

**MINUTES**  
**TEXAS BOARD OF PROFESSIONAL LAND SURVEYING**  
**12100 Park 35 Circle, Bldg. E, Rm. 201**  
**Austin, Texas**  
**May 13, 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, Mary Chruszczak, Paul Kwan, Drew Paxton, Davey Edwards, Jim Cheatham and Mark Neugebauer. Also present was Executive Director Marcelino A. Estrada, Assistant Attorney General Eugene Montes and Board staff.

The Chair invited the public to introduce themselves and offer comments. There were no general comments.

**1. Public Comments regarding proposed rules as published in the Texas Register, February 5, 2016**

Bill O'Hara, Chair, TSPS Government Affairs Committee offer comments on the proposed rules. Mr. O'Hara stated that TSPS was generally in favor of the rule changes. Regarding rule 663.11(a)(1), Mr. O'Hara requested that the word "misdemeanor" be changed to "Class A or Class B misdemeanor". Class C, he stated, were crimes where the fine was \$500 or less and they were concerned that the Board would be inundated with notifications plus it puts an undue burden on the registrants.

Mr. O'Hara also requested that a definition be included for "branch office". He proposed "a location from which services are offered, other than the main office, which clients can directly request and receive services."

This concluded Mr. O'Hara's comments.

Mr. Garcia stated that he agreed with the Class C misdemeanor. He asked Mr. O'Hara about the difference between Class A and Class B. Mr. O'Hara could not say for certain but admitted that if someone had multiple Class C violations, it could be a pattern regarding their character. However, the Board would only find out if they were reported. Mr. Garcia asked if this would have a significant impact on services rendered. Mr. O'Hara did not believe there would be.

**2. Approval of the February 19, 2016 Minutes**

The Chair called for the adoption of the minutes of the February 19, 2016 meeting. Mr. Garcia moved that the minutes be adopted. The motion was seconded and adopted. Ms. Chruszczak abstained because she was not in attendance at the meeting of February 19, 2016.

**3. Director's Report**

*a. Procurement Audit*

Mr. Estrada reported the Board had gone through a procurement audit. Two things came from the audit. First, the Board must submit a Procurement Plan on an annual basis. Mr. Estrada indicated that the Board had a simplistic plan but the auditor's

wanted something lengthier. An updated plan has been submitted to TPASS who is with the Comptroller's Office.

Second, the auditor's strongly recommended that Board members consider using rental cars for their travel rather than personal vehicle. They believe that it would be a more efficient expenditure of funds. Mr. Estrada said he had spoken with the Board of Engineers and learned that they allowed their members to use their personal vehicles but the reimbursement rate is capped at the rental car rate plus fuel. Though the auditors were not requiring members to use rental cars, Mr. Estrada said he would explore the cost savings, keeping in mind that some members do not have access to either Avis or Enterprise because of where they live. He will let the members know his findings.

*b. Legislative Appropriations Request*

Mr. Estrada stated that he has begun working on the LAR for the upcoming session. Last week he attending training and learned that Sen. Jane Nelson would be Finance Committee Chair. Mr. Estrada informed the members that for this session, ten agencies were going to be selected for Zero Based Budgeting. This provides an agency the opportunity to examine the programs it has and determine what it actually costs to fund those programs. The Legislature then has the opportunity to see if another agency offers the same or similar program and determine if the program from one agency can be placed under the administration of the other, thus being cost efficient for the State. Agencies that are not selected should still have the ZBB mind-set because they will be asked very direct questions about the costs to run the agency. The LAR is due July 28.

*c. Strategic Planning*

Mr. Estrada reported that he is also working on the agency's strategic plan. This plan is due June 23.

#### **4. Complaints**

Mr. Billingsley reported that there are currently 118 open complaints. He noted that 36 had been filed since September 1, 2015. Mr. Billingsley then went on to discuss dismissed complaints.

*a. Closed or Dismissed Complaints*

Complaint 13-34: Mr. Billingsley stated that this complaint was related to Complaint 13-35. Complaint 13-35 had been reported to the Board at its last meeting and was against a surveyor. Complaint 13-34 was against the firm. No rule violations were found and the recommendation was to dismiss. The Complaint Review Panel concurred.

Complaint 16-05: The complainant alleged that the subject surveyor trespassed on the complainant's property and failed to provide the complainant with the rules regarding requirements to subdivide land. The surveyor was hired to survey a portion of an adjoining tract of land for a metes and bounds partition. The neighbor was apparently not advised that the surveyor would be on site and filed the complaint. The board investigator did not find any violation of Board rules and the Executive Director recommended the complaint be dismissed. After review, the Complaint Review Panel concurred and the complaint was dismissed.

