

MINUTES
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING
12100 Park 35 Circle, Bldg. A, Rm. 173
Austin, Texas
August 28, 2015, 9:00 a.m.

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

The meeting was called to order at 9:10 a.m. Present were Jon Hodde, Chair, current members Jerry Garcia, Paul Kwan, Mary Chruszczak, Bill Merten, in-coming members Davey Edwards and Jim Cheatham. Representing the General Land Office Commissioner was David Pyle. Absent was in-coming member Drew Paxton. Also in attendance were Tony Estrada, Executive Director, office staff, Assistant Attorney General H.J. Liller and out-going Board member, Bob Price.

After introductions, TBPLS lapel pins were presented to new members Davey Edwards, Jim Cheatham and David Pyle. Mr. Pyle later announced that Bill O'Hara's position with the General Land Office would be filled soon and those interested in applying should watch for the job posting.

The Chair then called for comments from the public. Hearing none, the Chair moved to the first item on the agenda.

1. Approval of the May 29, 2015 Minutes

Mr. Estrada noted that corrections submitted prior to today's meeting had been incorporated into the minutes. Mr. Merten offered a motion to accept the minutes as corrected. The motion was seconded and carried. Mr. Edwards abstained from voting.

2. Director's Report

a. Introduction of New Staff Member

Mr. Estrada introduced a new staff member, Julia Estrada, who is the Administrative Assistant and Complaints Administrator.

b. Agency Appropriations – Final

Mr. Estrada updated the members on the approved appropriations. The Legislature approved the exception item request for an additional part-time investigator. The Legislature also increased what employees contribute toward benefits but to offset the reduction in pay, they increased salaries by 2.5%. Mr. Estrada noted that the Legislature also reviewed the executive director salaries of the small regulatory agencies and determined that the salaries were not in line with the private sector. As a result, the maximum level of the TBPLS executive director salary was increased from \$70,000 to \$85,000. However, appropriations were not provided. In the event the Board chooses to increase the executive director salary, a request for funding would have to be made at a future legislative session unless funding could be found within the agency's current budget. Any increase would have to be Board approved.

c. State Auditor's Office Performance Measure Audit Results

The SAO reviewed the agency's performance measures and reviewed three key measures. Their findings regarding reporting of license data was mostly acceptable. However, the reporting of complaints data was

subpar. The auditors recommended establishing written procedures on the collection of data and having more than one person involved in the collection and reporting. One reason the complaint data was skewed was because a former staff member changed the status of pre-2011 complaints that had been transferred into Versa in 2011. This created the impression that a substantial number of complaints were closed during the reporting period. Mr. Garcia asked if the organizational skills of the staff were an external factor that resulted in the skewed numbers. Mr. Estrada reiterated that it was the changing of the status of previously closed complaint imported into Versa, not the skill level of the staff that caused the problem. Mr. Garcia then inquired if the difference in the salary level for the executive director would be available at a later date after evaluations. Mr. Estrada explained that funding was not provided, only the maximum salary level was increased. Mr. Edwards asked if there was an opportunity to correct the issues determined by the audit. Mr. Estrada responded that the SAO would not be reevaluating but they could conduct another audit at a later date.

d. Reduction in Licensing Fees

Mr. Estrada discussed the removal of the \$200 occupational tax from the land surveying licensing fees due to the passage of a bill this session repealing the tax. Late renewals for 2014 licenses will still include the fee. For current active RPLS licensees, the renewal rate will now be \$179.

This concluded Mr. Estrada's report.

3. Complaints

Mr. Billingsley reported on complaints.

