

MINUTES
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING
12100 Park 35 Circle, Bldg. A, Rm. 173
Austin, Texas
May 29, 2015, 9:00 a.m.

Call to Order, Establish Quorum, Introductions, and Comments from the Public

The Chair called the meeting to order at 9:05 a.m. He then invited the members in the audience to introduce themselves and offer public comments.

Scott Porter brought an issue to the Board in hopes that it would be addressed at some point. His concern was regarding some survey companies that produce many surveys of low quality. These are documents that are relied on and companies like these cause harm. He felt that these companies needed more scrutiny.

Mark Paulsen asked about the oil well plat surveys he had brought to the board. He had suggested that a letter be sent to all the surveyors addressing proper oil well surveys. No letter has come from the Board. The Chair indicated that it was a difficult issue and that we have been in discussion with the Railroad Commission. Mr. Paulsen felt that the Railroad Commission didn't regulate surveyors. The Chair stated that the Railroad Commission was interested in hearing the Board's viewpoint on what could be done to improve oil well surveys.

Cole Adams from Dallas wanted to know if the Board would reconsider the degree requirement. As a business owner, he finds it difficult to find employees that can grow into good surveyors. NCEES seems to be pushing towards mobility and making licensure more generic. He feels that it is not in the interest of the public to not allow these people in to the profession. Would the Board consider examining an alternate path to licensure?

Paul Carey is still hoping that the Board will contact surveyors in possession of county records and require that they make them available to the public.

1. Approval of the March 6, 2015 Minutes

After reviewing corrections, the chair asked if there were any other corrections then called for a vote to approve the minutes of the previous meeting. The vote was taken and the minutes were unanimously approved.

2. Director's Report

a. Agency Appropriations Update

Mr. Estrada reported that the budget, as requested for FY16-17, is still intact and that the legislative session would be ending soon.

b. NCEES Southern/Western Zone Meeting, May 15-16, 2015

He reported that he, Mr. Hodde and Mr. O'Hara had attended the NCEES Southern-Western Zone joint meeting held in Scottsdale, Arizona on May 14-16.

c. TSPS Annual Meeting - Revisited

Mr. Estrada informed the Board that he had notified TSPS that TBPLS would not hold a board meeting at their annual meeting this year. TSPS offered to allow TBPLS to hold their meeting on any day they wish during their annual meeting. Members considered the TSPS offer but decided to stand by their previous decision to not hold a board meeting during the TSPS annual meeting because it would cause too much of a financial burden on the Board to attend on a Saturday.

d. COOP Presentation

Mr. Estrada called on staff member Natalie Jackson to update the members on the Board's Continuity of Operations Planning (COOP). Ms. Jackson discussed the crosswalk, or instructions, that she prepared. She explained that Texas has adopted the federal planning process for addressing the failing of infrastructure, which would require devolution, or the relocation of the agency.

Ms. Jackson reported that memorandum of agreements were in place to have another agency provide basic office needs in order for one or two staff members to set up. We are looking at moving our files to the cloud so that Board files will be available no matter where we may relocate. Board members will be kept in the loop and we will be asking for a phone number other than an office phone number so that we can contact the members if the need to devolve arises. Part of the COOP requirement is to identify mission essential functions. We have determined that the one function would be maintenance of the roster so that the public could still verify registration of an individual. Later we would address examining new applicants and renewals. The COOP will also address telework, as recommended by the State Office of Risk Management, which would allow staff members to work from home rather than relocating the office. Ms. Jackson is gathering COOP plans from the Health Professionals Council, TCEQ and the Data Center so that we will know where TBPLS fits into their plans. There is an agreement with the Comptroller and all state agencies to continue to provide funding in a continuity situation. Internally, Ms. Jackson and Mr. Estrada will devise a testing and training plan to test our COOP plan. This will help identify problems with the plan and make corrections. Ms. Jackson will be attending additional training as she continues to work on our plan. She also told the members that she has been attending a COOP roundtable and has found it extremely useful. She said that there was going to be a mentorship of newer individuals working on the COOP by those agencies that already have an established plan.