Complaint 16-25: The complainant alleged that the subject surveyor trespassed on the complainant's property. The field crew member climbed a fence to set a common boundary corner with the adjoiner. The complainant also claimed that the field crew member dismantled her children's swing set. No Board rule violations were found and the Executive Director recommended dismissal. The Complaint Review Panel concurred and the complaint was dismissed.

Complaint 16-29: The complainant alleged that the subject surveyor failed to provide a requested survey of the complainant's property. The complainant and the subject surveyor only had a verbal agreement, no money exchanged hands. The complainant was unable to reach the subject surveyor via email or telephone. No Board rules were violated but there did appear to be a history with this particular subject surveyor and lack of follow through with previous clients. The Complaint Review Panel reviewed this recommendation and concurred with the dismissal.

Complaint 16-30: The complainant alleged that the subject surveyor trespassed on the complainant's property. The subject surveyor was hired to perform a topographic survey on a 15 acre tract for the design of a residential subdivision. The topographic survey included a creek on a portion of the property that required extending the topo approximately 20 feet into the adjoining property. The crew chief knocked on the complainant's door. After receiving no answer, the subject surveyor told the crew chief to enter the property, not disturb anything and complete the survey. There was no violation of Board rules. The Executive Director recommended dismissal and the Complaint Review Panel concurred.

*b. Request for Reinvestigation*

Complaint 13-26: Mr. Estrada informed the members this complaint had been reported at a previous meeting. The complainant alleged that the surveyor, working with the adjoining property owner, had stolen five acres of her land. A 1931 survey she had done showed she owned 110-1/10 acres. Garey Gilley investigated this complaint and, after reviewing the subject surveyor's survey and performing calculations, he determined that the property owner still owned 110-1/10 acres. There were no violations of Board rules and the complaint was dismissed. The complainant has asked for a reinvestigation so the members are asked to approve or deny her request.

Ms. Chruszczak moved to deny the request. Mr. Paxton seconded the motion and the motion carried.

*c. Request to Deem Frivolous*

Mr. Estrada reported that the Board had received letters from respective surveyors subject to the following complaints that had been dismissed and were asking that the complaint be deemed frivolous. Mr. Billingsley provided brief background on each complaint.

i. Complaint 13-10 (Lyle Rainey)

ii. Complaint 13-10 (Donald Ogden): The survey put a fence at odds with the common boundary line. There were no violations found. Mr. Garcia moved to deem the complaint frivolous. The motion was seconded and carried unanimously.

- iii. Complaint 13-28 (William Weiser): The complaint was reviewed by Garey Gilley and concerned a boundary dispute between two adjoining property owners. No violations were found. Mr. Garcia moved to deem the complaint frivolous. The motion was seconded and carried unanimously.
- iv. Complaint 13-36 (Andy Harris): The subject surveyor was asked to perform title survey of property. Afterwards, he was told he would not be paid. The complainant thought the subject surveyor had gone and removed monumentation but in actuality he had removed the flags that had been set. This was a contractual issue. No violations found. Ms. Chruszczak moved that it be deemed frivolous. The motion was seconded and carried unanimously.
- v. 4-19 (Roland Navarro): The complainant was not aware of a drainage easement on property he purchased. TxDOT hired a surveyor to do work on the highway in front of the property and topo on the adjoining property. The complainant did not believe that based on the deeds that the drainage easement could be set upon the ground. There wasn't sufficient description. Two other surveyors agreed with the complainant. However, the description could be put on the ground. The complaint was dismissed and the complainant asked for reinvestigation. A board member reviewed the complaint and concurred that the description was sufficient so the complaint was dismissed a second time. Ms. Chruszczak moved to have the complaint deemed frivolous. The motion was seconded and carried unanimously.
- vi. 15-01 (Stan Piper): The subject surveyor was performing a state land survey to patent land that had not been patented. The complainant had purchased two lots within a subdivision that had included an area of unpatented land. The purchase appears to be fraudulent. There were no Board rule violations against the subject surveyor. Ms. Chruszczak moved to have the complaint deemed frivolous. The motion was seconded and carried unanimously.
- vii. Complaint 16-08 (Vyron Bezner): This complaint alleged that the subject surveyor was involved in a variety of fraudulent real estate activity. None of the activity falls under the authority of the Board unless there was a ruling issued by a court of law. Being that there is no legal action being taken, this complaint was dismissed. Ms. Chruszczak moved that the complaint be deemed frivolous. The motion was seconded and carried unanimously.

