

MINUTES
LICENSING COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Hyatt Regency Lost Pines
575 Hyatt Lost Pines Road
Lost Pines, Texas 78612
May 26, 2021—2:30 PM

Discuss and Possibly Act on the Following Agenda Items:

1. Preliminary Matters

A. Call to Order

Ms. Catherine Norwood, P.E., Chair, called the Licensing Committee meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 2:45 p.m. at the Hyatt Regency Lost Pines at 575 Hyatt Lost Pines Road, Lost Pines, TX. (NOTE: all votes are unanimous unless noted.)

B. Recitation of the Pledge of Allegiance

Ms. Norwood led the recitation of the Pledge of Allegiance.

C. Roll Call

Dr. Kinney called the roll. It was noted for the record that a quorum was present.

The following Committee members were present:

Catherine Norwood, P.E.	Chair
Lamberto Ballí, P.E.	Member
Albert Cheng	Public Member
Coleen Johnson, R.P.L.S.	Member

Veena Mohan, Assistant Attorney General and General Counsel for the Board and Madeline Bergstrom from the Office of the Attorney General, were present 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
Janet Sobieski	Director of Operations
Mason Schoolfield	Lead Systems Developer

D. Excuse absent Committee members

All Committee members were present.

E. Welcome Visitors

Steven Freeman, R.P.L.S., Texas Society of Professional Surveyors; Edmundo Gonzalez, P.E., R.P.L.S., Advisory Member; Govind Nadkarni, P.E., Advisory Member; Sina K. Nejad, P.E., P.Eng., Board Member; Mark Neugebauer, R.P.L.S., L.S.L.S., Board Member; Rolando Rubiano, P.E., Board Member; Kiran Shah, Board Member; and R. Kyle Womack, P.E., Retired, Advisory Member, were present.

F. Public Comment

There were no public comments.

2. February 24, 2021 Licensing Committee Meeting Minutes.

It was MOVED/SECONDED (Ballí/Johnson) to approve the February 24, 2021, Licensing Committee minutes as submitted. A vote was taken and the MOTION PASSED.

3. Applications for Licensure: Personal Interviews Cases.

- **Aminabadi, Khashay**

This applicant applied for licensure. He came before the Committee due to multiple reported incidents. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on May 26, 2021, to allow licensure in Texas. A vote was taken and the MOTION PASSED.

- **Blevins, Jamie Lynn**

This applicant applied for licensure. She came before the Committee due to multiple reported incidents. The applicant has completed all court requirements. The Committee and applicant discussed her experience and lessons learned.

It was MOVED/SECONDED (Ballí/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on May 26, 2021, to allow licensure in Texas. A vote was taken and the MOTION PASSED.

- **Campos, Daniel Esteban**

This applicant applied for licensure. He came before the Committee due to unreported and reported incidents. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on May 26, 2021, to allow licensure in Texas upon the successful completion of the 60-hour Intermediate Level Ethics course from Texas Tech Murdough Center for Engineering Ethics. A vote was taken and the MOTION PASSED.

- **Dixon, Larry Dean**

This applicant applied for licensure. He came before the Committee due to an unreported incident. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Johnson) to recommend to the Board at its Regular Quarterly Board meeting on May 26, 2021, to allow licensure in Texas upon the 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.

- **Gonzalez, Priscilla Monica**

This applicant applied for licensure. She came before the Committee due to an unreported incident. The applicant has completed all court requirements. The Committee and applicant discussed her experience and lessons learned.

It was MOVED/SECONDED (Johnson/Ballí) to recommend to the Board at its Regular Quarterly Board meeting on May 26, 2021, to allow licensure in Texas upon the 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.

- **Guerriero, Joseph Dean**

This applicant applied for licensure. He came before the Committee due to an unreported incident. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on May 26, 2021, to allow licensure in Texas upon the 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.

- **Martinez, Selinda Aveneti**

This applicant did not come before the Committee.
No action was required on this agenda item.

- **McIntyre, Thomas Andrew**

This applicant applied for licensure. He came before the Committee due to an unreported incident. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Johnson/Ballí) to recommend to the Board at its Regular Quarterly Board meeting on May 26, 2021, to allow Mr. McIntyre to take the Registered Professional Land Surveyor (RPLS) Exam. A vote was taken and the MOTION PASSED.

- **Perez-Angon, Osiel**

This applicant applied for licensure. He came before the Committee due to an unreported incident. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on May 26, 2021, to allow licensure in Texas upon the 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.

