MINUTES
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING
12100 Park 35 Circle, Bldg. A, Rm. 172
Austin, Texas
February 19, 2016, 9:00 a.m.

Call to Order, Establish Quorum, Introductions, and Comments from the Public
The meeting was called to order at 9:05 a.m.

Present was Jon Hodde, Chair, Board members Bill Merten, Jerry Garcia, Paul Kwan, Drew Paxton, Davey Edwards, Jim Cheatham and Mark Neugebauer. Also present was Executive Director Marcelino A. Estrada, Assistant Attorney General Harold J. Liller and Board staff. Absent was Board member Mary Chruszczak.
The Chair asked the members and Board staff to introduce themselves. He then invited the public in attendance to do the same.

1. **Approval of the November 20, 2015 Minutes**
The Chair called for a motion to approve the minutes of November 20. Mr. Garcia offered a motion and it was seconded. Hearing no discussion, the motion was unanimously approved.

2. **Director's Report**
a. Proposed rules published in Texas Register, February 5, 2016
Mr. Estrada reported that the rules that the Board had approved for publication at the last meeting had been published in the February 5, 2016 issue of the Texas Register. He pointed out that the proposed matrix would appear following the rules. The period for public comments would run through March 5. No comments have been received at this time.

b. License renewals
i. Statistics
Mr. Estrada noted that he had left the statistics out of the workbook but would get that information to members later.
ii. Complaint regarding methods for renewing
He also mentioned that one complaint had been received concerning a licensee's frustration with renewing his license online. He asked that the Board discuss this at the next meeting. Mr. Estrada told the members that the Health Professions Council has a help desk staffed by two people. With the Christmas holiday, that resulted in delayed responses to request for assistance. Mr. Estrada said that HPC is a small agency just like the Board and that he had spoken with them about this issue. It was determined that there was nothing more that could be done. Mr. Estrada said that he would continue educating the licensees on creating their accounts early, if they did not have one already, or checking that they have access to their accounts if they have already established one. This might help prevent issues when the licensee goes to pay their renewal online. The Chair noted that licensees could also mail their payments to the Board.

c. Audit
A CE audit was being conducted by the Board. Fifteen percent of the licensees (363) were pulled. From that pool, the names of three that had renewed late and those of 18 new registrants were removed. 342 letters were mailed out on February 5 and responses are due by March 5.

d. Digital Signature – Policy to Rule?

Mr. Estrada informed the members that the Board's office had been receiving calls regarding digital signatures. A copy of Mr. Merten's report from December 2014, along with the pertinent section of the minutes, was included in the workbook. Mr. Estrada wanted to know if it was time to consider this topic for a rule or to maintain this as a policy. Mr. Garcia suggested beginning the process of creating a rule, so that the Executive Director doesn't have to make a decision each time. Mr. Garcia offered this as a motion. Mr. Kwan seconded the motion. Mr. Merten noted that with ever-changing technology, considering five years, 10 years down the road, would this create an issue regarding technology. Mr. Garcia agreed but also noted that the rule could be changed as needed. Mr. Liller commented that the law favored rules over policy, and strongly disfavors defective rule making (using policies in lieu of rules). A vote was taken and the motion carried. Mr. Merten will work on this proposed rule.

e. 3D Laser Scanning

Mr. Estrada brought a question from licensee George Rubacava to the members. Regarding 3D Laser Scanning, the licensee asked:

"Is the Board going to set a rule with acceptable standards for the use of 3D laser scanning? This method of surveying is used in refineries instead of the traditional surveying method. A control is set using plane coordinates. Three or four targets are picked up in the scan before the scanner is relocated. This helps create a 3D image of the area to help lay new pipes or other equipment. It also simplifies creating the image compared to using the traditional method of surveying and having to identify a point on each pipe for the CAD operator. This method may be similar to topographic surveying."

The Chair noted that 3D Scanning, drones, are all tools for gathering data and did not believe that a rule had to be written to address a specific tool. Mr. Kwan agreed, saying that would be too much micromanagement. As tools change, accuracy changes and we would be narrowing ourselves too much. Mr. Garcia stated that in and of itself, there was nothing wrong with laser scanning. The Chair stated that he believed the licensee was looking for a guideline on how to use laser scanning to meet board minimum standards. Our standards are written and whatever tool he uses, he must meet those standards.

