

MINUTES
POLICY ADVISORY OPINION COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH-35 SOUTH, BOARD ROOM, AUSTIN, TEXAS
February 13, 2014— 9:30 AM

CALL TO ORDER. Carry Baker, Committee Chair, called the Policy Advisory Opinion Committee meeting of the Texas Board of Professional Engineers (TBPE) to order at 9:30 a.m. on February 13, 2014, 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.

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| Carry A. Baker, JD | Chair |
| Sina Nejad, P.E., P. Eng. | Member |
| Edward Summers, Ph.D. | Member |
| Kyle Womack, 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, Mr. Jose I. Guerra, P.E., and Mr. Govind Nadkarni, P.E., Emeritus Board Members were present.

The following staff members were present:

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| 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 |
| Dewey Helmcamp, III JD | Staff Attorney |
| Virginia Alayon | Investigator |
| Charles Pennington, P.E. | Staff Engineer |
| Dorothy Gonzales | Executive Assistant |

Visitors. Trish Smith, Texas Society of Professional Engineers (TSPE), Sam Kannappan, P.E., Daniel O. Wong, Ph.D., P.E., Bobby Ballí, P.E.

2. Public comment. None.

DISCUSS AND POSSIBLY ACT ON THE FOLLOWING ITEMS (AGENDA ITEMS 3-6):

3. Discuss and possibly approve the November 21, 2013, Policy Advisory Opinion Committee Minutes.

It was MOVED/SECONDED (Womack/Summers) to approve the November 21, 2013, Policy Advisory Opinion Committee Minutes as submitted. A vote was taken and the MOTION PASSED.

4. Engineering Advisory Opinion Request.

- Discussion of stakeholder meeting and possible draft of EAOR #34 – Industry Exemption

Mr. Pennington read the summary of the stakeholder meetings which was included as an exhibit. Staff recommendation was to continue compiling comments and prepare a proposed draft response to submit at the next scheduled meeting. Mr. Womack, the Board liaison for this policy advisory opinion, agreed. There was general consensus among the Committee members for staff to continue working on this request.

- Discussion of stakeholder meeting and possible draft of EAOR #36 – Construction Management

Mr. Pennington read the summary of the stakeholder meeting which was included as an exhibit. Staff recommendation was to continue compiling comments and prepare a proposed draft response and submit at the next scheduled meeting. Mr. Nejad, the Board liaison for this policy advisory opinion, agreed. There was a consensus among the Committee members for staff to continue working on this request.

- Present for consideration and discussion, EAOR#37-Public Rights of Way and Private Utility Companies (Request from City of Austin)

Mr. Clark read the request, and recommended to the Committee to accept as a new policy advisory request. After discussion, Mr. Ballí accepted to be the liaison and to work with staff on this request.

It was MOVED/SECONDED (Summers/Nejad) to accept EAOR#37, Public Rights of Way and Private Utility Companies, and assign Mr. Ballí as the Board liaison to work with staff on this request. A vote was taken and the MOTION PASSED.

5. Discussion and possible action on the proposal of a new rule concerning periodic review of current Policy Advisories.

Mr. Helmcamp reported to the Committee that the staff is proposing a new rule regarding periodic review of Policy Advisories already in place to ensure that they are current and that they do not need changes due to legislative mandates, and/or rule changes by the Board. After discussion, the Committee directed staff to research both the possibility of a rule change and a Board Policy to see which is the most effective way to do this, and to bring the information back at the next scheduled Policy Advisory Opinion Committee meeting.

6. Issues for consideration and schedule next meeting.

Mr. Kinney shared with the Committee that there is a request by an individual (Mr. Dass) to review the current policy advisory opinion concerning construction materials testing. However, as Mr. Dass currently has a case pending on this issue, this request will be addressed at the next scheduled Policy Advisory Opinion Committee meeting if the case has been resolved.

It was MOVED/SECONDED (Nejad/Summers) to adjourn the meeting at 10:09 am. A vote was taken, and the MOTION PASSED.

ADJOURN.

Date Committee approved minutes as submitted: May 21, 2014
Date Board accepted minutes: May 21, 2014