

**MINUTES**  
**LICENSING COMMITTEE MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**1917 IH35 SOUTH, BOARD ROOM, AUSTIN, TX 78741**  
**November 20, 2013— 1:00 PM**

**Call to Order.** Lamberto “Bobby” Ballí, P.E., Committee Chair called the Licensing Committee meeting to order at 1:00 pm on November 20, 2013, at the Texas Board of Professional Engineers, 1917 South Interstate 35, Austin, TX 78741 (All votes are unanimous, unless otherwise noted).

**1. Roll call and welcome visitors.**

Lamberto “Bobby” Ballí, P.E.	Chair
Carry Ann Baker, J.D.	Member
Jim Greer, P.E.	Member
Sam Kannappan, P.E.	Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Mr. Edmundo Gonzalez, Jr., P.E., Emeritus Board Member, was present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director/Director of Licensing
Dewey Helmcamp, III J.D.	Staff Attorney
Job Pleasant	Licensing Specialist
Dorothy Gonzales	Executive Assistant

**Personal Interviews.** Arturo Alvarez, Cleopha Blanton, Micol Bratten, Kenneth Gonzalez, Henry Iwu, Ross Johnson, Erika Mancha, Eddie Perez, Thomas Rader, Jacob Roberts, Justin Sandt, Chad Sweet, Christopher Totin, Mark Zupan, Shannon Halbot, Jesus Ibarra, Michael Mullone, Demoine Vinton, Taylor Perrine, Abdul Mohammad.

**2. Public comment.** None.

**Discuss and Possibly Act on the Following (Agenda Items 3-10):**

**3. Discuss and possibly approve the August 28, 2013, Licensing Committee Minutes.**

It was MOVED/SECONDED (Greer/Kannappan) to approve the August 28, 2013, Licensing Committee Minutes. A vote was taken and the MOTION PASSED.

**4. Discuss and possibly act on applications for licensure: Personal Interviews.**

**Arturo Alvarez.** This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

**Micol Bratten.** The applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Greer/Baker) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to deny the application to take the PE exam. The applicant will need at least two additional years of progressive engineering experience in his field with no additional criminal incidents before he re-applies for licensure. A vote was taken and the MOTION PASSED.

**Kenneth Gonzalez.** This applicant applied for Licensure in Texas. He has previously passed the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Baker/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant for licensure. A vote was taken and the MOTION PASSED.

**Henry Iwu.** The applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned, and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Greer /Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to deny the application to take the PE exam. The applicant will need at least two additional years of progressive engineering experience in his field with no additional criminal incidents before he re-applies for licensure. A vote was taken and the MOTION PASSED.

**Ross Johnson.** This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Greer/Baker) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

**Erika Mancha.** This applicant applied to take the PE exam. She came before the Committee due to criminal incidents on her record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Kannappan/Baker) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

**Eddie Perez.** This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

**Tommy Rader.** This applicant applied for Licensure in Texas. He has previously passed the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Greer /Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant for licensure. A vote was taken and the MOTION PASSED.

**Jacob Roberts.** This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Greer /Baker) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

**Justin Sandt.** This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Kannappan / Baker) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

**Chad Sweet.** This applicant applied for licensure in Texas. He has previously passed the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant for licensure. A vote was taken and the MOTION PASSED.

**Christopher Totin.** The applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013 to deny the application to take the PE exam. The applicant will need at least two additional years of progressive engineering experience in his field with no additional criminal incidents before he re-applies. A vote was taken and the MOTION PASSED.

**Mark Zupan.** This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Kannappan/Greer) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

**Cleopha Blanton III.** This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record. The Committee and applicant discussed his incident, experience, and lessons learned.

It was MOVED/SECONDED (Kannappan/Baker) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

**Shannon Halbot.** This applicant applied to take the PE exam. He came before the Committee due to unreported criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned, and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Baker/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam pending completion of the Level I Ethics course from the National Institute for Engineering Ethics at Texas Tech. Upon providing documentation of completion to staff, the applicant will be allowed to register for the PE exam without any additional information or personal appearance. A vote was taken and the MOTION PASSED.

**Jesus Ibarra.** This applicant applied to take the PE exam. He came before the Committee due to unreported criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned, and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam pending completion of the Level I Ethics course from the National Institute for Engineering Ethics at Texas Tech. Upon providing documentation of completion to staff, the applicant will be allowed to register for the PE exam without any additional information or personal appearance. A vote was taken and the MOTION PASSED.