*d. Informal Settlement Conferences / State Office of Administrative Hearings (SOAH)*

- i. 12-42: The complaint was filed against a surveyor who performed a title survey. No Informal Settlement Conference was held. The issue was regarding the common boundary line between two lots. The surveyor held an iron rod 50 feet away from the lot corner. By holding the wrong rod, it skewed the lot line and improvements were built within the area. The surveyor was in violation of §663.16(a), (b), (c) and (d) relating to Boundary Construction, when he failed to delineate the common boundary line of both lots in the incorrect location; failed to follow the record information on the subdivision plat to delineate the correct location of the common boundary line; failed to perform adequate filed research to delineate the correct location

of the common boundary line and failed to locate monuments related to record dignity to delineate the correct location of the common boundary line. The surveyor was also in violation of §663.17(a) and (b), relating to Monumentation, when he failed to set required monuments and to indicate monuments found or set on his survey plat. He was also in violation of §663.19(6), relating to Plat/Description/Report, when he failed to indicate controlling monuments found on his survey plat.

The surveyor agreed to a reprimand and an administrative penalty of \$10,500 which is probated for as long as the surveyor maintains his license in inactive status. Mr. Garcia moved to accept the signed, agreed order. Ms. Chruszczak seconded the motion. Mr. Kwan raised objection to having the license placed on inactive status. If the surveyor, due to health issues, is not going to do any more surveying, why would he want to keep his license? Ms. Chruszczak asked if the surveyor's record would be flagged. Mr. Estrada explained that the file is flagged and if he were allow to reinstate his license, the administrative penalty would be paid. He also noted that when a surveyor on inactive status sought reinstatement, past complaints were taken into consideration. Mr. Kwan felt that rather than making a decision now, a different Board would be reviewing and determining whether the license would be reinstated. Mr. Edwards asked if the monuments that were failed to set and where he failed to indicate controlling monuments, want this based off the incorrect position of the monument found in error or based off of where the correct position should have been. Mr. Billingsley stated that the surveyor found the monument where it was supposed to be but he did not hold it because he used a monument 50 feet away. Hearing no further comments, a vote was taken and the order was approved unanimously. The surveyor subject to the complaint was Keith Jimenez, RPLS #4329.

- ii. 13-07: This complaint stemmed from a mortgage survey performed on a lot adjoining the property of the Sabine River Authority. The field crew was sent to locate monuments along the boundary and the crew found one rod, assumed it was the actual corner. From there they tried to locate the other rods but did not find any. Upon return to the office, they determined the one rod found was 38 feet off and realized they were looking in the wrong place. The subject surveyor calculated the boundary and sent out the survey. During the course of the survey, it was determined that the house constructed on the lot was across the line of the river authority. They contacted the river authority to make amends. The river authority sent its own crew out and found all the monumentation that was on the ground that the original surveyor did not find. After speaking to the surveyor, he realized his mistake in not sending the crew back to find the correct monuments, He produced a signed and sealed document showing the survey with the points as points rather than set monuments. He was found in violation of §663.16(c), relating to Boundary Construction, when he failed to perform adequate field research to recover monuments of record dignity on the common boundary line of said 10,413-acre tract and the SRA property. After calculating the location of these corners he should have sent his crew back to the field to look for them at the correct position. He was also in violation of §663.17(b), (1) and (A), relating to Monumentation, when he failed to set required monuments on said

common boundary line, instead calling for appoint corner at six locations. The recommendation is an administrative penalty in the amount of \$3,000. Mr. Paxton moved to approve this order. The order was seconded by Ms. Chruszczak and passed. Mr. Merten and Mr. Cheatham, who sat on the Informal Settlement Conference Committee abstained from voting. The subject surveyor was Danny Beasley, RPLS #4915.

