director's Report:**

- **Quarterly Meeting Activity Update.**

Dr. Kinney stated his report is provided as an exhibit. No action was required on this agenda item.

- **COVID-19 Pandemic Report.**

Dr. Kinney stated his report is provided as an exhibit. The team has been doing a very good job teleworking and that the agency is fully functional, processing applications, investigating cases, and completing all other tasks. The agency staff is in the office on an

as-needed basis and uses a schedule to minimize the number of people at any one time. Agency communications are remote via Zoom or telephone meetings.

Mr. Rubiano encouraged Dr. Kinney to maintain team cohesiveness during these difficult times.

Mr. Rubiano asked Dr. Kinney to consider a team retreat for staff as well as a retreat for the Board members. Mr. Rubiano offered to assist in this endeavor.

No action was required on this agenda item.

- **TBPELS Merger Update.**

Dr. Kinney stated that we have operated as a merged agency for over a year and the merger will be formally complete on September 1, 2020. We will no longer address things as two separate agencies but one-combined agency.

No action was required on this agenda item.

- **National Council of Examiners for Engineering and Surveying (NCEES) – Annual Meeting Update.**

Dr. Kinney stated that NCEES had canceled both the Interim Zone Meeting in May 2020 in Houston, TX, and the NCEES Annual Meeting in August 2020 in Chicago, IL.

A virtual Annual Meeting was held in August in lieu of the meeting scheduled in Chicago. NCEES plans to reschedule the Texas Zone meeting to 2023.

No action was required on this agenda item.

- **Outreach Report.**

Dr. Kinney reported that travel for the Outreach program is on hold for the foreseeable future and requests for virtual presentations continue to rise. We are on target to match or exceed the number of attendees from last year and all through virtual presentations.

Mr. Rubiano asked Dr. Kinney what percentage of these Outreach presentations are focused on the potential applicants for an SIT or an FE and asked that a report be provided to the Board. Mr. Rubiano stated that it is more important than ever right now to keep presenting to that graduating classes the opportunities that come with licensure.

No action is required on this agenda item.

- **Kudos Report.**

Dr. Kinney reported that staff continue to receive kudos for the virtual webinar presentations and thanked the team for their hard work during this challenging time.

No action is required on this agenda item.

## **Enforcement/Disciplinary Matters:**

### **14. ([Consent Agenda](#)) Administrative Reports, Outstanding Administrative Penalties, Dismissed Cases, Violation Terminated Cases, Voluntary Compliance Cases.**

This agenda item was approved under the [Consent Agenda](#), see Agenda item #2 above.

### **15. Agreed Board Orders Engineering**

#### **1. Michael Brandon Capehart, P.E. – D-37951 (Balli & Adejokun – recused)**

Mr. Sims stated that Mr. Adejokun was originally slated to be the Board member for the Informal Conference, but it was canceled due to COVID and Mr. Ballí stepped in for a virtual Informal Conference. Both Board members need to be recused.

It was MOVED/SECONDED (Johnson/Rubiano) to approve Agreed Order D-37951 as submitted. A vote was taken and the MOTION PASSED.

### **16. Consent Orders. Engineering**

#### **1. Wesley Allan Buchhorn, P.E. – D-38417**

Mr. Sims provided background information on this case and the Consent Order.

When all the specifics and factors of the case were weighed, the Consent Order included a recommended penalty of a one-year probated suspension and a \$2,500 administrative penalty.

Ms. Calvin, the daughter of the Complainant, addressed the Board to present her thoughts on the case. Ms. Calvin stated that it was her opinion that the suspension and administrative penalty were insufficient. The one-year probationary period would still allow Mr. Buckhorn to practice.

Ms. Calvin shared her version of the events of the case with the Board. She also asked the Board to consider investigating Mr. Buckhorn further for he may have done this many times before. She stated that the job of this Board is to protect the public from people like Mr. Buckhorn. She also expressed her concerns with the enforcement process and felt like communications could have been better in her opinion.

