

**MINUTES**  
**POLICY ADVISORY OPINION COMMITTEE MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**1917 IH-35 SOUTH, BOARD ROOM, AUSTIN, TEXAS**  
**May 26, 2016— 9:00 am**

**CALL TO ORDER.** Kyle Womack, P.E., Chair called the Policy Advisory Opinion Committee of the Texas Board of Professional Engineers to order at 9:06 am on May 26, 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.**

Kyle Womack, P.E.	Chair
Dr. Sina Nejad, P.E. P.Eng.	Member
Bobby Ballí, P.E.	Member
Albert Cheng	Member

Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board. Mr. Edmundo Gonzalez, P.E., and Jose Guerra, P.E., Emeritus Board Members, were present.

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
Morgen Cuming, JD	Staff Attorney
Dorothy Gonzales	Executive Assistant

**Visitors:** Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Rick Guerra, P.E. Texas Society of Professional Engineers (TSPE) President Elect; Peyton McKnight, American Council for Engineering Companies (ACEC); Amy Casto, ACEC; Doug Bell, P.E. TSPE; Sam Kannappan, P.E., Board Member; Trish Smith, Executive Director, TSPE; Bill Tucker, Texas Department of Transportation (TxDOT); Marc Young, P.E.; Cathy Norwood, P.E., Board Member; Albert Cheng, Board Member.

**2. Public comment.**

Mr. Marc Young, P.E. approached the Committee and read text from a 2014 entry from a blog for engineers regarding state specific licensing law exemptions regarding projects that are multi-state due to their size and scope and thus exempt from licensing laws because there is no Federal Licensure Board. Mr. Young believes and shared with the Committee his opinion that the Texas Board must enforce licensing laws not only for work done for projects in the state of Texas but also for projects outside of the state of Texas when the engineering is done in the state of Texas. He stated his belief that if the Board does not then the gate has been opened for 99% of the engineering work not be covered.

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

**3. Discuss and possibly approve the February 11, 2016, Policy Advisory Opinion Committee Minutes.**

It was MOVED/SECONDED (Ballí/Nejad) to approve the February 11, 2016, Policy Advisory Opinion Committee Minutes as submitted. A vote was taken and the MOTION PASSED.

4. **Discuss and possibly accept the Policy Advisory Opinion Request regarding the Extent of Jurisdiction For Projects Outside of Texas and consider the Response Letter to EAOR#40.**  
Mr. Clark commented that Mr. Young submitted a Policy Advisory Opinion requesting what basis in the statutory, regulatory, or case laws limits the Board's specific or general jurisdiction to the practice of engineering only for projects within the state of Texas, and excludes projects being designed in the State for projects not in the State.

Mr. Clark responded that the request is answered by the Board's statute, and is summarized in the response letter submitted for possible adoption by the committee and Board.

Mr. Clark summarized the findings as requested by the Committee. He stated that the Texas Government Code defines the Board as a Texas state agency having state wide jurisdiction that does not go beyond the state. Ms. Cuming clarified how an administrative agency such as our Board is strictly limited by jurisdiction by statute and is clearly established by law.

Mr. Womack added that Mr. Young submitted additional information for the Committee to consider. He invited Mr. Young to provide additional comments in addition to what he has provided in writing.

Mr. Young addressed the Committee and added that he provided a summary of rules that empowers the Board to enforce. The key is that the Board has the responsibility to fix responsibility for work done in the state of Texas. Mr. Young believes the Board has the authority to regulate the "practice of engineering" no matter where the work is being done.

It was MOVED/SECONDED (Ballí/Nejad) to recommend to the Board to accept the response to EAOR#40 as submitted. A vote was taken and the MOTION PASSED.

5. **Issues for consideration and schedule next meeting.**  
None, unless another advisory is received by the Board.

6. **ADJOURN.**

It was MOVED/SECONDED (Ballí/Nejad) to adjourn the meeting at 9:33 am. A vote was taken and the MOTION PASSED.

Date Board approved the minutes as submitted:        August 18, 2016