

MINUTES
ENFORCEMENT COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
1917 S. Interstate 35
Austin, Texas 78741

May 12, 2022—9:00 AM

Discuss and Possibly Act on the Following Agenda Items:

1. Preliminary Matters

A. Call to Order

Ms. Coleen Johnson, R.P.L.S., Chair, called the Enforcement Committee meeting of the Texas Board of Professional Engineers and Land Surveyors to order at 9:06 a.m. at the Texas Board of Professional Engineers and Land Surveyors at 1917 S. Interstate 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:

Coleen Johnson, R.P.L.S.	Chair
Karen Friese, P.E.	Member
Catherine Norwood, P.E.	Member
Dr. Marguerite McClinton Stoglin	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
Rick Strong, P.E.	Director of Licensing and Registration
Michael Sims, P.E.	Director of Compliance and Enforcement
Janet Sobieski	Director of Operations
Mason Schoolfield	Lead Systems Developer
Ed Brannan, P.E.	Technical Engineering Specialist
Tejashri Kyle, P.E.	Technical Engineering Specialist

Cristabel Bodden	Executive Assistant
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C. Excuse absent Committee members

All Committee members were present.

D. Welcome Visitors

Ademola Adejokun, P.E., Board Member; Terry Bilderback, P.E., Texas Society of Professional Engineers; Dr. Sina K. Nejad, P.E., P.Eng., Board Member; Mark Neugebauer, R.P.L.S., L.S.L.S., Board Member; and Kiran Shah, Public Member, were present.

E. Public Comment

There were no public comments

2. February 10, 2022 Enforcement Committee Meeting Minutes

It was MOVED/SECONDED (Friese/McClinton Stoglin) to approve the February 10, 2022, Enforcement Committee meeting minutes as submitted. A vote was taken and the MOTION PASSED.

Agenda Items 3-17 were discussed as a group. Summary and actions taken follow.

Mr. Sims stated that agenda items 3-17 were approved for public comment at the February 2022 Board meeting. These rules were published in the Texas Register for a 30-day comment period. No public comments were received for any of these rules.

Mr. Sims stated that if these rules are adopted by the Board today, the adoptions will be published in the Texas Register. Approximately three weeks after the publication date, these rules will become effective, most likely in late June or early July.

It was MOVED/SECONDED (Norwood/McClinton Stoglin) to recommend to the Board the adoption of agenda items 3-17. A vote was taken and the MOTION PASSED.

3. Adopt Amendments to 22 Texas Administrative Code (Tex. Admin. Code) Chapter 133, Subchapter C – Professional Engineer License Application Requirements

- **§ 133.23 – Applications From Former Standard License Holders**

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

- **§ 133.97 – Issuance of License**

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

- **§ 134.23 Application From Standard Registration Holders**

6. Adopt Amendments to 22 Tex. Admin. Code Chapter 134, Subchapter H – Review Process of Applications and Registration Issuance

- **§ 134.97 – Issuance of Registration**

- 7. Adopt Amendments to 22 Tex. Admin. Code Chapter 135, Firm Registration**
 - § 135.3 – Application for a Certificate of Registration
- 8. Adopt Amendment to 22 Tex. Admin. Code Chapter 136, Surveying Firm Registration**
 - § 136.3 Application for a Certificate of Registration
- 9. Adopt Amendments to 22 Tex. Admin. Code Chapter 137, Subchapter A – Individual and Engineer Compliance**
 - § 137.1 – License Holder Designations
 - § 137.12 – Suspended License
 - § 137.14 – Voluntary Surrender of License
 - § 137.17 – Continuing Education Program
- 10. Adopt Amendments to 22 Tex. Admin. Code Chapter 137, Subchapter B – Sealing Requirements**
 - § 137.31 – Seal Specifications
 - § 137.33 – Sealing Procedures
 - § 137.37 – Sealing Misconduct
- 11. Adopt Amendments to 22 Tex. Admin. Code Chapter 137, Subchapter C – Professional Conduct and Ethics**
 - § 137.55 – Engineers Shall Protect the Public
 - § 137.57 – Engineers Shall Be Objective and Truthful
- 12. Adopt Amendments to 22 Tex. Admin. Code Chapter 137, Subchapter D – Firm and Governmental Entity Compliance**
 - § 137.77 – Firm Registration Compliance
- 13. Adopt Amendments to 22 Tex. Admin. Code Chapter 138, Subchapter A – Individual and Surveyor Compliance**
 - § 138.1 – License Holder Designations
 - § 138.5 – Notification of Name Change, Address Change, Employer Change and Criminal Convictions
 - § 138.12 – Suspended License or Registration

- § 138.14 – Voluntary Surrender of License or Registration
- § 138.17 – Continuing Education

14. Adopt Amendments to 22 Tex. Admin. Code Chapter 138, Subchapter B – Sealing Requirements

- § 138.31 – Seal Specifications
- § 138.33 – Sealing Procedures
- § 138.37 – Sealing Misconduct

15. Adopt Amendments to 22 Tex. Admin. Code Chapter 138, Subchapter C – Professional Conduct and Ethics

- § 138.57 – Surveyors Shall Be Objective and Truthful
- § 138.61 – Surveyors Shall Maintain Confidentiality of Clients

16. Adopt Amendments to 22 Tex. Admin. Code Chapter 139, Subchapter B – Complaint Process and Procedures

- § 139.17 – Investigating a Complaint

17. Adopt Amendments to 22 Tex. Admin. Code Chapter 139, Subchapter C – Enforcement Proceedings

- § 139.35 – Sanctions and Penalties - Engineering
- § 139.37 – Sanctions and Penalties - Surveying

18. Propose Amendments to 22 Tex. Admin. Code Chapter 138, Subchapter B – Sealing Requirements

- § 138.33 – Sealing Procedures

Mr. Sims stated that agenda item 18 is a follow up to a discussion at the February 2022, Committee meeting regarding possible amendments on how licensed state land surveyors seal their work product.

In February, staff received direction from the Committee to bring back rule proposals that would allow land surveyors to seal their work only with the LSLS seal as long as other identifying information is included on their work product.

Mr. Sims state that the proposed rules have been reviewed by Ms. Juarez and discussed with the Surveyor Advisory Committee. If approved by the Committee and the Board today, these rules will be published in the Texas Register for a public comment period. After review from

the Governor’s Office, it will be brought back to the full Board for adoption at a future Board meeting.

It was MOVED/SECONDED (Norwood/Friese) to recommend to the Board the approval of the amendments to agenda item 18. A vote was taken and the MOTION PASSED.

19. Compliance & Enforcement Director’s Report

- **Update on Compliance & Enforcement Department**

Mr. Sims provided an update on Compliance and Enforcement activities and staff. The Investigator II and IV positions have been reposted to continue the applicant search.

- **Status of Compliance & Enforcement caseload**

Mr. Sims presented an overview of Compliance & Enforcement performance data. An exhibit was provided for the Committee.

- **Status of Continuing Education audit(s)**

Mr. Sims stated that the March 2022 PE and renewal audits are underway.

- **Overview of How Sanctions Are Calculated**

Mr. Sims presented an overview of how sanctions are calculated. An exhibit was provided for the Committee.

20. Future Committee Meetings: Agenda items, dates, locations, and other arrangements

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

21. Adjourn

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

Date Committee approved minutes:

August 18, 2022

Date Board approved minutes:

August 18, 2022