

**MINUTES**  
**ENFORCEMENT COMMITTEE MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**1917 SOUTH IH-35, BOARD ROOM, AUSTIN, TX**  
**November 21, 2013-10:00 AM**

**CALL TO ORDER.** Sam Kannappan, P.E., Committee Chair, called the Enforcement Committee meeting of the Texas Board of Professional Engineers (TBPE) to order at 10:00 a.m. on November 21, 2013, at the Texas Board of Professional Engineers, 1917 South Interstate 35, Austin, TX. (NOTE: All votes are unanimous, unless noted otherwise.)

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

Sam Kannappan, P.E.,	Chair
Kyle Womack, P.E.	Member
Elvira Reyna	Member
Edward Summers	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, and Mr. Govind Nadkarni, P.E. Emeritus Board Members, were present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director/Director of Licensing
C.W. Clark, P.E.	Director of Compliance & Enforcement
Clif Bond	Supervising Investigator
Dewey Helmcamp, III, JD	Staff Attorney
Dorothy Gonzales	Executive Assistant

**Visitors.** Tom McDill, P.E.; Peyton McKnight, American Council of Engineering Companies (ACEC-Texas); Terry Bilderback, P.E.; Texas Society of Professional Engineers (TSPE); Mr. Sina Nejad, P.E., PEng.; Raghunath Dass, P.E.; Doug Bell, P.E., TSPE; Daniel O. Wong, P.E., Board Member; Bobby Ballí, P.E., Board Member; Jim Greer, P.E., Board Member.

**2. Public comment.** Mr. Tom McDill, P.E., shared his concerns regarding past enforcement incidents that remain on file and the Board's consideration of removing them from a PE's file. Mr. Kannappan thanked Mr. McDill for his comment. No action was taken.

Mr. Dass, P.E., asked about the Board's enforcement process and expertise used to investigate. Mr. Kannappan thanked Mr. Dass for his comment. No action was taken.

**DISCUSS AND POSSIBLY ACT ON THE FOLLOWING (AGENDA ITEMS 3-8):**

**3. Discuss and possibly approve the August 29, 2013, Enforcement Minutes**

It was MOVED/SECONDED (Summers/Womack) to approve the August 29, 2013, Enforcement Minutes. A vote was taken and the MOTION PASSED.

**4. Discuss and possibly act on the following rule adoption.**

- §139.31-Enforcement Actions for Violations of the Act
- §139.35-Sanctions and Penalties

Mr. Clark commented that the rule adoption of §§139.31 and 139.35 as presented are to comply with statute changes that took effect September 1, 2013. Rules were proposed in August and posted in the Texas Register for comment. One comment was received on §139.31 and has has been addressed in the

preamble, and a response was sent to the person that commented. No change is required to the rule. Staff recommends adoption.

It was MOVED/SECONDED (Reyna/Summers) to recommend to the Board at its Regular Quarterly Board meeting on November 21, 2013, to adopt §§139.31 and 139.35 as presented and previously posted in the Texas Register. A vote was taken and the MOTION PASSED.

**5. Criminal History Record Check.**

- **Review Policy**

Mr. Clark reviewed the modified Criminal History Policy for Licensees with the Committee. The updated policy is to meet the legislative requirements set forth regarding the Criminal History Record Check for licensed Professional Engineers. Staff recommends adoption.

It was MOVED/SECONDED (Reyna/Womack) to recommend to the Board at its Regular Quarterly Board meeting on November 21, 2013, to adopt the Criminal History Policy for Licensees regarding licensed professional engineers, with recommended edit to add a footnote to explain “D” Cases and “H” Cases on page 4. A vote was taken and the MOTION PASSED.

**6. Director Of Compliance & Enforcement Report.**

- **C & E Process Improvements Update**

Mr. Clark reviewed the exhibit included for the Committee members regarding all the process changes and improvements and commended staff for their hard work in the Enforcement & Compliance Division. No action required.

**7. Staff Attorney Reports.**

- **SOAH Cases**
- **Suits Against the Board**
- **Status of Court Cases (Injunctions)**

Mr. Helmcamp reviewed the exhibit included regarding the status of SOAH Cases, Suits Against the Board, and Status of Court Cases that he is handling. No action required.

**8. Issues for consideration and schedule next meeting.**

None.

**ADJOURN.**

It was MOVED/SECONDED (Reyna/Womack) to adjourn the meeting at 10:18 am. A vote was taken and the MOTION PASSED.

Date Committee approved minutes as submitted:

February 13, 2014

Date Board accepted minutes:

February 13, 2014