

**MINUTES**  
**LICENSING COMMITTEE MEETING**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**1917 IH35 SOUTH, BOARD ROOM, AUSTIN, TX 78741**  
**February 10, 2016—1:00 PM**

**Call to Order.** James “Jim” Greer, P.E., Committee Chair called the Licensing Committee of the Texas Board of Professional Engineers to order at 1:00 pm on February 10, 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.**

James “Jim” Greer, P.E.	Chair
Lamberto “Bobby” Ballí, P.E.	Member
Sina Nejad, D.Eng., P.E.	Member
Kyle Womack, P.E.	Alternate Member

Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel to the Board.  
Mr. Jose Guerra, P.E., Emeritus Board Member, was present.

The following staff members were present:

Lance Kinney, Ph.D., P.E.	Executive Director
David Howell, P.E.	Deputy Executive Director
Robert Opiela, P.E.	Director of Licensing
Morgen Cuming, JD	Staff Attorney
Dorothy Gonzales	Executive Assistant

**Personal Appearances:** Alan Moon, Vishesh Singh, John Kluber, Joshua Gilbreath, Steven Baker, Mitesh Patel, David White, Tamfu Fobi, William Lane, Gwilym Griffith.

**Visitors.** Kent O’Brien, P.E., Texas Department of Transportation (TxDOT); Yailin Ramirez, TxDOT.

2. **Public comment.** None.

**Discuss and Possibly Act on the Following (Agenda Items 3-11):**

3. **Discuss and possibly approve the November 18, 2015, Licensing Committee Minutes.**

It was MOVED/SECONDED (Nejad/Ballí) to approve the November 18, 2015, Licensing Committee Minutes as submitted. A vote was taken and the MOTION PASSED.

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

**Alan Moon.** This applicant applied to take the PE exam. He came before the Committee due to a disclosed recent criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incidents, his experience, and lessons learned.

It was MOVED/SECONDED (Ballí/Nejad) to recommend to the Board at its Regular Quarterly Meeting on February 11, 2016, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

**Vishesh Singh.** This applicant applied to take the PE exam. He came before the Committee due to a disclosed recent criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incidents, his experience, and lessons learned.

It was MOVED/SECONDED (Ballí/Womack) to recommend to the Board at its Regular Quarterly Meeting on February 11, 2016, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

**John Kluber.** This applicant applied for licensure. He came before the Committee due to an unreported criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incidents, his experience, and lessons learned.

It was MOVED/SECONDED (Ballí/Womack) to recommend to the Board at its Regular Quarterly Meeting on February 11, 2016, to approve the applicant for licensure. A vote was taken and the MOTION PASSED.

**Joshua Gilbreath.** This applicant applied to take the PE exam. He came before the Committee due to disclosed recent criminal incidents. He has completed the terms related to the criminal incidents. The Committee and applicant discussed the incidents, his experience, and lessons learned.

It was MOVED/SECONDED (Ballí/Nejad) to recommend to the Board at its Regular Quarterly Meeting on February 11, 2016, to approve the applicant to take the PE exam. A vote was taken and the MOTION PASSED.

**Steven Baker.** This applicant applied for licensure. He came before the Committee due to an unreported criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incidents, his experience, and lessons learned.

It was MOVED/SECONDED (Nejad/ Ballí) to recommend to the Board at its Regular Quarterly Meeting on February 11, 2016, to approve the applicant for licensure pending completion of the Level II (60 hour) Ethics course from Texas Tech and submittal of documentation to staff. A vote was taken and the MOTION PASSED.

**Mitesh Patel.** This applicant applied to take the PE exam. He came before the Committee due to an unreported criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incidents, his experience, and lessons learned.

It was MOVED/SECONDED (Ballí /Womack) to recommend to the Board at its Regular Quarterly Meeting on February 11, 2016, to approve the applicant to take the PE exam pending completion of the Level I (30 hour) Ethics course from Texas Tech and submittal of documentation to staff. A vote was taken and the MOTION PASSED.