**Michael Mullone.** This applicant applied to take the PE exam. He came before the Committee due to unreported criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned, and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Baker/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam pending completion of the Level I Ethics

course from the National Institute for Engineering Ethics at Texas Tech. Upon providing documentation of completion to staff, the applicant will be allowed to register for the PE exam without any additional information or personal appearance. A vote was taken and the MOTION PASSED.

**Demoine Vinson.** This applicant applied to take the PE exam. He came before the Committee due to unreported criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned, and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Baker /Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam pending completion of the Level I Ethics course from the National Institute for Engineering Ethics at Texas Tech. Upon providing documentation of completion to staff, the applicant will be allowed to register for the PE exam without any additional information or personal appearance. A vote was taken and the MOTION PASSED.

**Taylor Perrine.** This applicant applied to take the PE exam. He came before the Committee due to criminal incidents on his record and his exam record. The Committee and applicant discussed the incidents, his experience, lessons learned, and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam pending completion of the Level I ethics course from the National Institute for Engineering Ethics at Texas Tech. Upon providing documentation of completion to staff, the applicant will be allowed to register for the PE exam without any additional information or personal appearance. A vote was taken and the MOTION PASSED.

**Abdul Mohammad.** This applicant applied to take the PE exam. He came before the Committee due to unreported criminal incidents on his record. The Committee and applicant discussed the incidents, his experience, lessons learned, and why he failed to report the incidents on his application.

It was MOVED/SECONDED (Baker/Kannappan) to recommend to the Board at its Regular Quarterly Meeting on November 21, 2013, to approve the applicant to take the PE exam pending completion of the Level I ethics course from the National Institute for Engineering Ethics at Texas Tech. Upon providing documentation of completion to staff, the applicant will be allowed to register for the PE exam without any additional information or personal appearance. A vote was taken and the MOTION PASSED.

The Chair called for a recess @ 4:32 pm. The Chair reconvened the meeting at 4:37 pm.

5. Discuss and possibly approve the following rule adoptions:

- Application/Professional Fee Split
  - §133.81-Receipt and Processing of Applications by the Board
  - §133.87-Final Action on Applications
  - §133.97-Issuance of License
- Computer Based Testing (CBT) Implementation
  - §133.21-Application for Standard License
  - §133.25-Applications from Engineering Educators
  - §133.61-Engineering Examinations Required for a License to Practice as a Professional Engineer
  - §133.65-Examination on the Fundamentals of Engineering
  - §133.69-Waiver of Examinations
  - §133.71-Examination for Record Purposes
  - §133.73-Examination Results and Analysis
  - §133.75-Examination Irregularities
- Criminal History Record Check
  - §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
- §133.89-Processing of Administratively Withdrawn Applications
- §137.7-License Expiration and Renewal
- §137.13-Inactive Status
  
- Military Spouse Application
  - §133.81-Receipt and Processing of Applications by the Board

Mr. Howell reported that the rules above were posted in the Texas Register for comment on September 20, 2013. All comments are related to the criminal history record check. The preamble for the rules summarizes the comments received. One commenter was in favor of the rule; general comments were complaining about the process of the requirement. All comments received on Chapter 133 were responded to, but do not require changing the proposed rule adoptions. A comment to correct the fiscal impact was suggested; there is a fiscal impact to the licensee, and this was addressed in the adoption preamble. With the guidance from legal counsels, a non-substantive wording correction from “criminal background check” to “criminal history record check” will be made to the rules to be consistent with the statute without reposting the rules for comment.

It was MOVED/SECONDED (Greer/Baker) to recommend to the Board at its Regular Quarterly Board meeting on November 21, 2013, adoption of Chapter 133 rules listed above as posted with the minor adjustments mentioned. A vote was taken and the MOTION PASSED.

Mr. Howell reported that the preamble to the Chapter 137 rules is also included. The adoption changes addresses the criminal background check regarding renewals and reactive status.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Board meeting on November 21, 2013, adoption of Chapter 137 rules listed above as posted with the minor adjustments mentioned. A vote was taken and the MOTION PASSED.

6. **Report on Computer Based Testing.** Mr. Kinney reported that November 4, 2013, registration for the FE exam via CBT was available for everyone in the United States. Prior to making the registration available, NCEES contacted the Board to allow Texas applicants to register first to help test the system. We contacted some schools asking for volunteers to register for the exam. To date, there are 50 applicants from Texas registered to take the exam. Before the next committee meeting in February, the first exam will have been given, and will be reported on at that time. Mr. Kinney is still participating on the teleconference with the testing vendor on a weekly basis. The Board has communicated with Deans of Texas engineering programs. Mr. Howell added that the change in exam schedule associated with CBT will affect some universities, but they are adjusting. One of the consequences is that the standard reporting that they were receiving will change.
  