This concluded the Director's report.

3. Complaints

Board investigator, Mr. Billingsley, told the members that we have performed a self-audit of the complaints. It was discovered that there are six open complaints from 2012, from 2013 there are 12 open complaints, there are 19 open complaints for 2014, for 2015 there are 29, and for 2016 there are 22 that are open. This brings the total to 88 open complaints.

a. Closed or Dismissed Complaints

Mr. McMinn briefed the members on complaints that were dismissed since the last Board meeting. A Complaint Review Panel composed of Drew Paxton (Public Member), Mary Chruszczak (R.P.L.S. Member), Tony Estrada (Executive Director), Larry Billingsley (Investigator) and Mike McMinn (Investigator), met at the TBPLS Office on January 26, 2016. The Panel reviewed the following seven complaints:

Complaint 12-31: Complaint alleged that he hired Surveying Firm "A" to prepare and process a subdivision plat for six adjoining tracts of land. Six months later, Surveying Firm "A" went out of business and asked Surveying Firm "B" to complete the subdivision process. The subject

surveyor was an employee of Surveying Firm "B". The subject properties adjoin a flood control channel. The Flood Control District requested that the property owners dedicate additional land to the District for improvements to the channel. Some of the property owners refused and the file expired before the process was completed. The board investigator did not find any violation of Board Rules and the Executive Director recommended to the Panel that the complaint be dismissed. After reviewing the facts, the review panel concurred with the recommendation and Complaint 12-31 has been dismissed.

Complaint 13-10: Complaint alleged that the subject surveyors (two surveyors involved) showed different locations for a fence on a lot line. One surveyor showed the fence on the line, the other showed it 0.3 of a foot off the line. There does not appear to be any discrepancy as the location of the common line. The issue between the complainant and their neighbor is ownership of the fence. The board investigator did not find any violation of Board Rules and the Executive Director recommended to the Panel that the complaint be dismissed. After reviewing the facts, the review panel concurred with the recommendation and Complaint 13-10 has been dismissed.

Complaint 13-12: Complaint alleged that the Professional Engineer who is the subject of the complaint was in violation of the Texas Professional Land Surveying Practices Act. The engineer prepared an exhibit for use in an electric easement in connection with a commercial development he was designing. The board investigator spoke with the engineer and determined that he had no intention of violating the act and would not do so in the future. The board investigator is of the belief that this was a one-time occurrence and that no action should be taken. The Executive Director recommended to the Panel that the complaint be dismissed. After reviewing the facts, the review panel concurred with the recommendation and Complaint 13-12 has been dismissed.

Complaint 13-15: Complaint alleged that the subject surveyor removed historic property corners and set monuments some 10 feet inside their property. The surveys provided by the complainant and the subject surveyor in his response do not support that allegation. There does appear to be a conflict on about 0.7 of a foot discrepancy between two surveyors. The conflict appears to have occurred when the two surveyors recognized and adopted conflicting control monuments. The board investigator did not find any violation of Board Rules and the Executive Director recommended to the Panel that the complaint be dismissed. After reviewing the facts, the review panel concurred with the recommendation and Complaint 13-15 has been dismissed.

A Complaint Review Panel composed of Jerry Garcia (Public Member), Davey Edwards (L.S.L.S. Member), Tony Estrada (Executive Director), Larry Billingsley (Investigator) and Mike McMinn (Investigator) met at the TBPLS Office on January 27, 2016. The Panel reviewed the following complaint:

Complaint 13-18: Complaint alleged that the subject surveyor made false statements to a court during testimony. Possible violation might include Rule 663.18. Certification in that "A land surveyor shall certify only to factual information that the land surveyor has knowledge of or to information within his professional expertise as a land surveyor unless otherwise qualified." A review of the transcript revealed that the subject surveyor answered the questions asked. The board investigator did not find any violation of Board Rules and the Executive Director

recommended to the Panel that the complaint be dismissed. After reviewing the facts, the review panel concurred with the recommendation and Complaint 13-18 has been dismissed.