14-03. This complaint was assessed at the last Board meeting. The complaint alleges that the subject surveyor did not follow board rules in constructing the boundary of the subject tract when he completed a survey in 2011 based upon fence lines. The common line of this survey also did not agree with a previous survey done by the surveyor in 2001. Due to the subject surveyor's history, the Board suggested the agreed order be amended to include additional penalties. The administrative penalty is set at \$6,750, the subject surveyor is required to successfully complete eight additional hours of continuing education on the Board's Act and rules and is to submit a list of projects each month from which one will be selected for review. The agreed order was signed by the subject surveyor. Mr. Kwan made a motion to accept the agreed order. The motion was seconded and passed unanimously. The subject surveyor in this complaint is Manuel Calderon, RPLS # 2564.

14-08. This complaint alleged that the subject surveyor failed to correctly delineate the boundary of the adjacent property and located a common corner approximately two feet of the correct location. The subject surveyor had previously surveyed the property to the north and found a two-foot gap between the properties. The subject tract had a called distance from north to south of 495.8 feet. The surveyor researched the chain of deed and each one had the same exact description. Had the subject surveyor conducted proper research to include the senior deed when the property was partitioned, he would have noticed the dimension was 497.8 feet. What appears to be a typo in one of the deeds was copied in the subsequent deeds. After discussing this with the Board's investigator, the subject surveyor corrected his survey. The surveyor was found to be in violation of rule 663.16(a), (b) and (c), *Boundary Construction*, rule 663.17(d), *Monumentation*, and rule 663.19(4), *Plat/Description/Report*. The subject surveyor signed the agreed order stipulating a reprimand and an administrative penalty of \$6,800. Mr. Garcia made a motion to accept the agreed order. Mr. Kwan asked for additional information concerning past complaints against the subject surveyor. Mr. Garcia moved to table the motion. The motion was seconded and approved.

Mr. Billingsley provided the members with complaint statistics. He noted there were 66 open complaints, 12 of which had agreed orders. Four of the 12 have resulted in Informal Settlement Conferences. Since the last board meeting, eight new complaints have been filed.

14-17. Ms. Chruszczak reported on a complaint that went to Informal Settlement Conference (ISC). She and Mr. Garcia were the members that were part of the ISC committee. The complaint alleged that the subject surveyor for not providing the survey that was paid for and for not displaying the Board's contact information on the wall in his office. The survey was done in Nueces County in 2013. The survey did not have easements on it and after being asked, the subject surveyor added the information at no charge. The father of the client then asked for a CAD drawing of the survey and the subject surveyor explained that that was not part of the contract. After being contact by Mr. Billingsley, the subject surveyor explained that he had just moved into a new office but he located the Board contact information in one of the moving boxes and hung the notice on his wall. The only issue found with the survey was regarding rule 663.17(b), *Monumentation*, failing to note on the plat the marker in a manner that is traceable to the registrant or registrant's employer. The subject surveyor said that he would start adding this additional information on his surveys. The subject surveyor was cordial and responsive, wanting to comply. He followed procedures very thoroughly and did not give the impression that he was trying to disregard his responsibilities. The ISC committee felt a dismissal was appropriate and Ms. Chruszczak recommends the complaint be dismissed. Mr. Garcia moved to approve the motion and it was seconded. Mr. Pyle abstained from voting. Mr. Merten asked if the caps were set on the rods and if that information was not noted? Ms. Chruszczak said that was correct and that she was noticing a pattern, sitting on ISC committees, that surveyors commonly will not note that they set a cap on their plat or describe it on their survey. They note they have set a 5/8" iron rod, for example, but do not note they have set a cap. Even though they are setting a cap with traceable information they are not noting it. This may be an issue for modification to a ruling but it is not really stated because it says we are to note the location of the set monumentation, not the full description. Mr. Hodde noted that there was no violation for the allegation that the subject surveyor did not provide an electronic file. Ms. Chruszczak agreed saying that was not a rule violation. Mr. Edwards asked for clarification on how the rule on monumentation associates with marking the information on the plat. Ms. Chruszczak said that the rule says you are to show the location but it does not require including the information that is on the cap. Mr. Garcia felt that requiring cap information should not be required. The motion to dismiss was approved with Ms. Chruszczak, Mr. Garcia and Mr. Pyle abstaining.