- iii. 13-17: The complaint stemmed from the surveyor performing a boundary survey. The client hired another surveyor to perform a topographic survey immediately following the boundary survey. The crew performing the topo survey arrived on the property and found that the monuments had not been set. After contacting the boundary surveyor, the monuments were still not set in an expeditious fashion so the topo surveyor turned in the boundary surveyor. The subject surveyor did produce a signed and sealed plat that stated the corners had been set. There were also other violations on the plat. The surveyor was remorseful about how this happened. He was found in violation of §663.17(b), relating to Monumentation, when he failed to set sufficient, stable and reasonably permanent survey markers to represent or reference the property or boundary corners, angle points and points of curvature or tangency for six corner monuments. He also violated §663.18(d), relating to Certification, when he certified six corner monuments had been set when in fact they had not, resulting in knowingly making a false certification. The recommendation is for a reprimand and an administrative penalty in the amount of \$7,500. Mr. Cheatham clarified that, if the order is approved, he will submit \$1,500 within 30 days and the balance to be paid over a seven month period. Ms. Chruszczak moved to approve the order. The motion was seconded by Mr. Garcia and the Chair called for discussion. Mr. Edward's wondered why, when compared to the previous complaint, the penalty was hire. Mr. Merten explained that the circumstances were what made this complaint different. This surveyor also had a history of violations of a similar nature. The investigation also proved there were further violations than had been alleged. Mr. Garcia wanted to know what the surveyor's explanation was regarding not setting the corners. Mr. Cheatham explained he had no explanation; that the office procedure was to sign and seal the plat, turn it over to the billing clerk until payment was received and then the plat would be released. The issue was lack of control. There being no further discussion, a vote was taken and the motion passed. Mr. Merten and Mr. Cheatham, who sat on the ISC Committee, abstained from voting. The subject surveyor was identified as Thomas Mauk, RPLS #5119.
- iv. 14-21: This complaint was mentioned at the last Board meeting because the surveyor had not signed the agreed order and returned it to the Board. However, after that meeting, the surveyor did return the order. This complaint was regarding a four-corner survey with a lack of monumentation. The surveyor violated §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. He also violated §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 that protruded

into the tract. He also violated §663.19(b), (c), (d), and (f), relating to Plat/Description/Report, when he failed 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 (although he did include his engineering firm registration number); and he failed to indicate the record instrument that created the adjoining highway. The surveyor has agreed to a reprimand, an administrative penalty of \$6,750, and an additional eight hours of continuing education, in addition to the required 12 hours, each year for the next two years. Mr. Edward's moved to accept the agreed order. Mr. Garcia seconded the motion and was approved. The subject surveyor is Clyde Israel, RPLS #2601.

- v. 14-22: This complaint involves the same property as Complaint 14-21. The subject surveyor works for the same firm as the other surveyor. The other surveyor performed a boundary survey and the subject surveyor performed an easement survey the same day the other survey was performed. The easement survey had mostly the same violations as those found in Complaint 14-21. The subject surveyor was found in violation of §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. He also violated §663.17(b), relating to Monumentation, when he failed to set monuments on the three corners of the survey where he did not find monuments and failed to show these on his survey plat. He also violated §663.19(b), (c), (d) and (f), relating to Plat/Description/Report, when he failed to indicate the record instrument of the adjoiner. The subject surveyor is now deceased and the firm has been issued the agreed order. The firm has agreed to the violations and pay an administrative penalty in the amount of \$5,250. They will also submit a list of surveys each month by the first of the following month for review. Mr. Paxton moved to accept the agreed order. The motion was seconded and passed. The firm bearing responsibility for the subject surveyor is Thomas & Israel Consulting, Firm #10079800.

*e. Office of the Attorney General*

*f. Complaints 10 Years or Older*

The Chair informed the members that items "e" and "f" would be addressed in Executive Session.

The Chair then called for a 10 minute break at 10:18 a.m.

The meeting was reconvened at 10:40 a.m.

## **5. Committee Reports**

*a. Executive Committee –Jon Hodde, Chair*

Mr. Hodde reported that there was no action to report.

*b. Rules Committee – Mary Chruszczak, Chair*

*i. Adoption of Proposed Rules*

Ms. Chruszczak moved that in light of the public comments made via email and addressed during the meeting, the comments would be reviewed and the rules reworked. They would then be brought to the next meeting for approval. The motion was seconded. The Chair stated that the rules had to be adopted by August 5 and that it would be best for the Committee to handle this review and bring it back to the Board. Mr. Kwan felt there were several valid comments. He also felt that with changes to technology, the Board did not want to be left behind. Ms. Chruszczak noted that the Board also did not want to micromanage. The motion was seconded and passed unanimously.

ii. *Digital Signatures/Seals – Bill Merten*

Mr. Merten stated that the Committee was continuing to explore this topic. Two boards, North Carolina and Florida, have passed legislation regarding digital signatures that is most up-to-date and provide additional avenues of providing documents for security. He hopes to bring a proposed rule to the Board at the next meeting.