Complaint 13-28: The Complaint was a re-filing of allegations first raised by the complainant in 1994. The issues raised in 1994 were found to not be covered by the Land Surveying Practices Act or rules promulgated by the Board. The complaints were dismissed. The complainant now alleges that the subject surveyor refuses to provide land surveying services. The refusal to provide land surveying services when there is no contractual obligation by the subject surveyor is not a violation of any of the Board rules. The board investigator did not find any violation of Board Rules and the Executive Director recommended to the Panel that the complaint be dismissed. After reviewing the facts, the review panel concurred with the recommendation and Complaint 13-28 has been dismissed.

Complaint 13-36: Complaint alleged that the subject surveyor failed to deliver his survey in a timely fashion. After missing several promised delivery dates, the complainant fired the subject surveyor. The complainant alleges that the subject surveyor then returned to the subject property and removed the property corners. In his response, the surveyor states that the perceived missed deadlines were a result of discussions regarding the complainant not wanting to pay the full fee for the survey. The surveyor confirms that after being fired, he did return to the site and removed guard stakes and flagging, but did not remove any monuments. The board investigator did not find any violation of Board Rules and the Executive Director recommended to the Panel that the complaint be dismissed. After reviewing the facts, the review panel concurred with the recommendation and Complaint 13-36 has been dismissed.

Complaint 14-19: Complaint alleged that the subject surveyor staked a TXDOT channel easement on the ground within the complainant's property. The predecessor in title to the Complainant acquired the property in 1964. In the 1964 deed, the channel easement noted as Tract One was SAVE AND EXCEPTED for the conveyance. In 1980 when the property was conveyed to the Complainant, no mention was made of the channel easement. The predecessor could not convey title to the easement as they did not acquire title to it in 1964. The complainant had two surveyors state that the easement could not be located due to the lack of a bearing. The subject surveyor stated that "the Southwest end was calculated by intersecting the length along the centerline, 200 feet, with a line from the radius point of the curved right-of-way line. The board member who investigated this complainant did not find any violation of Board Rules and the Executive Director recommended to the Panel that the complaint be dismissed. After reviewing the facts, the review panel concurred with the recommendation and Complaint 14-19 has been dismissed.

A Complaint Review Panel composed of Jim Cheatham (Public Member), Bill Merten (L.S.L.S. Member), Tony Estrada (Executive Director), Larry Billingsley (Investigator) and Mike McMinn (Investigator) met at the TBPLS Office on February 18, 2016. The Panel reviewed the following complaint:

Complaint 15-01: Complaint alleged that the subject Licensed State Land Surveyor: (1) did not file his survey with the County Clerk; (2) disregarded "actual recorded owners" of the subject properties; (3) does not reference a plat recorded in the county plat records; (4) did not obtain permission to enter the subject property for the survey; (5) failed to conduct adequate research to support the determination of the intended boundaries. An unregistered firm without the benefit of an RPLS created a "subdivision plat" that included previously un-patented land. The

subdivision developer apparently did not own the land in question and sold lots to which they did not have title. The subject LSLS prepared his survey, in compliance with Board rules and GLO practices, for a patent which was issued by the GLO on June 26, 2015. The board investigator did not find any violation of Board Rules and the Executive Director recommended to the Panel that the complaint be dismissed. After reviewing the facts, the review panel concurred with the recommendation and Complaint 15-01 has been dismissed.

Complaint 16-08: Mr. Billingsley told the members that an additional complaint had been brought before the Complaint Review Panel prior to the meeting. The complaint was filed against two surveys with a laundry list of allegations involving alleged criminal activity. The allegations would have to be determined in a court of law and until that time, they would not fall under the jurisdiction of the Board. This complaint is dismissed.

This concluded Mr. McMinn's report on dismissed complaints.

b. Settlement Conferences / State Office of Administrative Hearings (SOAH)