Mr. Estrada told the members that he wanted the members to be aware of what was being done in the event something happened that required putting the COOP into place. He also wanted the members to be aware that the agency was going to have to identify someone who would assume the Executive Director's duties in the event that some catastrophic event resulted in the loss of the Executive Director. This concluded Ms. Jackson's report.

Before calling for a 10 minute break, the Chair recognized Ms. Foster for her years of service to the Board. Though Ms. Foster's term expired on January 31, 2015, the Board only recently learned that a new person was being appointed in her place. The Chair presented Ms. Foster with a Resolution and a Texas flag that was flown over the State Capitol. The Resolution read:

*“Resolution Adopted by the
Texas Board of Professional Land Surveying*

May 29, 2015

Honoring

Nedra J. Foster

WHEREAS, *Nedra J. Foster became a Registered Professional Land Surveyor in the state of Texas in early January, 2000, and was recognized by the Texas Land Commissioner, David Dewhurst, as being the first woman ever to become a Licensed State Land Surveyor in the state of Texas in May of 2000;*

WHEREAS, *Nedra J. Foster was appointed by the Governor to the Texas Board of Professional Land Surveying; first in 2003, during which she served as Chair of the Board; then again in 2009 for a second term;*

WHEREAS, *Nedra J. Foster started her a career at Shine and Associates in 1981and, upon earning licensure, served as a principal surveyor for the company, and later as its president;*

THEREFORE BE IT RESOLVED *that the members and staff of the Texas Board of Professional Land Surveying express, on behalf of the citizens of the State of Texas, our appreciation to Nedra J. Foster, RPLS, LSLS, for her dedication and commitment to professional land surveying and extend our most sincere congratulations upon her achievements; and include within its minutes a copy of this resolution, adopted this the 29th day of May in the year of our Lord two thousand fifteen, A.D.”*

Ms. Foster offered the following comments: “It has been an honor to be a member of this board during these years and I have to tell you that even though the board often deals with what surveyors have done wrong, through my tenure here I have gained so much respect for you as surveyors across the State of Texas for your diligence, for your thoroughness and I am very proud to be a part of this profession. Thank you.”

The Chair then called for a 10 minute break at 10:16 a.m. The meeting was reconvened at 10:51 a.m.

3. Complaints

Board Investigator, Larry Billingsley, reported on complaint number 15-06. The complaint was filed alleging that the subject surveyor failed to provide the survey documents paid for by the complainant. The subject surveyor was hired to survey a tract of land for partitioning. The tract was owned by the complainant and her three siblings and the agreement was that each of the siblings would pay for their part of the survey. The complainant paid for her part but the siblings did not pay for their part. The subject surveyor was waiting for payment from the siblings to

complete the work. Upon being notified of the complaint, the subject surveyor completed the survey work for the complainant concerning the part of the tract that she was going to receive. This was a contract issue and no violations were found.

Mr. Billingsley stated that the subject surveyor had filed a letter requesting that this complaint be found frivolous by the Board. Mr. O'Hara moved that the Board find complaint 15-06 be deemed a frivolous complaint. The motion was seconded and a vote was taken. The members voted unanimously to deem complaint 15-06 frivolous.

Mr. Billingsley mentioned that a letter had been received regarding 14-46. This complaint was found to have no violations. It was based on the complainant believing that the surveyor was withholding court documents found during his research. It turned out that there were no court documents to be found so there were none for the surveyor to be holding. The surveyor has asked that this complaint be deemed frivolous. Mr. Kwan moved to deem complaint 14-46 frivolous. The motion was seconded and carried by unanimous vote.

Mr. Billingsley reported on agreed orders that did not result in an Informal Settlement Conference.