This concluded the Rules Committee report.

Mr. Montes, Assistant Attorney General, had information for Mr. Garcia regarding Class A and Class B misdemeanors. He stated that Class A is jail time of not more than one year and a fine of not more than \$1,000. Class B is jail time of not more than 180 days and a fine of \$2,000. Class C is not just traffic violations but other things such as disorderly conduct, trespass, hot checks.

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

i. *April 2016 RPLS Exam results*

Mr. Hodde reported that 11 SITs are being certified. Since February 33 sat for the exam. RPLS and reciprocals, 27 successfully passed the exam. Ms. Chruszczak asked if there was a way to determine which were reciprocal. Ms. Jackson noted that eight were reciprocal. Mr. Kwan commented that this meant there were 19 RPLS and this was not good.

ii. *Appointment of Board Liaison to Item Writers and Cut-off Score*

Mr. Hodde informed the members that Bill Merten would be the liaison to the Item Writers and Mary Chruszczak would be the liaison to the Cut-off Score Committee.

d. LSLs Examination Committee – Bill Merten, Chair

i. *April 2016 LSLs Exam results*

Four applicants sat for the exam and one passed. Casey Cockrell passed the LSLs exam and Mr. Merten stated that he was unable to attend today's meeting. A debrief will be held with the three that did not pass. For the next exam there will be an additional two examinees. This concluded Mr. Merten's report.

e. Continuing Education Committee – Paul Kwan, Chair

i. *Approval of Courses – February 2016*

ii. *Approval of Courses – May 2016*

## 6. Other Business



*a. Request to reinstate license – Steve L. Prewitt*

Mr. Estrada reminded members that Mr. Prewitt that he had been convicted of a felony. In accordance with the rules, his license was revoked. Mr. Estrada asked the Board for guidance in reinstatement because the rules did not lay a clear path. He referred members to Rule 663.14, Criminal Convictions, subparagraph (f)(1) and wondered if the requirement is that the individual start all over again, disregarding his experience. Mr. Kwan said that the Board had, when they concurred, waived the requirements for licensing and reinstated the individual. Mr. Kwan also noted that there was one instance where the individual was required to start over. Mr. Garcia moved that Mr. Prewitt's license be reinstated. The motion was seconded by Mr. Edwards. Mr. Edwards noted that Mr. Prewitt had taken continuing education courses and has done due diligence to get his license back. Mr. Merten felt the nature of the offense was such that it did not pose a threat to the public in his surveying capacity and was in favor of reinstatement. Hearing no further discussion, the motion carried unanimously.

*b. Geo Learn – request for restructuring of fees for online courses*

Mr. Kwan told the members that GeoLearn offers online courses. They are requesting that the Board reduce the fees to process one-hour classes. A one-hour course would take as much time for the Board staff to process as a 20 hour course. There is no point of making an exception. Mr. Kwan recommended that the request be denied. Mr. Edwards moved to accept Mr. Kwan's recommendation. The motion was seconded by Ms. Chruszczak and passed unanimously.

*c. Request for degree exemption to take RPLS exam – William Brooks*

Mr. Estrada referred members to a letter in their workbook from Paul Myers regarding Mr. Brooks. He noted that Mr. Brook has practiced in Colorado for 25 years after having obtained his license. He does not have a degree. Mr. Cheatham asked if there had always been a requirement to have a degree in Texas. Ms. Chruszczak stated that in 2004, Colorado did not require a degree. Mr. Kwan felt that the cut-off was 2003 and he did not believe we could make an exception and moved that the request be denied. The motion was seconded and carried unanimously.

*d. Rock, Paper, Scissors – easement dedication by civil engineers in Round Rock*

Mr. Estrada asked Mr. Billingsley to provide the members with background on this easement dedication. Mr. Billingsley stated that the City of Round Rock is trying to streamline the process of getting dedications approved for easements if the easement is an on-site easement. They have been doing this but they produced a handout with a flowchart. This was brought to the Board's attention by a concerned surveyor and the main issue is that in the submittal requirements, if it is a plat that has already been filed and recorded, and it is determine that an easement is necessary on a project within that filed subdivision, then all then need is an exhibit prepared by a civil engineer rather than a land surveyor. The civil engineer can delineate, depict, on the plat where the easement is required and the service of an RPLS is not required. Mr. Billingsley was concerned because the City felt that if a RPLS was involved they would not go on the ground anyway and just depict the easement in the same manner. This is specific to dedication easements. Mr. Cheatham asked if the City was just using an engineering sketch to depict where they would require an easement which would be followed up the survey plat prepared by the surveyor or would they be using the engineering sketch to create the legal document to create the easement. Mr.