Complaint 13-03: Mr. Merten and Mr. Cheatham were members of the Informal Settlement Conference Committee that met with the subject surveyor. The surveyor took a 10 acre tract and extended it to 13 acres due to a junior deed. He was found to be in violation of Rule 663.16(b), (c) and (d), Boundary Construction, for failing to rely on appropriate deeds and other documents, including those for adjoining parcels, for the location of the boundaries of the subject tract, and failing to respect junior/senior rights, footsteps of the original land surveyor, the record, the intent as evidenced by the record, the proper application of the rules of dignity or the priority of calls and applicable statutory and case law of Texas when he failed to assume the responsibility for such research of adequate thoroughness to support the determination of the location of intended boundaries of the parcel of land surveyed, and failing to connect the boundary of the subject tract to identifiable physical monuments related to corners of record dignity. He was also found in violation of Rule 663.18(b), Certification, when he represented there were no encroachments and reported an incorrect land area of 13 acres. The surveyor agreed to a reprimand and an administrative penalty of $6,000. Mr. Kwan moved to accept the recommendation as presented by Mr. Merten. The motion was seconded and approved. Mr. Merten and Mr. Cheatham abstained from voting. The surveyor who was the subject of this complaint was Charles McKinley, RPLS # 1184.

Complaint 13-22: Mr. Estrada reported that the complaint was to be presented at the last Board meeting but was overlooked. In this complaint, the surveyor was hired by the complainant in 2012 to provide a topographic survey of a restricted reserve in Fort Bend County. The pursuant investigation determined there were violations but the subject surveyor presented a letter he had received from the Board stating the complaint was dismissed. There was no copy of this letter on file. The Informal Conference Committee members decided to let the complaint stand as dismissed.

Complaint 13-32: Mr. Estrada noted that this complaint was to be tabled.

Complaint 13-35: Mr. Hiller noted that this complaint was dismissed with Assurance of Voluntary Compliance.

Complaints 14-13 and 14-16: Mr. Edwards and Mr. Garcia were members of the Informal Settlement Conference Committee that met with the subject surveyor. The complaint concerned

a survey performed by the subject surveyor years ago. Years later he was asked to provide an update to the survey except there were issues with the survey and an easement that was on the survey with incorrect documentation. He was asked to make a correction by the property owner and was even offered compensation for the update. The subject surveyor delayed the update, and would not respond to the Board's request for information. The subject surveyor was found to be in violation of Rule 661.60(a), (1) and (2), relating to Responsibility to the Board, when he failed to respond to a letter mailed to him by the Board. He was also found in violation of Rule 663.19(2), (4) and (7), relating to Survey/Drawing/Written/Description/Report, when he indicated a wrong file number on his survey plat and created an ambiguity on the plat; when he stated on his survey plat bearings based on subdivision plat. No subdivision plat was shown on his plat and it did not state a physically monumented line for direction control; and when he failed to show on his survey plat the recording information for one of the tracts adjoining the subject property. The subject surveyor agreed to a reprimand and an administrative penalty of $6,000. The subject surveyor shall also successfully complete eight additional hours of continuing education by taking a live, Board-approved course in Research and Boundary Construction. Mr. Merten moved to accept the recommendation as presented by Mr. Edwards. The motion was seconded and carried. Mr. Edwards and Mr. Garcia abstained from voting. The subject surveyor was Robert LaPlant, Jr., RPLS #5234.

Complaint 14-10: Mr. Estrada reported that this was also on the agenda for the last Board meeting and involves the same surveyor as in Complaint 13-22. The complaint was filed due to a disagreement over the cost of the survey and because two different benchmarks were used to cause a conflict between the elevation certificate and the topographic survey. The surveyor produced a letter saying that this complaint had been dismissed. Based on information in the complaint file, we did not believe that action had been taken and proceeded with an investigation. In light of the letter produced by the subject surveyor, the Committee dismissed the complaint.

Complaint 14-21 and 14-22: Mr. Estrada reported that the subject surveyor was sent a Notice of Violations and asked Mr. Billingsley, Board Investigator, to provide the members with the facts. Mr. Billingsley stated he would start with 14-22 because the two complaints were related. Complaint 14-22 deals with the tract and 14-21 deals with an easement out of the tract. The complaint was filed against the surveyor who performed a surveyor on a 0.7879 acre tract which was cut out of a larger tract. In doing so, the survey amounted to a four-corner survey. No monuments of record dignity were shown to tie the four-corner tract down, so he was found in violation of Rule 663.16(3) and (c), relating to boundary construction, when he created a four corner survey, only utilizing one monument of record dignity. He failed to show on his survey plat additional monuments of record dignity to support the location of his survey. It turned out that he had set temporary points for grading purposes and was going to go back and set them at a later date. When he went back, he found the property owner had hired another surveyor who set the four corners. He was also in violation of Rule 663.17(b), relating to Monumentation, when he failed to set monuments on three corners of the survey where he did not find monuments; and when he failed to show these on his survey plat. He was also in violation of Rule 663.19(b), (c), (d) and (f), relating to Plat/Description/Report, when he failed to indicate the record instrument that created the adjoining State Highway 350. The recommendation was for a reprimand and an administrative penalty of $10,500. The subject surveyor took a copy of the agreed order but did not return it to the Board.
Complaint 14-21 involves a separate surveyor with the same firm as that in 14-22. The subject surveyor created an easement within the tract that had been cut out but it is not an easement that adjoins the boundary, but is an easement that is away from the corner of the tract and protrudes