Complaint 12-36 was filed by the neighbor of the property being surveyed claiming that the common boundary line was being surveyed correctly. The survey was performed in 2006 and a review yielded a violation of rule 663.16(a) and (d) Boundary Construction, because the surveyor failed to find and hold monuments of record dignity. Iron rods were found that were not from the original plat and they were held to delineate the boundary. Rule 663.16(c) when he failed to perform adequate field research to find monuments of record dignity. Rule 663.17(d) was also violated when the surveyor stated on the subject survey plat that he had set an iron rod and there was no mention of an identifying cap on the rod. The surveyor also violated rule 663.19(4) and (6), Plat/Description/Report, when he stated record bearing on the subject survey plat and when he failed to identify controlling monuments on the subject survey plat. The surveyor was given a reprimand and an administrative penalty of \$7,600. However, the subject surveyor allowed his license to expire as of December 31, 2014 so the administrative penalty is being waived. Mr. O'Hara moved that the Board accept the amended agreed order to complaint 12-36 with the amendment removing the \$7,600 fine and giving only a reprimand. Ms. Chruszczak seconded the motion. Mr. Kwan asked if the surveyor was no longer licensed, could he accept the reprimand. Mr. O'Hara noted that the surveyor had signed the agreed order. Mr. O'Hara then offered to amend his motion to approve the amended agreed order as stated and signed by the surveyor. Ms. Chruszczak cheerfully accepted Mr. O'Hara's amendment to his motion. There being no further discussion, a vote was taken and passed unanimously. Mr. Kwan asked for the surveyor's name. Mr. Billingsley stated that the surveyor was Billie McDuffie, RPLS #2090.

Complaint 12-37 was filed by the same complainant regarding the same property but against another surveyor at the same company who surveyed the property four years later. The complainant wanted the Board to determine which of the surveys were correct because he wanted to use this information in lawsuit filed against the city. The surveyor in this complaint followed the survey performed by the surveyor at his company who had previously surveyed the

property. As a result, he received the same violations as the previous surveyor. The agreed order identified violations against rule 663.16(a), (c) and (d), relating to Boundary Construction, when he failed to find and hold monuments of record dignity, and when he failed to perform adequate filed research to find monuments of record dignity. He also violated rule 663.17(d), Monumentation, when he stated on the subject survey plat that he set an iron rod but did not mention the identifying cap on the rod. The surveyor also violated rule 663.19(4) and (6), Plat/Description/Report, when he stated record bearing on the subject plat and failed to identify controlling monuments. The Agreed Order showed the surveyor was to receive a reprimand and an administrative penalty of \$7,600. Mr. O'Hara moved that the Board accept the Agreed Order and written and signed by the surveyor. Ms. Chruszczak seconded the motion and the motion carried. The surveyor in this complaint was George Gale, RPLS #4678.

Complaint 12-38. Mr. Billingsley reported on complaint 12-38 which was filed by the same complainant in complaints 12-36 and 12-37 regarding the same piece of property and the same surveying company but a different surveyor. The complainant was concerned about the height of the house being built but the city proved that the height was in compliance with zoning laws. In this complaint, the complainant hired a surveyor to survey his property. The survey report indicates that the property in question was part of a subdivision and that the corners are marked with 3/4" iron pipes. The previous surveyors were not holding to the 3/4" iron pipes...they were using iron rods found. This information was passed on to the subject surveyor who then performed additional field research and located the 3/4" iron pipes. He then redid his survey. However, his initial survey was based on the same information used by the other two surveyors in his office and so violated the same rules except for the rule on boundary construction. In addition, there were three surveys to which these violations applied. It was determined that the subject surveyor violated rule 663.17(d), Monumentation, when he stated simply "Iron Rod Set" on his survey without reference to an identifying cap on the rod. He also violated rule 663.19(4) when he simply stated the bearing on the subject surveying plat. The agreed order showed the surveyor would receive a reprimand and an administrative penalty of \$4,700.00. Mr. O'Hara moved that the Board accept the agreed order on Complaint 12-38 as signed by the subject surveyor. Ms. Chruszczak seconded the motion and the agreed was accepted unanimously. The subject surveyor in this complaint was Edilberto Barrientos, RPLS No. 5364.