**David White.** This applicant applied for licensure. He came before the Committee due to an unreported criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incidents, his experience, and lessons learned.

It was MOVED/SECONDED (Ballí/Womack) to recommend to the Board at its Regular Quarterly Meeting on February 11, 2016, to approve the applicant for licensure pending completion of the Level II (60 hour) Ethics course from Texas Tech and submittal of documentation to staff. A vote was taken and the MOTION PASSED.

**Tamfu Fobi.** This applicant applied to waive the FE exam and take the PE exam. He came before the Committee due to disclosed recent criminal incidents. He has completed the terms related to the criminal incidents. The Committee and applicant discussed the incidents, his experience, and lessons learned. It was MOVED/SECONDED (Womack/Nejad) to recommend to the Board at its Regular Quarterly Meeting on February 11, 2016, to approve the applicant's FE exam waiver and to take the PE exam pending completion of the Level I (30 hour) Ethics course from Texas Tech and submittal of documentation to staff. A vote was taken and the MOTION PASSED.

**William Lane.** This applicant applied to waive the FE exam and take the PE exam. He came before the Committee due to a disclosed recent criminal incident. He has completed the terms related to the criminal incident. The Committee and applicant discussed the incidents, his experience and lessons learned. It was MOVED/SECONDED (Ballí /Greer) to recommend to the Board at its Regular Quarterly Meeting on February 11, 2016, to approve the applicant's FE exam waiver and to take the PE exam. A vote was taken and the MOTION PASSED. The vote was 3-1.

**Gwilym Griffith.** This applicant applied to take the PE exam. He came before the Committee due to disclosed recent criminal incidents. He has completed the terms related to the criminal incidents. The Committee and applicant discussed the incidents, his experience and lessons learned.

It was MOVED/SECONDED (Womack/Ballí) to recommend to the Board at its Regular Quarterly Meeting on February 11, 2016, to hold the application and request the applicant gain one more year of experience and provide 2 additional PE references.

After further discussion, the Committee members would like the applicant to also take an ethics course from Texas Tech. Mr. Womack and Mr. Ballí agreed to amend the motion as follows:

It was MOVED/SECONDED (Womack/Ballí) to recommend to the Board at its Regular Quarterly Meeting on February 11, 2016, to hold the application to take the PE exam pending completion of the Level I (30 PDH) Ethics course from Texas Tech with submittal of documentation to staff and providing one additional year of creditable experience with two additional favorable references. A vote was taken and the MOTION PASSED.

**5. Discuss and possibly approve the following rule adoptions regarding PE exam Decoupling as posted in the Texas Register.**

- PE Decoupling
- §133.3 Engineer-in-Training Application and Certification
- §133.61 Engineering Examinations Required for a License to Practice as a Professional Engineer
- §133.65 Examination on the Fundamentals of Engineering
- §133.67 Examination on the Principles and Practice of Engineering
- §133.71 Examination for Record Purposes
- §133.87 Final Action on Applications

Mr. Howell reported that the proposed rule changes were posted in the Texas Register, the Board received comments from 185 individuals, and he responded to each comment. He added that the Board also received comments from Texas Society of Professional Engineers (TSPE), American Council for Engineering Companies (ACEC-Texas), and the American Society of Civil Engineers (ASCE-Texas). Mr. Howell described the comments in opposition and in support of the proposal. Committee Chair Greer asked Ms. Ramirez, TxDOT representative, about TxDOT's view on this change. Ms. Ramirez commented that TxDOT asked senior engineers, and they feel it is important that their engineer assistants gain the four year of experience before taking the exam. However, if the Board implements these rules, TxDOT will make the necessary changes. The Committee also discussed the implementation process, the examination and experience requirements, and the delay in implementation of the new rules to ensure that the best customer services is provided, and to allow time to educate the community via webinars and outreach. The committee agreed to recommend a May 1 implementation date.