into the tract. The subject surveyor violated Rule 663.13(3) and (c), relating to Boundary Construction, when he created a four corner survey, only utilizing one monument of record dignity. He failed to show on his survey plat additional monuments of record dignity to support the location of his survey. He was also in violation of Rule 663.17(b), relating to Monumentation, when he failed to set monuments on the four corners of the easement prepared and shown on his survey plat. He was also in violation of Rule 663.19(b), (c), (d) and (f), relating to Plat/Description/Report, for failing to identify a distance in the third call of the metes and bounds description; failed to specify a basis of bearing on his survey plat; failed to ensure the firm's surveying registration number was shown on the survey plat; and to indicate the record instrument that created the adjoining State Highway 350. The subject surveyor took a copy of the agreed order but did not return it to the Board. The order called for a reprimand and an administrative penalty of $13,500.

Mr. Billingsley wanted to clarify that in 14-22, the surveyor involved is deceased by Board Rule 661.55(d) allows the Board to apply the violation against the firm. Mr. Estrada asked Mr. Liller if the Board would be able to approve the agreed order. Mr. Liller said it could not because the rules and Act were at odds with each other on the report and notice of violation and agreed order from the ISC. The ISC is a settlement conference to resolve the issue but it was not resolved in this instance. Mr. Liller suggested sending a Report of Notice of Violation and Penalty and start from square one. This would include a letter stating that this is what the executive director has found. Mr. Hodde asked if there would be an additional penalty for not responding but Mr. Liller said no. He also stated that the surveyors could not request another ISC. They surveyors could then accept the penalty or request a hearing before SOAH. If they do not do this, the Board would take a default at SOAH.

c. Office of the Attorney General

Complaint 15-13 and Complaint 16-14: Mr. Estrada noted that these complaints are pending.

d. Other

Complaint 13-29: Mr. Billingsley told the members that the subject surveyor surveyed a tract of land. After doing so, he began having second thoughts about the way he had set the property. He performed additional research and field work, changed his mind on the set up originally created. The property owner filed a complaint and investigation determined that the subject surveyor was in violation of Rule 663.16(a), relating to Boundary Construction, for failing to do adequate research before he released his original survey. The subject survey did not request an Information Settlement Conference and returned the signed agreed order stipulating a reprimand and an administrative penalty in the amount of $1,500. A motion was offered to accept the agreed order. The motion was seconded and passed unanimously. The subject surveyor is Elton Hilderbrand, RPLS #4922.

Complaint 14-15: Mr. Estrada reported that the surveyor involved in this complaint has moved out of state. A Notice of Violations was mailed to his last known address and the letter was returned. His license was not renewed. A check was made of two other states where he was known to have practiced but he is not listed on their rosters. His file will be noted that a complaint is outstanding in the event he should return to Texas and try to reinstate his license. This concluded the report on complaints.

The Chair called for a 10-minute break at 10:02 a.m.

The Chair reconvened the meeting at 10:27 a.m.

4. Committee Reports

a. Executive Committee –Jon Hodde, Chair

Mr. Hodde informed the members that no action had been taken by the Executive Committee since the last meeting.

b. Rules Committee – Mary Chruszczak, Chair

i. Rule 661.55(c) – Proposed language to allow firm's continuation of operation in the event of RPLS hardship, death, accident or serious illness.