- **Sanchez Arellano, Ever**

This applicant applied for licensure. He came before the Committee due to multiple unreported incidents. The applicant has completed all court requirements. The Committee and applicant discussed his experience and lessons learned.

It was MOVED/SECONDED (Ballí/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on May 26, 2021, to allow licensure in Texas upon the successful completion of the 60-hour Intermediate Level Ethics course from Texas Tech Murdough Center for Engineering Ethics. A vote was taken and the MOTION PASSED.

The Committee Chair called for a break at 4:28 p.m.

The meeting reconvened at 4:42 p.m.

All Committee members were present.

4. Propose Amendments to Add 22 Tex. Admin. 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 – Applications for Temporary License for Engineers Currently Licensed Outside the United States**

Dr. Kinney stated that at the last Board meeting, a white paper was presented with revisions that looked at streamlining the licensing process as well as providing for an appeal process to the State Office of Administrative Hearings (SOAH). The following rules package has been developed to implement those process changes.

Dr. Kinney stated that when there is a problem with an application, the current process includes a Board circulation process and may include an appearance before the Licensing Committee. If the applicant disagrees with the outcome, they may appeal it to the full Board.

Agency staff have worked with the General Counsel to come up with a reasonable alternative approach to include the SOAH appeals process. It models the process flow after the enforcement case flow including a type of informal review conference where two board members participate on a panel.

A flow chart was presented to show the proposed methodology. Dr. Kinney stated that Chapter 133, Subchapter C – Professional Engineer License Application Requirements rules that reference the main body of the changes proposed. In addition to these, the rules in items #5 and #6 complete the package for the engineer application process. The rule package included in items #8, 9, and 10 are mirrors of the rules for engineers but for surveyors.

Chair Norwood recommended taking items #4, 5, 6, 8, 9, and 10 together in one motion.

5. Propose Amendment to 22 Tex. Admin. Code Chapter 133, Subchapter F – Reference Documentation

- **§133.53 – Reference Statements**

Dr. Kinney stated that Chapter 133, Subchapter F – Reference Documentation rule involves reference statements.

6. Propose Amendments to 22 Tex. Admin. Code Chapter 133, Subchapter H – Review Process of Applications and License Issuance

- **§133.81 Receipt and Processing of Applications by the Board**
- **§133.83 Executive Director Review, Evaluation, and Processing of Applications**
- **§133.85 Board Review of and Action on Applications**
- **§133.87 Final Action on Applications**
- **§133.89 Processing of Administratively Withdrawn Applications**
- **§133.97 Issuance of a License**
- **§133.99 Processing of Applications with a Criminal Conviction**
- **§133.101 Proposed Actions on Applications**

Dr. Kinney stated that Chapter 133, Subchapter H – Review Process of Applications and License Issuance rules involve the main body of the rule package such as how an application is received, processed, and reviewed.

7. Propose Repeal of 22 Tex. Admin Code Chapter 133, Subchapter H – Review Process of Applications and License Issuance

- **§133.91 Reconsideration of Denied Applications or Requests for Examination Waivers**
- **§133.93 Personal Interview of Applicants**

Dr. Kinney stated that the rules presented in Chapter 133, Subchapter H – Review Process of Applications and License Issuance and Chapter 134, Subchapter H – Review Process of

Applications and Registration Issuance rules involve the repeal of rules that are no longer applicable with the new process.

Ms. Norwood recommended taking items #7 and # 11 together in one motion.

8. Propose Amendments to 22 Tex. Admin. Code Chapter 134, Subchapter C – Land Surveyor Application Requirements

- **§134.21 – Application for Standard Registration**
- **§134.23 – Applications from Standard License Holders**
- **§134.25 – Applications from Out-of-State Registration Holders**

Dr. Kinney stated that Chapter 134, Subchapter C – Land Surveyor Application Requirements rules involves standard registration, standard license holders, and out-of-state registration holders amendments.

9. Propose Amendment to 22 Tex. Admin. Code Chapter 134, Subchapter F – Reference Documentation

- **§134.53 – Reference Statements**

Dr. Kinney stated that Chapter 134, Subchapter F – Reference Documentation rule involves reference statements.

10. Propose Amendment to 22 Tex. Admin. Code Chapter 134, Subchapter H – Review Process of Applications and Registration Issuance

- **§134.81 Receipt and Processing of Applications by the Board**
- **§134.83 Executive Director Review, Evaluation, and Processing of Applications**
- **§134.87 Final Action on Applications**
- **§134.89 Processing of Administratively Withdrawn Applications**
- **§134.97 Issuance of Registration**
- **§134.99 Applications with a Criminal Conviction**
- **§134.101 Proposed Actions on Applications**

Dr. Kinney stated that Chapter 134, Subchapter H – Review Process of Applications and Registration Issuance rules involve the main body of the rule package such as how an application is received, processed, and reviewed.