14-30. Ms. Chruszczak reported on this complaint that went to ISC. The property is located in Brazoria County. The complainant filed against the surveyor because he lost 10 feet of his bulkhead due to the survey of the neighbor's property. The committee had questions about how the surveyor reconstructed the lot locations. Many of these older plats have discrepancies in distances. The survey gave the full distance which was an arc curve which is a radius of two tangent lines. This shortened the complainant's property by 10 feet. It is not for the committee to determine if this was correct or not, there were other concerns that there was no reference to a discrepancy of shortage of one lot line over another. There was concern that the surveyor did not hold the bearing of the common line, but the bearing was also not listed on the plat. The surveyor also did not show the relationship of the record information. During the ISC, the surveyor offered a lengthy explanation of how he had constructed the lot and had done quite a few other lots in the subdivision. The arc length did not show any dimension of the splitting of the arc into other lots so the surveyor held the full arc length to be the property owner's full lot line. Though the surveyor did perform many calculations, there was nothing shown as evidence of reporting the discrepancy and the call and found differences. The committee could not determine if the surveyor had constructed the line correctly or not. The committee is recommending a reprimand and an administrative penalty of \$3,000 plus four additional continuing education hours on the Board Act and rules. Mr. Edwards moved to accept the motion and it was seconded. Mr. Merten asked about whether it was possible to recalculate the bearings for the side lot lines. Ms. Chruszczak said it was possible. Mr. Merten then offered that if the

bearings could be calculated, failing to do so would be a violation of dignity of calls and recommended that the complaint be re-evaluated. Mr. Edwards withdrew his motion and Mr. Kwan, who seconded the motion agreed. Mr. Merten moved that the Board re-evaluate 14-30, specifically concerning boundary construction and dignity of calls. The motion was seconded and approved.

The Chair noted that information had been received regarding complaint 14-08. Mr. Garcia moved that the complaint be taken off the table. The motion was seconded. Mr. Estrada stated that there were seven complaints going back to 1993; all were dismissed except one that yielded an agreed order. He was unable to obtain any details on the agreed order. Ms. Chruszczak asked if the other complaint could be taken into account and whether Mr. Billingsley had considered that information. Mr. Garcia asked if the person signing the agreed order has also agreed not to appeal the order, was it possible to go back to look at the complaint history. Mr. Liller agreed that it was possible as the Board had that authority by statute. Ms. Chruszczak stated that the concern was whether there was a pattern. Mr. Hiller stated that if the vote was to accept the agreed order, Mr. Kwan should abstain from that vote. Mr. Garcia moved to rescind his motion to approve the agreed order. Mr. Merten seconded the motion. Mr. Garcia then moved to postpone action so that staff can present more information on the 1997 agreed order concerning the subject surveyor. The motion was seconded and approved.

14-09 and 14-12. Mr. Liller informed members that ISCs were held on both of these complaints and that the committee does not have a recommendation to present at this time.

a. Closed or Dismissed Complaints

14-38. Mr. Liller reported on this closed complaint where the surveyor had submitted a request to declare the complaint frivolous. The Board has such authority under rule 661.63. The case involved litigation over Big Bird Lane in Washington County. One party had fenced off Big Bird Lane, and was sued by the other party. The subject surveyor was hired by one of the attorneys to survey Big Bird Land and as a result of the litigation, the court found Big Bird Lane was a county road and that the party was unable to fence off Big Bird Lane and was enjoined from obstructing the lane. A month after the ruling, a complaint was filed, all of the allegations civil and immediately dismissed. Mr. Liller discussed this request with Mr. Estrada and Mr. Billingsley and they recommend declaring the complaint frivolous. Ms. Chruszczak moved to accept the request which was seconded. Mr. Merten was involved in the ISC and supported the request. A vote was taken and the motion passed.