Mr. Estrada reported on the Rules Committee on behalf of Ms. Chruszczak. The members were directed to Rule 661.55(c) as published in 2011. There was language in this rule that permitted a firm to continue to offer surveying services during a transition period (due to the unemployment of the RPLS due to hardship, death, accident or serious illness) of not more than three months. The current rule does not have this language. Mr. Estrada stated that he had discussed this with Ms. Chruszczak and wanted to see if the members wanted to add this language back to the rules. Mr. Garcia said he had spoken with Mr. Estrada and Ms. Chruszczak and felt that the language should be reinstated. He said a firm should not be arbitrarily cut off because of the loss of their RPLS. He also felt that at a minimum the firm should be given three months. Mr. Edwards asked why the language was left out. Mr. Estrada was unable to find any discussion and Mr. Garcia said he understood it may have been an oversight. Mr. Garcia offered a motion to reinstate the language with a minimum three month window for the survey and engineering companies to put their RPLS in effect. The motion was seconded by Mr. Kwan who agreed with the three month window. Mr. Garcia amended his motion to remove "minimum" and leave it was a three month window. Mr. Estrada asked if the language that was used in 2011 could be used or if other language had to be drafted. Mr. Liller stated that the language from the old rule, "The firm must notify the board in written form within five (5) business days of any change of employment of a registered professional land surveyor (RPLS). If unemployment of the RPLS is due to a hardship, death, accident or serious illness, the firm may continue to offer surveying services during a transition period of not more than 3 months provided the circumstance is approved by the Executive Director with consent of the board executive committee. Consent shall be based on the involvement and oversight of a licensed RPLS in the provision of surveying services[.]" would suffice. There being no further discussion, a vote was taken and the motion was approved for publication in the Texas Register.

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

i. Approval of April 2016 exam

Mr. Hodde told the members that they would be going into Executive Session at the end of the meeting to approve the exam for April 2016. He then discussed statistics saying eight individuals passed the SIT exam, 50 are currently signed up for the RPLS exam and that 20 more could be signing up. Mr. Garcia asked if the Board had any information as to the median age. Board staff member Natalie Jackson indicated that her best guess was 25 years of age.

ii. LSLS Examination Committee – Bill Merten, Chair

Mr. Merten reported that he, Mr. Edwards and Mr. Neugebauer invited the examinees from the previous LSLS exam for a debriefing. The examinees were given pointers, a study guide and answered their questions. The four examinees plan to retake the exam along with a new person. This concluded Mr. Merten's report.

iii. Continuing Education Committee – Paul Kwan, Chair

1. Approval of Courses

Mr. Kwan stated that he had not received the package of information in the mail so he had nothing to report.

5. Other Business

a. Staff presentation on RPLS exam application process – Tony Estrada/Natalie Jackson

Mr. Estrada told members that at the last meeting there was discussion on what would be involved to move to the NCEES PS exam. He asked staff member Natalie Jackson to present this information to the members. Ms. Jackson said that the process begins with the exam committees who create the exams. The Board office receives applications, qualifications are determine and, if approved, the applicant pays a fee of $128.69 that is paid as an SIT, in addition to an exam fee paid to NCEES, or they will pay this fee for the first time when taking the RPLS exam. Applications are reviewed by the Board to determine candidacy. The total cost for an applicant to go from the SIT exam through the RPLS exam is $555. If we adopt the PS exam, the fees would increase for the applicant.

If we adopt the PS exam, the application process would require that the individual first pass the PS exam. We currently do a "manual" approval for the FS exam and we would have to find out if we could do an "automatic" approval for the PS or if the FS would also become an "automatic" approval. There would also be a change to our exam. Instead of the RPLS exam, an SIT and a reciprocal applicant would sit for the same state-specific exam. Our Act and rules would limit the exam to four hours. We have previously met with the chairs of the exam committees to see what the state-specific exam would look like. However, it became apparent that an exam of less than six hours would not be possible. NCEES is also going to offer the PS exam as a computer-based exam year-round. We could not offer our exam more frequently than four times per year because it would change the grading and Angoff of the exam. Administratively there would be no changes if we adopted the PS exam. However, there would be an increase in fees for the applicant. Mr. Kwan asked about the reciprocal being four hours. Ms. Jackson stated that moving to a state-specific exam would comply with the statutes (Occ. Code 1071.256). Mr. Kwan said that we do not have to offer the same exam to reciprocal examinees as those taking a state-specific exam. Mr. Kwan asked if the timeline to obtain a license would increase. Ms. Jackson said that the timeline would not change because we are offering our exam twice per year. We could change that to up to four times if necessary.