Dr. Nejad thanked Ms. Calvin for her time and expressed sympathy for the situation that she is going through and stated that this Board is a Regulatory Board that oversees over 70,000 Engineers that are, for the most part, doing their job to protect the public's health and interest. He stated that there are some cases like this one and the board takes the appropriate action within our laws and rules. However, we cannot get into civil litigation

in these cases. A lot of these damages may come as a part of civil matters and could be addressed in a civil court. This Board does not have this jurisdiction. Dr. Nejad state that he would follow up with Dr. Kinney concerning the case timeline and the communication process.

Mr. Rubiano asked that Board staff contact the Texas Department of Insurance with the results of this order against Mr. Buckhorn.

Mr. Cheng asked if this Consent could be reconsidered in light of Ms. Calvin's testimony.

Dr. Kinney replied that this was the Consent Order provided by staff and signed by the respondent. If the Board chose to not accept this Consent Order, there would be a next step. Dr. Kinney deferred to Mr. Sims and Ms. Mazza. Mr. Ballí stated that he would ask his fellow Board members to look at the technical issues and not only the monetary loss. It was MOVED/SECONDED (Rubiano/Ballí) to approve Consent Order D-38417 as submitted and report the findings to the Texas Board of Insurance. A vote was taken and the MOTION PASSED.

### **Surveying**

- 2. David Franklin McCullah, RPLS – D-38467 (Johnson – recused)**
- 3. Wayne Brandon Johnson, RPLS – D-38478**
- 4. Victor Silvas Medina, RPLS – D-38483**
- 5. James P. Walkoviak, RPLS – D-38488**
- 6. Jeffrey Dale Boerner, RPLS – D-38495**
- 7. Donald Matthew Cookston, RPLS – D-38498**
- 8. Alan Russell Blair, RPLS – D-38502**
- 9. William Mark Green, RPLS – D-38509**

Mr. Sims stated his report is provided as an exhibit.

Mr. Sims stated that Ms. Johnson was scheduled to be the Board member for Mr. McCullah's case, but it was canceled. However, Ms. Johnson participated in the discussion of this case and needs to be recused for this reason.

It was MOVED/SECONDED (Johnson/Shah) to approve Consent Orders #2-9 as submitted. A vote was taken and the MOTION PASSED.

17. (**Consent Agenda**) Surveyor Continuing Education Course Approvals.  
**Course Approvals**

1. Texas Society of Professional Surveyors #001

- Lost Art and Science of Field Notes
- The Texas and Pacific Railway Company Reservation and Land Grant, Part I
- The Texas and Pacific Railway Company Reservation and Land Grant, Part II
- Surveying Astronomy for Land Surveyors
- “The Professional” Definitions, Characteristics, Obligations & Ethics

2. The Thompson Surveying Company #1035

- Profession Land Surveying: Business Ethics/Rules

3. Halfmoon Education, Inc. #34

- Texas Professional Land Surveying Law and Ethics
- Introduction to GNSS Surveying

This agenda item was approved under Consent Agenda, see agenda item #2.

**Licensing Applications requiring board ruling:**

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

- Approved for Exams.
- Approved for Licensure.
- Firms Approved.
- Waivers – Fundamentals of Engineering examination.
- Waivers – Professional Engineering examination.
- Not Approved for Licensure.

This agenda item was approved under Consent Agenda, see agenda item #2.

19. (**Consent Agenda**) Calendar Year 2021 Board Meeting Schedule.

This agenda item was approved under Consent Agenda, see agenda item #2.

20. **Issues for consideration at the next scheduled Board meeting of the Texas Board of Professional Engineers and Land Surveyors.**

Mr. Ballí asked and Dr. Nejad confirmed that a sanction table with conclusion of findings on how

Ms. Calvin's case were arrived.

**21. Adjourn.**

It was MOVED/SECONDED (Ballí/Rubiano) to adjourn the meeting at 12:18 p.m. A vote was taken and the MOTION PASSED.

Date the Board approved the minutes as submitted:

November 19, 2020