Mr. Billingsley shared some additional information with the members. He indicated that there were 56 open complaints. Of the 56, nine will result in agreed orders and two are going to be reported to the Board today. When examining the primary rule violations, three of the 45 remaining open complaints discuss survey cost. Almost half of the complaints could result in violation of boundary construction.

Ms. Foster reported on agreed orders for complaints 09-30 and 09-10, 09-24, 09-26 and 09-35 that resulted in an Informal Settlement Conference.

Complaint 09-30 dealt with an elevation certificate complaint originally filed in 2009. Violations identified include rule 663.16(c), Boundary Construction, when the surveyor filed to conduct research of adequate thoroughness to support the determination of a FEMA Base Flood Elevation related to FEMA datum. The reliance of the surveyor on an informal network of height monuments established by nails in power poles, of which he had no personal knowledge, was

inadequate for establishing the elevations for the surveyed properties. The subject surveyor also violated rule 663.18(b), Certification, when he certified to a FEMA Flood Elevation Certificate, which is in addition to the standard of practice promulgated by the Board, the failure to rely on FEMA Datum as required resulted in his certifying to an incorrect BFE as being on FEMA Datum. The respondent also violated rule 663.18(d), Certification, when he certified to a FEMA elevation when he did not have factual information or personal knowledge of that information. The agreed order called for a reprimand and an administrative penalty of \$4,500 and was signed by the subject surveyor. Mr. Kwan moved that the Board accept the amended agreed order. Ms. Chruszczak seconded the motion and the vote was unanimous. Ms. Foster and Mr. Price sat on the ISC committee and abstained from voting. The subject surveyor in this complaint was Richard F. Faust, RPLS #4782.

Complaints 09-30 and 09-10, 09-24, 09-26 and 09-35. Ms. Foster then reported on this series of complaints filed against one surveyor. This complaint yielded a violation of rule 663.16(c), Boundary Construction, when the subject surveyor failed to conduct research of adequate thoroughness to support the determination of a FEMA Base Flood Elevation related to FEMA datum. The reliance of the surveyor on an informal network of height monuments established by nails in power poles, of which he had no personal knowledge, was inadequate for establishing the elevations for the surveyed properties. Rule 663.18(b), Certification, was also violated when the surveyor certified to a FEMA Flood elevation Certificate, which is in addition to the standard of practice promulgated by the Board, the failure to rely on FEMA Datum as required resulted in his certifying to an incorrect BFE as being on FEMA Datum. The Surveyor also violated rule 663.18(d), Certification, when he certified to a FEMA elevation when he did not have factual information or personal knowledge of that information. Furthermore, information within his expertise as land surveyor regarding the prevalence of subsidence in the area and the unreliability of monuments in the area should have prompted him to be more diligent when attesting to the BFEs for the surveyed properties. The surveyor is to receive a reprimand and pay an administrative penalty of \$18,000. Mr. O'Hara moved that the Board accept the agreed order as written and signed by the surveyor. Ms. Chruszczak seconded the motion and it passed unanimously. The subject surveyor of this agreed order is Anthony Leger, RPLS #5481. Ms. Foster and Mr. Price sat on the ISC committee and abstained from voting.

Complaint 12-48. Mr. O'Hara reported on this complaint to the Board that concerned property in San Antonio. San Antonio uses as part of its legal description "new city block". The subject surveyor put the wrong number for the new city block. When the owner went to refinance, the title company would not accept the survey because it had the wrong number. The owner contacted the surveyor and he informed her that he would have to charge. Considering the work on the survey, the work was exemplary with the exception of listing the wrong city block number. The surveyor had the opportunity to correct the survey but made the decision to charge. Because his standard of work was good, he had the opportunity to make the survey right but chose not to do so. The ISC committee recommended an administrative penalty in the amount of \$150, which is the fee the surveyor was going to charge the homeowner. In addition, he is to send an amended drawing to the complainant and forward a copy to the Board. Ms. Chruszczak moved that the amended agreed order be accepted by the Board. Ms. Foster seconded the motion and it passed unanimously. Mr. O'Hara and Mr. Garcia sat on the ISC committee and abstained from voting. The surveyor in this complaint is Peter Aguirre, RPLS #5464.