This concluded the report on complaints.

At 10:32 a.m., the Chair called for a break. However, before the break, Mr. Price was called to the front of the room for a flag presentation and reading of the following resolution:

*“Resolution Adopted by the
Texas Board of Professional Land Surveying
May 29, 2015
Honoring*

Robert H. Price

WHEREAS, Robert H. Price, after becoming a Civil Engineer in 1989, has achieved many accolades and honors and has held important professional positions in both the public and private sector, including Assistant Director of Public Works for the City of Southlake, Texas; and

WHEREAS, Robert H. Price, as appointed by the Governor Rick Perry to serve on, among many other Boards, the Texas Board of Professional Land Surveying in 2009, spent the subsequent six years supporting the land surveying community of Texas through his dedication to his fellow professionals;

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 Robert H. Price, PE, for the privilege of his contribution and commitment to professional land surveying and extend our most sincere congratulations upon his 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.”

Mr. Price then offered the following comment:

“Thanks to fellow Board members, congratulations to the new board members and especially thank you to the surveying profession. One thing that has become very obvious to me since I came on the Board in 2009 is the passion and commitment that you as surveyors have and I encourage you to maintain that commitment and that professionalism to the citizens of the State of Texas. You are in a very important profession and what you do is key to the success of our State going forward. I just want to say thank you for your service and all that you do for us. Thank you.”

The members and the public attendees then enjoyed refreshments in honor of Mr. Price.

The Chair called the meeting back to order at 11:05 a.m.

4. Committee Reports

a. Executive Committee

Mr. Hodde said that the members needed to elect a vice-chair to the Executive Committee. Mr. Kwan asked who the members of the committee were and Mr. Hodde stated they were Bill O’Hara, Mr. Garcia and himself. Mr. Kwan said Mr. Garcia had been elected Vice-Chair at the last meeting. Mr. Hodde noted that the Executive Committee is appointed by the chair and would appoint someone to replace Mr. O’Hara. Mr. Estrada believed that Mr. Garcia had been appointed but no one had been elected as Vice-Chair. No action needed to be taken. This concluded Mr. Hodde’s report.

b. Rules Committee

The Chair called on Ms. Chruszczak for her report. Ms. Chruszczak reported that she, Mr. Merten and Mr. Billingsley had updated the penalty matrix but would like the other members to take the proposed matrix home with them and review it so the committee can make any additional changes before presenting to the members for a vote.

Ms. Chruszczak also noted that the committee was looking at the order of subject matter. For example, 663.14, Criminal Convictions, is in Professional and Technical Standards. She felt it should be removed from that section and renumbered 663.11. Ms. Chruszczak offered a motion to change section 663.14, Criminal Convictions, to be renumbered as 663.11. The motion was seconded and the Chair called for discussion. Mr. Kwan asked if we would have to go through the public process. Mr. Estrada said it would have to be published in the Texas Register, just like the matrix once it was approved. The motion to renumber section 663.14 was approved and it was decided that the rule change would be published along with the matrix after the matrix was approved at the next meeting. This concluded Ms. Chruszczak’s report.

c. RPLS/SIT Examination Committee

Mr. Hodde reported that there have been 36 SIT examinees since March 6, 2015 with 11 receiving certification. Members will be reviewing the next exam during the executive session. This concluded Mr. Hodde's report.

