

AGENDA
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING
12100 Park 35 Circle, Bldg. D, Suite 191
Austin, Texas
August 9 & 10, 2012

NOTE: A public session was held August 9, 2012 at 9:00 a.m. for the purpose of obtaining the public's input on revisions to the rules being considered by the Board. This session began at 9:07 a.m. and concluded at 10:17 a.m. Twenty-five interested parties were present. After a break, the Board entered into its regular meeting.

Call to Order

The Board meeting was called to order at 10:47 a.m. by Chairman Greg Smyth. Present were Jon Hodde, Vice-Chair, Board members Bill O'Hara, Paul Kwan, James Childress, Robert Price and Nedra Foster, Executive Director Marcelino A. Estrada, Board Investigator Garey Gilley, and Assistant Attorney General Nancy Fuller. Absent were members Jerry Garcia and Mary Chruszczak.

Nine members and associates of the Texas land surveying profession were in attendance. The Chair invited the public members to make comments.

1. Approval of the June 8, 2012 Minutes

The Chair presented to the Board the minutes of the June 8, 2012 Board meeting for approval.

Corrections to the minutes were noted by Mr. Kwan, Mr. O'Hara and Ms. Foster whereupon motion duly made, seconded and unanimously approved, the minutes were adopted with corrections.

2. Director's Report

Mr. Estrada provided Board members with an update on the status of the agency's budget. The Board's Legislative Appropriations Request was completed and submitted on August 8. In accordance with the Legislative Budget Board's directive, the request included a 10% reduction, or \$88,149, from the baseline amount of \$881,486 for FY14-15. Mr. Estrada provided an outline where the reductions would be made in the Board's funding.

At the last Board meeting, Mr. Estrada was charged with drafting statutory language that would allow the Board to step outside of the Board's Act when faced with a situation that might warrant a more flexible way of dealing with the situation called for by the Act. Mr. Estrada is receiving guidance from a legislator's office and expects to have a draft of the language within the next month.

Mr. Estrada informed the Board that the agency's Web site will be revised to be more user-friendly and provide up-to-date information to the land surveying community. He anticipates the new Web site will roll out by the end of September.

This concluded Mr. Estrada's report.

3. Complaints – Garey Gilley, Investigator

Mr. Gilley provided the Board members with a synopsis of recently handled complaints. Some were dismissed due to lack of violations while others will have agreed orders processed and sent to the land surveyor or firm in violation of the Board rules. There were no Informal Settlement Conferences since the last Board meeting.

The land surveyor, whom complaint 12-29 was filed against, submitted a request to the Board that the complaint, which was dismissed, be found frivolous. After reviewing the request submitted by the land surveyor, the Chair said he would entertain a motion to have the complaint deemed frivolous. Hearing none, the complaint was not deemed frivolous.

This concluded Mr. Gilley's report.

4. Committee Reports

a. Executive Committee – Greg Smyth, Chair

Chairman Smyth said that his committee had nothing to report.

b. Rules Committee – Greg Smyth, Chair

Chairman Smyth asked Mr. Gilley to give his report on the rules revision. Mr. Gilley quickly reviewed the changes discussed during the public session preceding the Board meeting. Attorney General representative Nancy Fuller and Mr. Estrada are approved to clean up language in the rules within the parameters of the revisions when preparing the rules for publication in the Texas Register. Upon conclusion of Mr. Gilley's report, Board member Jon Hodde moved that the Board accept the Board rules as approved by the Board during its work session of August 9th and 10th, for publication and public comment in the Texas Register as soon as practicable. The motion was seconded and carried unanimously.

c. RPLS/SIT Examination Committee – Jon Hodde, Chair

Mr. Hodde stated that the discussion of reference requirements for RPLS applications found in the rules had been discussed during the public session. No further discussion was required.

Mr. Hodde asked that the discussion on the appointment or reappointment of Examination Committee members be tabled until further information could be obtained.

Mr. Hodde stated that the Board needed to approve the exams for October. Corrections had been received from Board members Foster and Kwan, and had been forwarded to Board staff to make the changes. Mr. Hodde said he like a motion to approve the examinations for October. Board member O'Hara offered the motion which was seconded and carried unanimously.

This concluded Mr. Hodde's report.

d. LSLS Examination Committee – Bill O'Hara, Chair

Mr. O'Hara stated that five applications had been received for the October exam, of which two applications were new and needing to be reviewed. The exam had not been selected but Mr. O'Hara would be doing so and sending copies to committee members for review. This concluded Mr. O'Hara's report.

e. Continuing Education Committee – Paul Kwan, Chair

Mr. Kwan recommended approval for all courses except Item 3, recommending four hours instead of six hours. Board member O'Hara moved for approval, was seconded and carried unanimously.

This concluded Mr. Kwan's report.

f. Oil Well Issues Committee – Jon Hodde, Chair

Mr. Hodded had nothing to report.

g. Legislative Needs Committee – Bill O'Hara, Chair

Mr. O'Hara had nothing to report.

h. Complaint Review Process Committee – Paul Kwan, Chair

Mr. Kwan had nothing to report.

i. Task Force on Registration of Photogrammetrists, Mappers and GIS Professional – Mary Chruszczak, Chair

Ms. Chruszczak was absent.

5. Correspondence

a. Request for reimbursement of licensing fees from Susan Farnoush

Mr. Estrada presented Ms. Farnoush's request for reimbursement of her deceased husband's licensing fees. Mr. Farnoush died in March 2012, having renewed his license in December 2011. Mr. Kwan argued that reimbursing Ms. Farnoush would set a precedent for others wanting to be reimbursed licensing fees and should not be done. Mr. O'Hara concurred with Mr. Kwan. Mr. Kwan moved that Ms. Farnoush's request be denied. The motion was seconded and carried unanimously.

6. Other Business

a. Request by Dorothy Taylor to Return to Active Status

Mr. Estrada presented Dorothy Taylor's request to return to active status. Ms. Taylor request was approved by the Board.

b. Dr. Stacey Lyle, RPLS- Texas A&M, Associate Professor

Dr. Lyle offered his presentation during the public session.

7. Future Agenda Items – Select next meeting date

The next Board meeting will be during the TSPS Annual Meeting in San Marcos in October. Chairman Smyth informed the Board that due to a conflict, the meeting would have to be held on Saturday at 9:00 a.m. instead of Friday. Board member Bob Price indicated he had a conflict and could not attend.

8. Comments from the Public

There were no comments given during this time.

9. Discussion of personnel issues

Chairman Smyth stated that the Board wanted to discuss the Executive Director's salary. Mr. O'Hara offered some comments to the Board regarding Mr. Estrada saying that the members felt confident about his job performance and have only heard positive comments. Mr. Estrada was hired below the maximum allowed salary until he could demonstrate his ability to do the job. Having done so, Mr. O'Hara offered a motion that Mr. Estrada's salary now be increased to the allowable maximum. Board member Foster seconded the motion. The motion carried unanimously. Mr. O'Hara then moved that the salary increase be effective August 1, 2012. The motion was seconded and carried unanimously.

10. Adjourn

Before adjournment, Mr. Kwan moved that Board members Chruszak and Garcia's absence be recorded as excused. The motion was seconded and carried unanimously.

Board member O'Hara wanted to commend the Board staff for a job well done.

Chairman Smyth thanked the members for everything that was done during the past two days, saying a lot was accomplished.

The meeting was adjourned at 3:50 p.m.