

MINUTES
POLICY ADVISORY OPINION COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
VIA VIDEOCONFERENCE
August 26, 2021—9:30 AM

Discuss and Possibly Act on the Following Agenda Items:

1. Preliminary Matters:

A. Call to Order

Mr. Rolando Rubiano, P.E., Chair, called the Policy Advisory Opinion Committee meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 10:25 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 Committee members were present:

Rolando Rubiano, P.E.	Chair
Ademola Adejokun, P.E.	Member
Lamberto Ballí, P.E.	Member
Kiran Shah	Public Member

Melissa Juarez, Assistant Attorney General and General Counsel for the Board, was present to provide legal counsel to the Board.

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
Michael Sims, P.E.	Director of Compliance and Enforcement
Rick Strong, P.E.	Director of Licensing and Registration
Elissa Mazza	Staff Attorney
Janet Sobieski	Director of Operations
Mason Schoolfield	Lead Systems Developer
Cristabel Bodden	Executive Assistant

C. Excuse absent Committee members

All Committee members were present.

D. Welcome Visitors

Albert Cheng, Board Member; Jon Hodde, R.P.L.S., Advisory Member; Coleen Johnson, R.P.L.S., Board Member; Govind Nadkarni, P.E., Advisory Member; Dr. Sina K. Nejad, P.E.,

P.Eng., Board Member; Mark Neugebauer, R.P.L.S., L.S.L.S., Board Member; Catherine Norwood, P.E., Board Member; and R. Kyle Womack, P.E., Retired, Advisory Member, were present.

E. Public Comment

There were no public comments.

2. May 26, 2021 Policy Advisory Opinion Committee Meeting Minutes

It was MOVED/SECONDED (Ballí/Shah) to approve the May 26, 2021, Policy Advisory Opinion Committee meeting minutes as amended. A vote was taken and the MOTION PASSED.

3. Policy Advisory Opinion Request Regarding Professional Engineers Not Licensed in Texas Providing Expert Reports for Texas Court Cases (Policy Advisory Request No. 58)

Mr. Sims discussed Policy Advisory Request No. 58 regarding professional engineers not licensed in the state providing expert reports for Texas court cases.

Mr. Sims stated that this request, received on June 14, 2021 from Mr. Rob Ammons, is seeking guidance on non-Texas professional engineers providing expert reports for Texas court cases and if they must designate themselves as not registered in Texas if using PE after their name on said reports.

Mr. Sims stated that after review, the Act and rules adequately address the questions. As such, Mr. Sims recommends this request not be accepted as a formal policy advisory opinion. However, a draft response letter answering the questions at hand has been prepared and included as an exhibit for the Committee.

Mr. Sims recommends the Committee adopt the proposed response to the full Board.

It was MOVED/SECONDED (Ballí/Adejokun) to adopt staff's recommendation of the draft response and recommend to the full Board to adopt the staff's response to Policy Advisory Request No. 58 regarding professional engineers not licensed in Texas providing expert reports for Texas court cases. A vote was taken and the MOTION PASSED.

4. Issues for consideration for future Committee meetings

Mr. Rubiano asked that if Mr. Sims and staff get feedback once these policy advisory opinion results are offered to the public and in particular to the originators, that the feedback be brought back to the Committee so that the committee can understand if it is meeting the public's intent or can make improvements.

5. Adjourn

It was MOVED/SECONDED (Ballí/Shah) to adjourn the meeting at 10:37 a.m. A vote was taken and the MOTION PASSED.

Date Board approved minutes:

November 18, 2021