Mr. Merten commented on the poor quality of rural and urban examples that are submitted with applications. Out of 17 he has reviewed, only two were approved the first time around. Mr. Merten reminded attendees that if they have an SIT that is applying, it is their responsibility to review the SIT application before it gets submitted to the Board.

d. LSLS Examination Committee

Mr. Merten reported that the LSLS exam had been selected and five individuals would be taking the exam. This concluded Mr. Merten's report.

e. Continuing Education Committee

Mr. Kwan recommended approval of the following courses:

- TSPS, Chapter 18
 - *Contracts for the Land Surveyor*
 - *Ethics for the Land Surveyor*
- Nettleman Land Consultants, Inc.
 - *Tree and Wood Identification for the Surveyor*
 - *Easements III: Covenants and Equitable Servitude*
 - *The Surveyor in his Role as Expert Witness*
 - *Boundaries, Boundaries, Everywhere*
 - *Easements, Rights of Way and Encumbrances in Land*
 - *Deeds, Descriptions and the Law*
 - *The Elusive Center of the Section*
 - *Ethics and the Professional Responsibility*
 - *Riparian Water Boundaries*
 - *Land Subdivision design*
 - *Three Worlds of Surveying (16 hours recommended instead of the 24 listed)*
 - *The Successful Surveying Business*
- Conrad Blucher Institute for Surveying and Science
 - *2015 Texas Height Modernization Workshop*
- Surveying Education Foundation of Texas Inc.
 - *The Elusive Corner*
 - *Localizations*
- HalfMoon Education
 - *Legal Issues for Civil Engineers and Professional Surveyors*
- Individual Course Approval
 - Vasileios Kalogirou
 - *An Overview of Oil and Gas Surveying*
 - Michael L. Lewis, Jr.
 - *A Review of the Rules, the Act and Laws Affecting Surveyors*

Mr. Kwan recommended rejecting the following courses:

- Individual Course Approval
 - Mark Paine/James Stowell
 - *McLaughlin Brunson 2015 Loss Prevention/Risk Management*

The Committee was asked to reconsider the recommendation to reject the following courses submitted for approval at the May 29, 2015 Board meeting. Mr. Kwan recommended that the Board's previous vote to reject be sustained.

- Bury Inc
 - *Situational Leadership*
- Individual Course Approval
 - Stephen Horvath/Edward Prince/Robert M. Anguiano
 - *TxDOT ROW Mapping Redline Checklist Class*

Mr. Garcia moved to approve Mr. Kwan's recommendations. The motion was seconded and approved.

Mr. Kwan then addressed a request from Gary Jeffress, Ph. D., RPLS, Professor of Geographic Information Science at Texas A&M, for a blanket approval for continuing education courses that Texas A&M was reviewing and requesting course numbers for each. He had previously been informed that the courses would have to be submitted for approval individually and that would not change. Ms. Chruszczak offered to assist Mr. Kwan with reviewing the individual courses when they are submitted.

This concluded Mr. Kwan's report.

f. Oil Well Issues Committee.

The Chair explained this was Bill O'Hara's committee and he would be appointing someone to chair the committee. Mr. Edwards commented that he had heard from surveyors who perform oil and gas locations and submit latitude and longitude information to the Railroad Commission, having that information rejected because it did not fit in the RRC GIS. The RRC is basing their decision on their GIS which is very schematic and not survey grade rather than basing the information off survey information of control. Mr. Edwards felt this was becoming an issue or something that the Board needed to be aware of. The Chair agreed and said he had met with the RRC in the past. They may be open to making corrections to their system.

Before continuing to the next item, Mr. Estrada noted that one item in Continuing Education did not get addressed. DJ Kyle from TSPS had requested approval to substitute an instructor for a course that had already been approved. Mr. Kwan said no Board action was necessary because the course was already approved.

g. Legislative Needs Committee

Mr. Merten reported that the legislative session had ended. As was mentioned earlier, the elimination of the \$200 occupation tax passed and a bill also passed allowing surveyors to use unmanned aircraft in the course of surveying for the purpose of taking photographs as long as any individuals on the property are unidentifiable.

This concluded Mr. Merten's report.