b. Pros/Cons of moving to NCEES PS exam – Bill Merten, Mary Chruszczak, Paul Kwan

Mr. Merten reported that he, Ms. Chruszczak and Mr. Kwan had been asked to create a list of pros and cons regarding moving to the NCEES PS exam. There were 13 pros and 12 cons, with pros leaning more towards administration while the cons leans towards the Texas surveying aspects. Mr. Merten noted that there was a correction that the NCEES FS exam is a six-hour exam rather than eight-hours as noted on the pros/cons list. He then read from the list of pros and cons.

Mr. Kwan fervently defended maintaining exams as they are and not adopting the PS exam. Mr. Edwards agreed with Mr. Kwan and said that our purpose was to protect the public and the only way to do that was to leave things as they were and not water down our exam. Mr. Kwan then moved that Texas RPLS exam shall remain eight hours. Mr. Garcia seconded the motion and the motion carried unanimously. The Chair thanked the committee for their work.

c. Rule 663.17(b) – Davey Edwards

Mr. Edwards stated that in reviewing the Act and rules, he noted a rule that he felt had some issues. When delineating a property or boundary line is not an easy job. Do we do that job?

He then read Rule 663.17(b) to the members. Mr. Edwards noted that the rule does not indicate that you can leave a corner, if you set it, undefined. If it is area you cannot get to, then you set reference corners. Mr. Edwards wondered if the members wanted to discuss this rule. Mr. Estrada noted that the Board office had also received an email from a licensee asking for clarification of the rule.
Mr. Edwards asked, for example, what is "adequate quantity of monuments" and "representing or referencing boundary corners"? Mr. Kwan said that to him, that was a professional judgement and is taken on a case-by-case basis. It should be sufficient for a lay person to walk through his property and see where his land is. Mr. Edwards appreciated the member's comments.

d. Railroad Commission Approval of Proposed Rule

Mr. Estrada informed the members that the Railroad Commission had passed the proposed rule allowing engineers to sign oil well surveys. Mr. Estrada sent a letter in opposition to the language in the rule but the Commission disagreed saying that the authority granted to either profession (surveyors or engineers) is not affected by the Commission's acceptance of certifications related to work performed pursuant to that authority.

6. **Future Agenda Items – Select next meeting date**
   a. Adoption of proposed rules
   b. Next meeting date: May 13, 2016, 9:00 a.m.

7. **Comments from the Public**

The Chair called for public comments.

Mike Romans asked that the Board clarify depicting easements on surveys and subdivision plats. There is ambiguity in the rule as to whether you have to annotate easements on the surveys. Mr. Romans is Chairman of the Zoning and Planning Commission in Universal City and there seems to be a common thread that just referencing the record instrument is sufficient and you do not have to annotate easements on surveys. When confronted, the response is that you go back to that recorded document. How is this protecting the public?
Marvin Murdoch stated that he found the rules on easements to be unclear and requests that the Board clarify. He believes that the rule says the easement should be tied to monuments of record but has seen easements tied to *calculated* monuments of records.

Paul Carey expressed concern that there were no courses approved at this meeting because TSPS was offering a course taught by Ken Gold at an upcoming symposium. Mr. Kwan assured him that Mr. Gold would be able to teach the course and TSPS could offer credit.

Heather Sides was concerned about the rule regarding reporting misdemeanors be reported to the Board. She did not believe that the Board was interested in Class C, such as traffic tickets, and asked that Board review the rule.
Dr. Tony Nettleman offered the suggestion that the Board offer a traveling Board meeting similar to Florida. This would allow individuals who could not travel to Austin to attend a meeting.

There being no further comments, the Chair closed the public portion of the meeting and called the Board into Executive Session at 12:25 p.m.

The Chair reconvened the regular session at 2:30 p.m. No official business was conducted during the Executive Session.

8. **Adjourn**

There being no further business, the meeting was adjourned at 2:33 p.m.

ATTEST: _____

Jon Hodde, Chair

_____

Marcelino A. Estrada, Executive Director