

MINUTES
ENFORCEMENT COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH-35 SOUTH, BOARD ROOM, AUSTIN, TEXAS
August 18, 2016— 9:00 am

CALL TO ORDER. Sam Kannappan, P.E., Chair called the Enforcement Committee of the Texas Board of Professional Engineers to order at 9:00 am on August 18, 2016, at Texas Board of Professional Engineers, 1917 S. Interstate 35 in Austin, Texas. A quorum was present. (Note: all votes are unanimous unless noted)

1. Roll call and welcome visitors.

Sam Kannappan, P.E.	Chair
Catherine Norwood, P.E.	Member
Edward Summers	Member (absent)
Kyle Womack, P.E.	Member

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
Dave Daigle	Director of Compliance & Enforcement (incoming)
Morgen Cuming, JD	Staff Attorney
Dorothy Gonzales	Executive Assistant

Visitors. Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Bill Tucker, Texas Department of Transportation (TxDOT); Kent O'Brien, P.E., TxDOT; Peyton McKnight, American Council for Engineering Companies (ACEC); Trish Smith, Executive Director, TSPE; Rick Guerra, P.E., TSPE President Elect.

2. Public comment. None.

DISCUSS AND POSSIBLY ACT ON THE FOLLOWING ITEMS (AGENDA ITEMS 3-10):

3. Discuss and possibly approve the February 11, 2016, Enforcement Committee Meeting minutes.

It was MOVED/SECONDED (Womack/Summers) to approve the minutes as submitted. A vote was taken and the MOTION PASSED.

4. Compliance & Enforcement Report.

Mr. Clark reviewed the Compliance & Enforcement report which was submitted as an exhibit with Committee members. He introduced the incoming Compliance & Enforcement Director, Dave Daigle, who will come on board August 22, 2016.

5. Staff Attorney Report.

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

Ms. Cuming reviewed the staff attorney reports submitted as an exhibit with Committee members. She commented that there were two new suits against the Board.

6. Discuss and possibly act on Informal Conference Schedule.

Ms. Cuming reported that there has been an increase in Informal Conference requests. She would like to suggest having set dates each month (rather than individually scheduled dates on non-board meeting months) to assist with scheduling. She added that it would be easier to coordinate with a couple of people rather than six. The new set schedule would start January 2017. The committee concurred with this proposal.

7. Discuss and possibly act on the Sanction Table.

Mr. Clark reported the history of the sanction table to the Committee members. He discussed the changes made to the penalties regarding the fees associated with the sanction. Staff recommends that the Committee revisit the Sanction Table in the near future. Staff will provide the Sanction tables at the November scheduled meeting, with recommended changes for the Committee to consider.

8. Discuss and possibly approve the following rule proposals, to be posted in the Texas Register for comment.

Mr. Clark commented that the proposed rules are mainly grammatical corrections, and/or clarification of the rules that were discovered through the 4 year rule review.

Mr. Womack shared that he was concerned about the proposed deletion of §137.33(i)(1), Sealing Procedures, and asked staff to review again before permanent deletion.

- Chapter 137 Compliance and Professionalism
 - §137.5 Notification of Name Change, Address Change, Employer Change, and Criminal Convictions
 - §137.17 Continuing Education Program
 - §137.31 Seal Specifications
 - §137.33 Sealing Procedures
 - §137.37 Sealing Misconduct
 - §137.63 Engineers' Responsibility to the Profession

It was MOVED/SECONDED (Summers/Womack) to recommend to the Board at its Regular Quarterly Board meeting on August 18, 2016, to approve the posting of rules listed above. A vote was taken and the MOTION PASSED.

- Chapter 139 Enforcement
 - §139.13 Filing a Complaint
 - §139.15 Processing a Complaint
 - §139.17 Investigating a Complaint
 - §139.19 Final Resolution of Complaint
 - §139.31 Enforcement Actions for Violations of the Act
 - §139.35 Sanctions and Penalties
 - §139.43 License Holder with Criminal Convictions
 - §139.47 Probation

It was MOVED/SECONDED (Womack /Summers) to recommend to the Board at its Regular Quarterly Board meeting on August 18, 2016, to approve the posting of rules listed above. A vote was taken and the MOTION PASSED.

9. Issues for consideration and schedule next meeting. None.

10. ADJOURN.

It was MOVED/SECONDED (Summers/Womack) to adjourn the meeting at 9:41am. A vote was taken and the MOTION PASSED.

Date Committee approved minutes as submitted: November 17, 2016
Date Board accepted minutes: November 17, 2016