Complaint 14-03. Mr. O’Hara reported on this complaint and noted that it involved two surveys representing two adjacent lots. One of the surveys was over 10 years of age but it was considered because it had bearing on the other lot. The subject surveyor has a long standing practice but the committee members noted his disregard for existing monuments and existing records. It appears that his practice is subpar. The first survey was dismissed because it was over 10 years of age. The second survey had violations for construction of the boundaries where he disregarded existing monumentation and existing records and boundary descriptions. He basically followed the fence line. His reporting was also an issue. The committee determined that the surveyor had violated rule 663.16(a), (b), (c) and (d) and rule 663.19(1), (2), (3)(A)(i)(ii), (7) and (8). The survey should receive reprimand and an administrative penalty of \$6,700. Ms. Foster moved that the Board accept the agreed order. Ms. Chruszczak seconded the motion. The Chair called for discussion and Mr. Kwan noted that this surveyor has a history of not surveying properly. Ms. Chruszczak wondered if the penalty was appropriate. In light of the information Mr. Kwan brought to the Board, Ms. Foster withdrew her motion. Mr. Billingsley pointed out that the surveyor that brought this complaint submitted the two surveys to show there was a pattern. Ms. Foster suggested adding an additional eight hours of continuing education on boundary construction. Ms. Chruszczak suggested having the surveyor submit plats to the Board for review. Ms. Foster moved that the Board amend the agreed order to , in addition to the reprimand and the penalty, add a requirement for successful completion of an additional eight hours of CEUs from a home study course that the Board provides on the Act and Rules to be completed within 30 days and that a list of monthly projects be submitted from which the Executive Director will select one project for electronic submission and review by the Investigator. Ms. Chruszczak seconded the motion and it carried unanimously. This concluded Mr. O’Hara’s report.

4. Committee Reports

a. Executive Committee

The Chair asked for a motion to appoint Adam Diehl to the Item Writer’s Committee. Mr. Kwan moved that Mr. Diehl be appointed to the Item Writer’s Committee. The motion was seconded and passed unanimously.

b. Rules Committee

Ms. Chruszczak reported that one of her responsibilities from the last meeting was to update the penalty matrix so it can be included in the new rules. Mr. Hiller suggested adding “suggested sanctions”. The changes are noted in red. Some items were duplicates and some items are no longer in the current rules. Mr. O’Hara moved to accept changes to the matrix as proposed by Ms. Chruszczak. After reviewing the proposed language and some discussion, Mr. O’Hara retracted his motion since there were going to be additional revisions made to the matrix. Ms. Chruszczak will make the additional revisions and present them at the next Board meeting.

The other charge Ms. Chruszczak was given dealt with complaints regarding surveys that are over 10 years of age. Ms. Chruszczak deferred to Mr. Hiller who had drafted some language for a policy. At the last meeting, there was discussion on limiting discipline to surveys or act of surveys that are less than 10 years old. Mr. Hiller drafted the following policy language:

“It is the policy of the Texas Board of Professional Land Surveying (the Board) to dismiss, at an open meeting of the Board, any complaint against a person or a firm licensed or registered with the Board which is based upon a survey or any act of

professional surveying that was performed ten (10) years or later from the date that the complaint is received by the Board; *unless* the Board, by a majority vote, finds that the survey or act of professional surveying resulted in actual significant injury or actual substantial harm to the complainant or to the general public.”