It was MOVED/SECONDED (Ballí/Womack) to recommend to the Board at its Regular Quarterly Board meeting on February 11, 2016, to adopt §§133.3, 133.61, 133.65, 133.67, 133.71, and 133.87 as submitted and delay the implementation until May 1, 2016. A vote was taken and the MOTION PASSED 3 to 1 (Greer, Ballí, Womack for; Nejad against).

**6. International Licensure:**

- Mutual Recognition Agreement (MRA) with S. Korea
- Mutual Recognition Agreement (MRA) with Spain
- Mutual Recognition Agreement (MRA) with México

Dr. Kinney reported that he is currently working with KPEA on signing the MRA in March. He will send out an email on the signing date once it has been confirmed with KPEA. He added that all the Board members are invited to attend the signing.

Dr. Kinney reported that the visit with the delegation from Spain was very successful. They are very interested in making processes on both sides work. He and Mr. Ballí will be attending the CICCIP seminar; Mr. Ballí will be making a presentation. No agreements were made but good communication efforts made on both sides. The Board hosted CICCIP for a visit to the Capitol, a meeting with Texas Secretary of State Carlos Casco, and visits with TSPE and ACEC societies. CICCIP also requested information on NCEES exams. Dr. Kinney commented that Pearson VUE has sites across Europe to provide testing. Mr. Guerra added that CICCIP is willing to comply with all of the Board's requirements.

Dr. Kinney reported that the revised MRA with Mexico has been sent to them for review. The Board is waiting to hear back for an actual agreement regarding the MRA, and possible negotiations in the near future. Mr. Guerra, Emeritus Member, added that the MRA with Mexico is similar to the MRA with Canada.

7. **Update on Enhancing Engagement of Engineers-In-Training (EIT).**

Dr. Kinney commented that this agenda item is to discuss how to engage our EITs more in the licensure process. Staff has developed an example of draft rules that would allow EITs to add additional information to their SERs i.e. training relevant to their profession, engagement in societies, any/all continuing education. Mr. Ballí commented that to encourage licensure, NCEES may have grant funds available to state Boards as needed. Committee members directed staff to move forward with this rule proposal.

8. **Criminal History Record Check Policy Regarding Re-Applications.**

Mr. Howell reported that Texas Department of Public Safety (DPS) informed the Board of a possible CHRC process audit in the future. One of the questions in the pre-audit related to how the Board handles 'unsubscribing' licensees from the DPS system. The Board must disconnect people in the DPS system no longer associated with the agency. Mr. Howell presented the policy that defines unsubscribing through the DPS system. Once unsubscribing is implemented, people who reapply for a license will have to do criminal history record check again or be re-subscribed. Mr. Howell said there were four options to do this and that staff is requesting direction from the Committee regarding re-subscribing; request new fingerprinting; get Texas record only via DPS; get rap-back to get Federal and Texas records at a cost of \$13 per person at the applicant's expense; or that same \$13 option at the agency's expense.

It was MOVED/SECONDED (Ballí/Nejad) to recommend to the Board to direct staff to proceed with option #3 of the Re-subscribing Policy Regarding Re-Application (have the applicant pay the an additional \$13 for federal and Texas CHRC upon re-application). A vote was taken and the MOTION PASSED.

9. **Licensing Director's Report.**

• **Results and statistics: Application and Examination Report.**

Mr. Opiela reviewed the results and statistics report which was included as an exhibit.

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

Rule proposal for Engineer-in-Training engagement, and a review of the reference process from applicants.

11. **Adjourn.**

It was MOVED/SECONDED (Womack/Ballí) to adjourn the meeting at 5:10pm. A vote was taken and the MOTION PASSED.

Date Committee approved minutes as submitted: May 25, 2016

Date Board accepted minutes: May 26, 2016