5. Other Business

a. Revised policy regarding complaints concerning surveys over 10 years of age

Mr. Liller proposed a revised policy statement: "It is the policy of the Texas Board of Professional Land Surveying (the Board) to dismiss any complaint against a licensed surveyor or registered firm if the complaint was submitted to the Board ten (10) years or more after the date that the survey was signed and sealed;

unless the Board, by majority vote, finds that the survey resulted in actual substantial harm to the complainant or to the general public.” Mr. Merten moved that the policy statement be adopted. The motion was seconded and there was no discussion. The motion passed unanimously. Mr. Liller noted that this was a temporary measure until a rule could be put into place.

b. Additional research on moving to NCEES administered Professional Surveying exam

Mr. Merten reported that he was asked about feasibility of moving to the PS exam since it will be offered as a computer-based test in 2016. His committee came up with a three-step process instead of a two-step process where the individual takes the FS, PS and then the state-specific exam. The committee reviewed Sections 1071.252, 253, 254 and 256 for interpretation in case it would prohibit a three-step process. Mr. Liller explained that a potential problem would be under 1071.252(c), “after the Board determines that an applicant is qualified to . . . appropriate section of the exam under section 256. . . the Board shall set the examination section.” This sets a timeline where the Board would require the approval first and then set the examination. Our interpretation is that it only applies to the state-specific exam and not anything else. If the statute is found to be ambiguous, the Board’s interpretation is what is given weight. Mr. Merten described the committee’s concept as being an individual take the FS exam prior to application prior to SIT, pass the FS and receive his certificate for mentorship. During that mentorship, he would apply and take the PS exam and then come to the Board with proof of passing the PS and apply for the state-specific exam. Mr. Kwan was concerned about adopting this policy. He believed that the individual would have to take three exams (FS, PS and state exams) instead of two. The only purpose this serves is to promote mobility and he wondered if that was the Board’s objective or if it was to protect the public. He also believed that it would reduce the number of people seeking licensure. Mr. Hodde commented that moving to the PS exam was not about mobility. Most states are requiring three exams. The mobility portion of this is taking the state-specific, such as having other states host our exam so people do not have to hop a plane. Mr. Merten stated that we have looked at the feasibility of having the PS and have seen that we could. The question now is do we want to move in that direction. Mr. Edwards expressed having the same concerns Mr. Kwan had outlined. The PS has some construction on surveys questions but it also has a lot of calculations that deal with rectangular systems that we do not have in Texas. Mr. Edwards wondered if, since we now require a four-year degree, if we cover enough of the rectangular system if it would only allow those seeking a reciprocal license in Texas and preclude those students that are interested in only being licensed in Texas. Does it really protect the public or are we trying to make it easier for surveyors to get their license. We need further debate on whether we want to do this and whether we want to reduce the number of hours on the exam. Ms. Chruszczak reiterated that the issue is what we want to do now. She thought that Mr. Kwan made a good point and that we should ask the profession what they would like to see done. Mr. Merten commented on applications being received where applicant had already passed the FS exam without receiving an SIT in other state. According to our policies, we should be approving them before taking the FS. Mr. Hodde asked Mr. Merten if he would stay on the committee and Mr. Merten volunteered Mr. Kwan to assist him.

c. Fundamentals of Surveying Exam – moving from manual to automatic exam approval

Mr. Estrada asked the Board for direction because of the fact that NCEES will be moving to a computer-based test for the PS exam and, in most states, the applicant does not need to seek approval before taking the exam. He believed that we will see an increase in individuals taking the PS exam first and then coming to Texas for SIT contrary to our rules. Mr. Kwan pointed out rule 661.41(e) states that if you pass the national exam and are certified by another state, then you would be accepted in Texas. Mr. Estrada said that the issue was an individual applying to take the FS exam in another state but then not obtaining the FS certification in that state. Instead they would then come to Texas to apply for SIT. Mr. Kwan stated that he had written the rule in the early 1990s and that it was intended that a person taking the exam should still be recognized in Texas. Mr. Hodde stated that it was a sequence issue and Mr. Edwards commented that in reviewing the rule the “and” perhaps should be an “or”. It was suggested that