Mr. O’Hara moved that this language be adopted as a policy statement as read into the record by our attorney. The motion was seconded and discussion ensued. Ms. Chruszczak offered the following language to clarify that the policy is meant to limit discipline to surveys or an act of surveying less than from the date of the survey or the act of surveying. Mr. Hiller offered the following change to the language:

“It is the policy of the Texas Board of Professional Land Surveying (the Board) to dismiss, at an open meeting of the Board, any complaint against a person or a firm licensed or registered with the Board which is based upon a survey or any act of professional surveying that ~~was performed ten (10) years or later from the date that the complaint is received by the Board~~ is more than 10 years old; *unless* the Board, by a majority vote, finds that the survey or act of professional surveying resulted in actual significant injury or actual substantial harm to the complainant or to the general public.”

After some discussion and concern about matching the statute of limitation as written in the Texas Civil Practice and Remedies code, it was decided that Mr. Hiller would amend the proposed statement and present it to the Board at its next meeting. This concluded Ms. Chruszczak’s report.

c. RPLS/SIT Examination Committee

Mr. Hodde reported that 14 individuals had passed the Fundamentals of Surveying exam since the last meeting; 24 individuals attempted the test. Mr. O’Hara moved to certify these 14 individuals as SIT. The motion was seconded and passed unanimously.

Mr. Hodde then reported that 30 individuals passed the reciprocal/RPLS exam. Mr. Kwan moved to register these individuals that passed the exam. The motion was seconded and passed unanimously.

Mr. Kwan commented that there are now three Asian women licensed as land surveyors in Texas.

This concluded Mr. Hodde’s report.

d. LSLs Examination Committee

Mr. O’Hara reported that three candidates sat for the LSLs exam in March. Committee members Nedra Foster, Bill Merten, along with Mr. O’Hara, graded the exams and agreed that one individual, David Scott Crane, had passed. Mr Crane was present to receive his LSLs certificate. The next exam will be in October. This concluded Mr. O’Hara’s report.

e. Continuing Education Committee

Mr. Kwan presented the courses for approval to the Board. With the exception of one course: *Situational Leadership* (Bury Inc, sponsor), the following courses were recommended for approval:

- *Ethics and Certifications* (Turner Land Surveying, sponsor)
- *Texas and Louisiana Boundary* (TSPS Northeast Chapter 23, sponsor)
- *Eminent Domain Strategies for Appraisers, Attorneys and Land Planners* (International Right of Way Association, Chapter 74 , sponsor)
- *Modernization of the National Spatial Reference System* (TSPS Annual Convention)
- *Life Cycle of a Vacancy* (TSPS Annual Convention)
- *ROW 101 – TxDOT ROW mapping Procedures* (TSPS Annual Convention)
- *Our Railroads Run on Safety* (TSPS Annual Convention)
- *History of the Texas Public Domain* (TSPS Annual Convention)
- *Professional Liability Insurance: Why you need it and what to watch out for* (TSPS Annual Convention)
- *Charm School for Professional Surveyors* (TSPS Annual Convention)
- *Tree Identification* (TSPS Annual Convention)
- *Torts and the Land Surveyor* (TSPS Annual Convention)
- *John McMullen Grant* (TSPS Annual Convention)
- *Communication Skills for Surveyors* (TSPS Annual Convention)
- *To Accept or Not to Accept: That is the Question* (TSPS Annual Convention)
- *How YOU can Invest in Improving the Current Status of Passive Control in the National Reference Frame* (TSPS Annual Convention)
- *Ethics for Land Surveyors* (TSPS Annual Convention)
- *Manifest Destiny and the Bumbled Boundary* (TSPS Annual Convention)
- *Courtroom Preparation and Testimony* (TSPS Annual Convention)
- *Three New (or not so new) Ways to Get into Trouble* (TSPS Annual Convention)
- *Ethics* (TSPS Annual Convention)
- *A Technique for Precision Point Setting* (Individual course – Article by Terrence Mish)

Mr. Merten moved that the Board accept Mr. Kwan’s recommendations as shown. The motion was seconded and passed unanimously.