Chair Norwood recommended taking items #4, 5, 6, 8, 9, and 10 together in one motion.

It was MOVED/SECONDED (Johnson/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on May 27, 2021, to publish subject to review and approval by Legal Counsel amendments to Chapter 133, Subchapter C – Professional Engineer License Application Requirements, Chapter 133, Subchapter F – Reference Documentation; Chapter 133, Subchapter

H - Review Process of Applications and License Issuance; Chapter 134, Subchapter C – Land Surveyor Application Requirements, Chapter 134, Subchapter F – Reference Documentation; Chapter 134, Subchapter H - Review Process of Applications and Registration Issuance rules as presented. A vote was taken and the MOTION PASSED.

11. Propose Repeal to 22 Tex. Admin. Code Chapter 134, Subchapter H – Review Process of Applications and Registration Issuance

- **§134.91 Reconsideration of Denied Applications**
- **§134.93 Personal Interview of Applicants**

It was MOVED/SECONDED (Johnson/Ballí) to recommend to the Board at its Regular Quarterly Board meeting on May 27, 2021, to publish subject to review and approval by Legal Counsel the repeal of the listed rules in Chapter 133, Subchapter H – Review Process of Applications and License Issuance and Chapter 134, Subchapter H – Review Process of Applications and Registration Issuance. A vote was taken and the MOTION PASSED.

12. Criminal History Question Revision on Application Form

Dr. Kinney stated that this was the application question related to criminal background that many applicants have difficulty with. In the past, there were no background checks required for an application and one simply asked applicants to provide information on criminal issues. Once the Legislature required background checks, the board would now know for certain if an applicant had criminal violations.

Dr. Kinney stated that this question has been modified innumerable times to make it more clear to applicants. This often-caused unnecessary issues with an application. The goal of this proposed change is to remove the question and rely on the required criminal history record check to provide information on any violations.

Dr. Kinney stated that this change is only related to the application form and is not a rule change. The form will state that an applicant is required by statute and rule to submit their criminal background information and adding an additional check box that states they understand this.

If the applicant does not send in the supporting documentation, the process will stop until the applicant submits their information.

It was MOVED/SECONDED (Ballí/Cheng) to recommend to the Board at its Regular Quarterly Board meeting on May 27, 2021, to approve the revisions to the criminal history question on the application form proposed by staff. A vote was taken and the MOTION PASSED.

13. Texas Board of Professional Engineers and Land Surveying Exam Update

Mr. Strong stated that he provided an exhibit for the Committee for their review.

The results of all three April 16, 2021 Surveyor exams are available in the exhibit. Applicants and examinees will be notified in the next few days via email.

No action was required on this agenda item.

14. Licensing Director's Report

- **Engineer Results and Statistics: Licensing Application and Examination Report.**

Mr. Strong reviewed the report with the Committee members and provided application and exam results.

No action was required on this agenda item.

- **Surveyor Results and Statistics: Registration Application and Examination Report.**

Mr. Strong reviewed the report with the Committee members and provided application and exam statistics.

No action was required on this agenda item.

- **Aminabadi, Khashay**

At this point in the meeting, Chair Norwood stated that she wanted to revisit the application of Mr. Aminabadi. After additional consideration of information discussed in the personal appearance with this applicant about engineering experience, she wanted to propose a new motion made on applicant Aminabadi.

It was MOVED/SECONDED (Norwood/Cheng) to withdraw the Committee's original motion on Mr. Aminabadi's application. A vote was taken and the MOTION PASSED.

Mr. Ballí disagreed and stated that the applicant had the amount of experience required.

Ms. Johnson opined that it would not be fair since the applicant had already left the meeting with the notion he was approved.

Ms. Norwood stated the Committee had done this before.

It was MOVED/SECONDED (Norwood/Cheng) to table Mr. Aminabadi's application until further consideration and review before he is allowed licensure in Texas. A vote was taken and the MOTION PASSED.

15. Issues for consideration for future Committee meetings

No issues were presented or addressed for consideration at the next Committee meeting.

16. Adjourn

Ms. Norwood called the meeting adjourned at 5:45 p.m.

Date Committee approved minutes:

August 26, 2021

Date Board approved minutes:

August 26, 2021