Billingsley said they were using the sketch to create the document that would create the easement. Mr. Kwan offered that there are many examples where anyone can create a sketch, such as a temporary construction easement, that get filed with the county clerk's office. He said not every easement needed to be done by a surveyor. Mr. Hodde felt that the bigger issue was that the City had created guidelines allowing the engineer to perform the dedication for the easement. Mr. Cheatham pointed out that in practice people do things that do not have the impact they thought it would. For example, an express easement would require a legal description. Other types of easements may not require the legal description because they go away once the need for the easement has ended. Mr. Garcia asked Mr. Billingsley if the City's language would be open to interpretation by city employees. Mr. Billingsley said that all of the documents would go through the same department. He felt that these were not temporary easements but were dedicated easements. The streamlined process would skip taking the matter to city council. Mr. Edwards wondered if the surveyor was not going to be going on the ground and the easement is going to be dedicated, is the public being protected by not having descriptions that are somehow defined by a surveyor, through our Act and rules? The Chair said that this was brought for discussion and decision. He felt that a letter from the Board to the City Manager, with cc: to the other department, clarifying or reemphasizing what we believe is the role of the surveyor. Mr. Chair asked who Mr. Billingsley spoke to and he said he had spoken with Neil Nike at the City of Round Rock.

*e. Improper survey – Kerry Hoefner*

Mr. Estrada stated that the information to be presented to the Board had not been received prior to the meeting. This item was tabled.

*f. Grimes County: Statement regarding surveying crews – Curtis Strong*

The Chair invited Mr. Strong to present this item to the members. Mr. Strong told members that another surveyor had informed him he had been run off the road right-of-way. Grimes County has an application for a permit saying that if you are in their road right-of-way, you have to pay a \$500 fee and they have to approve you. The application says it is for seismic surveying but verbally and through other documents they have said that it applies to ALL surveys. A lawsuit has been filed against a land surveying firm and the surveyor who worked with the firm. Nails, title lines, and flags cannot be set on the right-of-way and brush cannot be cut. You CAN walk in the roadway. Mr. Strong was concerned that if other counties adopted this concept, it would prohibit the surveyor from performing their work and be detrimental to the public. The Chair and Ms. Chruszczak stated that had encountered something similar. Mr. Edwards asked about the lawsuit. Mr. Strong stated that Grimes County filed a lawsuit against the high-speed rail company and all parties involved. Mr. Garcia asked what the Board should do. The Chair stated that the Board could contact the county judge and obtain information. If the county intends for this to be across the board, they could require filing the application, be insured, taking the fee but this would be another burden to the public by having them pay additional fees. The Chair felt that assistant attorney general could determine if the county had the right to do this and if so, there was nothing the Board could do.

**7. Future Agenda Items – Select next meeting date**

The Chair stated that the meeting date of July 29 was set because of the need to meet to approve the proposed rules. Mr. Estrada reminded members that the Board would be meeting at the TSPS annual meeting in October.

#### **8. Comments from the Public**

Paul Carey, President of TSPS, informed the members that the TSPS Board of Directors had endorsed a position letter on the Red River controversy. It will be released as soon as they determine who it should be sent to. They know that the General Land Office was involved in the suit but this Board was not and wanted to give the Board the opportunity to see the letter or not.

Curtis Strong wanted to recognize Mr. Edwards' recent educational achievement.

Paul Myers asked the Board wanted to address Mr. Brooks' request. He stated he knew of one surveyor who was allowed to take the exam but did not have a degree. He asked the Board to reconsider its decision regarding Mr. Brooks' request.

The Chair then stated that the members would take a 5 minute break before going into Executive Session. The time is 11:41 a.m. The public was dismissed.

The Chair reconvened the meeting at 11:57 and called the members into Executive Session. At 12:35 p.m. the Chair called the meeting out of Executive Session. No official business was conducted and no votes were taken.

Mr. Estrada brought to the member's attention that in order to meet the publication deadline in the Texas Register, the Board meeting would have to be moved to July 22. The members agreed to the date change.

#### **Adjourn**

There being no other business, the meeting was adjourned at 12:36 p.m.