Mr. Kwan then called on staff member Rita Evans to report on the continuing education audit. Ms. Evans stated that she mailed 350 requests and only two paid the penalty for not having their continuing education hours. All responses were received. This concluded Mr. Kwan’s report.

f. Oil Well Issues Committee

Mr. O’Hara reported that gasoline prices were falling at the pumps and was having a large impact on the oil and gas industry. In spite of lay-offs, production continues but is slower and there are no new wells. A Baker-Hughes report from March 2015 shows the rig count is down, 538 in Texas, the lowest since 2010. There were 860+ rigs a year ago, the majority have been taken from the Permian Basin. Nationally, 600 rigs have been taken out of service the past year. There is currently a glut of oil in the US and the Obama administration is looking at lifting the ban on exporting oil. Crude oil is up less than \$1 per barrel (\$50 per barrel). This concluded Mr. O’Hara’s report.

g. Legislative Needs Committee

Mr. Merten reported that the legislative session would be ending soon. House Bill 2089, Occupational Tax, has been voted on by the House and sent to Senate Finance Committee.. House Bill 2892, concerning procedure in which a state agency may issue an opinion on that a water course is navigable. The initial submittal had some flaws but it has been revised and approved by the House Committee Natural Resources and is to be voted on in the House. This concluded Mr. Merten's report.

5. Other Business

a. NCEES PS Exam

i. Decoupling Experience from Exam Requirements

The Chair reminded members that they had discussed this at the last meeting and asked for any comments. Mr. Estrada directed the members to letters from Ken Gold, chair of the Item Writer's Committee, and Bill Massey, chair of QAQC. John Barnard, chair of the Cut-off Score Committee concurred with their responses. The committees had been asked to comment on moving to the NCEES PS exam. Mr. Estrada also pointed out a letter from NCEES saying that they are moving the PS exam to computer-based in 2016. One of the issues that has arisen is what would states do with their state specific exam to make it easier for individuals to take the test and how could the frequency be increased. Mr. Estrada commented that he had asked staff member Natalie Jackson to research TBPLS moving to the PS exam. Ms. Jackson learned that, according to NCEES, for TBPLS to move to the PS exam would depend on whether we did so prior to the move to computer-based or after. Moving before means having paper tests shipped to the Board, collecting fees, and administering the exam. Ms. Foster noted that the Sunset Commission was critical of the low passing rate and she felt that adding an exam would lower the rate again. Mr. Hodde explained that the PS exam would replace part of our exam and we would continue with the state-specific portion. Mr. O'Hara commented that at the Southern-Western Zone joint meeting learned that other states offer take home exams and on-demand exams. Their exams were based on the state's statutes. He noted that our reciprocal exam was more involved.

Mr. O'Hara also mentioned that there was discussion at the zone meeting on why the education, experience and examination had to occur in a certain sequence. A couple of states have decoupled experience/education from examination. The idea is that this would allow students graduating from college to take the exam while they are used to examinations and, hopefully, get them into the surveying profession. Mr. Kwan raised concerns about the dwindling numbers of people becoming licensed and our upcoming Sunset review. Mr. Hodde asked Mr. O'Hara to chair a committee to gather information on the ramification of moving to the NCEES PS exam. Mr. Merten and Ms. Jackson will assist him.

6. Future Agenda Items – Select next meeting date

Members did not suggest any future agenda items other than the assignments made during the meeting.

The next Board meeting will be held on August 28, 2015.

7. Comments from the Public

The Chair informed the audience that it would be going into Executive Session. Prior to doing so, Mr. Hodde invited comments from the public. Hearing none, the Board moved into Executive Session at 12:50 p.m. after which the public portion of the meeting will reconvene and the Board will adjourn.

The public meeting was reconvened and called to order at 1:32 p.m. No business was conducted during the Executive Session.

There being no further agenda items, the Chair was prepared to adjourn. Before doing so, Ms. Jackson recapped assignments made to members. Mr. Estrada also took a moment to explain that the Governor's office had not made any appointments for our outgoing members. The Secretary of State will appoint an interim and those individuals will be blessed by the Senate the next time the Legislature is in session.

The meeting was adjourned at 1:40 p.m.