

**MINUTES**  
**LICENSING AND REGISTRATION COMMITTEE MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
**IN-PERSON AND VIA VIDEOCONFERENCE**  
**February 9, 2022—2:00 PM**

**505 N. Big Spring St. Suite 105**  
**Midland, TX 79701**

**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 and Registration Committee meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 2:00 p.m. in-person and 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:**

Catherine Norwood, P.E.	Chair
Albert Cheng	Public Member
Coleen Johnson, R.P.L.S	Member
Rolando Rubiano, P.E.	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
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
Cristabel Bodden	Executive Assistant

**C. Excuse absent Committee members**

All Committee members were present.

#### **D. Welcome Visitors**

Ademola Adejokun, P.E., Board Member; Lamberto Ballí, P.E.; Bruce Colle; Karen Friese, P.E., Board Member; Govind Nadkarni, P.E., Advisory Member; Mark Neugebauer, R.P.L.S., L.S.L.S., Board Member, were present.

#### **E. Public Comment**

There were no public comments.

### **2. Applications for Licensure**

- **Personal Interviews Cases:**
  - **Colle, Bruce James**

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 (Norwood/Rubiano) to recommend to the Board at its Regular Quarterly Board meeting on February 10, 2022, 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.

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

- **§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**

Dr. Kinney stated that these are rule proposals related to the engineering licensing application process. These rules were presented in a larger package in May 2021.

Dr. Kinney stated that these rules recommend changes to the licensing review and approval process. Applications with concerns or need for additional review would go through a panel instead of the Licensing and Registration Committee.

Dr. Kinney stated that after the larger rule package was presented in May 2021 and the board expressed their comments and concerns, there was more discussion and research by Ms. Juarez, Assistant Attorney General and General Counsel for the Board. Discussion consisted of whether an applicant would have access to or be required to go to the State Office of Administrative Hearings (SOAH) based on their application. Only those cases with a criminal history background issue would have an option to go to SOAH. The avenue for the full Board review would come after SOAH for these applicants.

Dr. Kinney stated that Board staff have revised and clarified the process in light of board comments in this package of rules.

Discussion ensued between Ms. Juarez, the Committee, and Board staff on the ramifications of the changes proposed.

**The Chair called for a break at 4:24p.m.**

**The meeting reconvened at 4:32 p.m.**

**All Committee members were present.**

Committee members provided recommendations and discussion ensued on changes to 22 Tex. Admin. Code Chapter 133, Subchapter H – Review Process of Applications and License Issuance rules.

It was MOVED/SECONDED (Rubiano/Johnson) to table 22 Tex. Admin. Code Chapter 133, Subchapter H – Review Process of Applications and License Issuance, take into consideration Committee recommendations and bring it back to the Committee before it goes to the full Board in May 2022. A vote was taken and the MOTION PASSED.

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

- **§134.83 Executive Director Review, Evaluation, and Processing of Applications**
- **§134.85 Board Review of and Action on Applications**
- **§134.87 Final Action on Applications**
- **§134.89 Processing of Administratively Withdrawn Applications**

It was MOVED/SECONDED (Rubiano/Johnson) to table 22 Tex. Admin. Code Chapter 134, Subchapter H – Review Process of Applications and License Issuance, take into consideration Committee recommendations and bring it back to the Committee before it goes to the full Board in May 2022. A vote was taken and the MOTION PASSED.

**5. Propose Amendments to 22 Tex. Admin. Code Chapter 140, Subchapter A – Criminal History and Convictions**

- **§140.1 Criminal History and Convictions – Engineers**
- **§140.3 Criminal History and Convictions – Surveyors**

It was MOVED/SECONDED (Rubiano/Johnson) to table 22 Tex. Admin. Code Chapter 140, Subchapter A – Criminal History and Convictions, take into consideration Committee recommendations and bring it back to the Committee before it goes to the full Board in May 2022. A vote was taken and the MOTION PASSED.

**6. Propose Repeal to 22 Texas Admin. Code Chapter 133, Subchapter H – Review and Process of Applications and Registration Issuance**

- **§133.99 Processing of Applications with a Criminal Conviction**

It was MOVED/SECONDED (Rubiano/Johnson) to table 22 Tex. Admin. Code Chapter 133, Subchapter H – Review and Process of Applications and Registration Issuance, take into consideration Committee recommendations and bring it back to the Committee before it goes to the full Board in May 2022. A vote was taken and the MOTION PASSED.

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

Mr. Strong stated that his team is in the process of preparing the April 2022 exams. Staff are considering safety protocols that need to take place for the exams.

Mr. Strong stated that regarding the Texas-specific exam development, the PAK study came back, and a blueprint was created and had good surveyor input from the public. QAQC members that came in and helped develop and fine-tune the blueprint. The blueprint went before the SAC members and the members gave it their approval.

Mr. Strong stated that the next step would be to use the blueprint to look at all the items in the item bank and do a full audit to see what past items can be used or what we need to develop. To create a quarterly exam will require more items. The exam could then be offered more often with some kind of rotation of exams.

Mr. Strong stated that all NCEES exams except Structural have been converted to computer-based exams.

No action was required on this agenda item.

**8. Licensing and Registration 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 results.

No action was required on this agenda item

**9. Issues for consideration for future Committee meetings**

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

**10. Adjourn**

It was MOVED/SECONDED (Johnson/Rubiano) to adjourn the meeting at 5:10 p.m. A vote was taken and the MOTION PASSED.

Date Committee approved minutes:

May 11, 2022

Date Board approved minutes:

May 12, 2022