Mr. Liller should review the rule and Mr. Liller stated that this would be an item to discuss in executive session.

e. Transferring Puerto Rican SIT to Texas

Mr. Hodde asked Mr. Estrada to discuss item e out of order since it pertained to the current discussion. Mr. Estrada explained that an individual holding a SIT certification in Puerto Rico has come to Texas seeking an SIT certificate. Our rule states that a SIT certificate is valid for eight years. Mr. Estrada is wondering if we should accept his results or should he be required to take the FS exam again. Mr. Kwan felt it should be accepted since he has taken the exam and passed it. Mr. Estrada pointed out that we have looked at the date of certification, even for those from other states, and applied the eight year period of validity. Ms. Chruszczak thought this might be an administrative issue. Mr. Estrada reiterated that the issue was that our rules require approval prior to taking the exam. Mr. Edwards asked if the individual was active with the Board requirements in Puerto Rico and if those requirements paralleled ours. Mr. Liller suggested this issue be addressed in closed session.

d. Clarification of Rule 663.19(d)

Mr. Estrada directed members to an email asking about rule 663.19(d). The individual wanted to know if this rule applied to a signed and seal PDF copy of the survey. Ms. Chruszczak and Mr. Kwan agreed that this survey would still be considered an original because it references the original date of survey. The individual further went on to ask whether a client reviewing an electronic copy that is signed and sealed would be looking at a document considered an original. Members agreed it would.

The Chair informed the public that the Board would be moving into executive session after public comment. Mr. Pyle apologized for having assumed that everyone knew that Mr. O'Hara had left the General Land Office earlier this month. Public comment was then received.

An audience member said that the last item discussed was not adequately addressed. The question was whether a digital copy, signed and sealed, without a paper copy being issued, would be considered an original. The Business and Commerce Code seems to conflict with the Board rules. Mr. Hodde noted that a policy statement had been issued three meetings past and a copy would be made available to the speaker.

Jim Gillis, TSPS President, was asked to make some points known to the Board. First, regarding the move to the NCEES PS exam, the surveyors of Texas are opposed to any watering down of the requirements to becoming a surveyor in Texas. Second, it has been generally acknowledged that we have a declining number of candidates entering the profession. TSPS has worked hard to develop a program to take into high schools to interest high school students. Mr. Gillis also asked land surveyors who had the opportunity to get into the high schools and talk with the students. Third, regarding complaints, the surveyors feel that the complaints filed with the Board are not being dealt with timely or at all. It would be a better system if complaints were acknowledged immediately and the complainant would be kept advised of the status.

Another member noted that someone mentioned to him that for their profession, they had to have 24 hours of continuing education and wondered if the Board should not consider this.

Paul Carey, President-elect of TSPS, wanted to encourage the Board to not practice leniency like what he heard today. Economically is the best way to weed out individuals who will not adhere to our rules.

Regarding the master's degree, that if a degree is GIS we could safely say that it was acceptable.

Mr. Edwards made an open comment regarding the architect board and noted that they are also seeing a decline in licensees.

The Chair noted that it was 12:21 p.m. and the members would take a short break before going into executive session.

The Chair noted that the time was now 1:10 p.m. and the Board will go into closed session to deliberate pursuant to the Texas Government Code regarding personnel matters and approval of exam material.

The Board was reconvened at 2:23 p.m. No formal action was taken by the Board during the closed session.

Mr. Garcia made a motion that Mr. Estrada's salary be increased by the funding providing by the Legislature in the amount of \$3,000 per year. The motion was seconded and was passed unanimously.

Mr. Merten made a motion that Mr. Paxton's absence be excused. The motion was seconded and passed unanimously.

6. Future Agenda Items – Select Next Meeting Date

The next Board meeting was scheduled for November 20, 2015 at 9:00 a.m.

The meeting was adjourned at 2:30 p.m.