7. **Criminal History Record Check.**
  - **Review Policy.** Mr. Howell reported that this existing policy guides staff as to which applicants should be referred for a personal appearance before the Licensing Committee. The revised policy will be posted in the Texas Register to meet the statutory requirement in the Texas Occupations Code. Revisions to the policy include referring applicants based on convictions as opposed to any judgments; not considering class C misdemeanors; and decreasing the amount of time for considering convictions to refer. Mr. Howell gave examples of deferred convictions, where the applicant would not have to appear before the Committee. Our staff attorney pulled a list of Class C misdemeanors, which Mr. Howell shared with the Committee members. Mr. Kinney added that statutory change in Occupations Code 53 by the Legislature during the 83<sup>rd</sup> session was made which states that Class C misdemeanor incidents should not be considered by a licensing board. Mr. Helmcamp added that there are a couple of Class C misdemeanors that may be considered. Mr. Helmcamp that the policy adequately covers the statute requirements.

It was MOVED/SECONDED (Greer/Baker) to recommend to the Board at its Regular Quarterly Board meeting on November 21, 2013, to adopt the Criminal History Record Check Policy Statement for Applicants as written. A vote was taken and the MOTION PASSED.

- **Licensing Application-Revised.** Mr. Howell reported that a question arose from the last Licensing Committee meeting regarding the criminal history question on the license application. The question has been revised to “other than a citation for a traffic violation” instead of “other than a simple traffic violation” and the rest of the question remains the same. Committee Chair Ballí directed staff to make the proper change to the licensee application as suggested.

#### 8. **International Agreements.**

- **South Korea.** Mr. Kinney reported that the Board had been approached to meet with the licensing body of South Korea, the Korean Professional Engineers Association (KPEA). Mr. Kinney, Dr. Wong, and Mr. Howell met with the delegation of South Korea including KPEA, their licensing organization, and a representative from the South Korean government at the NCEES annual meeting in San Antonio in August. In the recent past there has been a US - South Korea free trade agreement signed, similar to the Australian and North American free trade agreements. The agreement has a professional service section which calls out engineering mobility. At the meeting in August, the Korean delegation provided information regarding their licensing process. They would like to explore the opportunity to have a licensing agreement with Texas. NCEES has started giving the FE and PE exams in Korea. Mr. Kinney reported that Dr. Wong will appoint a working group to continue to work on a potential agreement.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Board meeting on November 21, 2013, to move forward with the International Agreement with Korea. A vote was taken and the MOTION PASSED.

- **Japan.** Mr. Kinney reported that the Board was also approached by the Japan PE/FE Examiners Council (JPEC) regarding a potential agreement. Japan would like to have a Memorandum of Understanding (MOU) that simply states that those Japanese engineers that meet the Texas requirements can apply for a Texas license. North Carolina and Kentucky have also pursued such an MOU with Japan. Dr. Wong encouraged the development and signing of the MOU. Mr. Kinney added that staff from NCEES, the North Carolina Board, and the Kentucky Board are signing an agreement with JPEC, and Texas will be joining them.

It was MOVED/SECONDED (Greer/Kannappan) to recommend to the Board at its Regular Quarterly Board meeting on November 21, 2013, to move forward with the MOU, and allow Mr. Kinney to act on behalf of the Board in entering in this agreement. A vote was taken and the MOTION PASSED.

#### 9. **Licensing Director’s Report.**

- **Reports.**
  - **Results and statistics: Application and Examination Report.** Mr. Howell reviewed the report which was included as an exhibit with the Committee members.
  - **Exam Irregularity.** Mr. Howell reported that there was an exam irregularity from April exams and one examinee was barred for one year. He added that there may be a possibility of another collusion incident that will be reported in February.
  - **Licensing report.** None.

#### 10. **Issues for consideration and schedule next meeting**

Mr. Ballí asked for a report on any comment received on the Policy Statement.

#### **Adjourn.**

It was MOVED/SECONDED (Baker/Kannappan) to adjourn the meeting at 5:53 pm. A vote was taken and the MOTION PASSED.

Date Committee approved minutes as submitted:

February 12, 2014

Date Board accepted minutes:

February 13, 2014