

MINUTES
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING
12100 Park 35 Circle, Bldg. E, Rm. 201
Austin, Texas
July 21, 2017, 9:00 a.m.

THIS MEETING'S LIVE-STREAM ARCHIVED AT [HTTP://WWW.TXLS.TEXAS.GOV](http://www.txls.texas.gov).

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

The Chair called the meeting to order at 9:03 am. In attendance were Mr. Hodde, Chair, and members Mr. Garcia, Mr. Merten, Mr. Kwan, Mr. Cheatham, Mr. Paxton and Dr. Edwards. Also in attendance were Ms. Juarez, Assistant Attorney General, and Board staff members. Absent were the representative from the General Land Office, Mr. Neugebauer, Board member Mrs. Chruszczak, and Executive Director, Mr. Estrada.

Attendees were invited to introduce themselves. The Chair then invited comments from the public. There were none.

1. Motion to excuse chair Jon Hodde from the May 19, 2017 meeting

A motion was made by Mr. Cheatham, with a second from Dr. Edwards, to excuse Mr. Hodde from the May 19, 2017 Board meeting. The motion carried.

2. Motion to excuse member Mark Neugebauer's absence from the July 21, 2017 meeting

A motion was made by Dr. Edwards, with a second from Mr. Merten, to excuse Mr. Neugebauer's absence from the current meeting. The motion carried.

3. Approval of the October 14, 2016 Minutes

A motion was made by Mr. Cheatham, with a second from Mr. Merten, to approve the minutes from the May 19, 2017 Board meeting without edits. The motion carried. Mr. Garcia abstained from the vote as he did not attend that meeting.

4. Director's Report

a. Sunset Review Self-Audit information for members

Mr. Hodde, sighting Mr. Estrada's absence, remarked that the information regarding the Sunset Review Self-Audit had been sent to the members for review, as well as included in the materials provided at the meeting. He added that the audit was due September 1, 2017. Mr. Hodde then asked that the members review the materials and offer any comments.

b. Action item: Approval of degree evaluating organizations for degrees not accredited by ABET/SAC/ASAC

Mr. Hodde requested that Ms. Jackson, staff member, explain the action item. She explained that there were new accreditation agencies that had not been evaluated for Board approval, outside of what is listed as approved in the Board Rule. Mr. Kwan remarked that ABET accreditation is on the

decline. He then recommended that an applicant be held accountable for having their degrees evaluated by a Board approved credential evaluation agency. Mr. Hodde agreed and added that NCEES may be a good resource for information regarding this.

5. Complaints

a. Closed or Dismissed Complaints

Mr. Hodde called on the Board Investigator's, Mr. McMinn and Mr. Billingsley, to report their complaint summaries to the Board. Mr. McMinn started by explaining the complaint 14-40 is still under investigation so, though it was listed for dismissal on the agenda, it would not be reported on at this meeting. He then moved on to summarize complaints 15-28 and 15-34, adding that the Complaint Review Panel recommended all for dismissal. Mr. Billingsley summarized 15-11, 15-25, and 16-15, adding that the Complaint Review Panel recommended all for dismissal. He added that complaints 14-42 and 14-48, though listed on the agenda, had been dismissed at a previous Board meeting. Mr. Paxton made a motion to dismiss the presented complaints and Mr. Garcia seconded. The motion carried.

b. Request for reinvestigation

Mr. Billingsley reported to the Board that the complainant for complaint 16-32 requested a reinvestigation after its initial dismissal. He explained that, though the complainant submitted new documentation, there was no new information garnered by Mr. Billingsley, and so, no rule violations were found. Mr. Garcia moved to close the investigation and Mr. Merten seconded. The motion carried.

c. Request to deem frivolous

Mr. McMinn addressed the Board to report that the initial investigation into complaint 13-38 found rule violations, concluding in a recommendation for assessment of administrative penalties and a reprimand. Though the complaint was ultimately recommended for dismissal, the recommending committee did not conclude that the finding of rule violations was improper. Mr. McMinn explained that, now, the subject surveyor is requesting the complaint to be deemed frivolous. He added that the Board rule allowing a complaint to be deemed frivolous cites that the complaint must be deemed as having been filed with the intent of harassment of the subject surveyor. Mr. McMinn reported that the letter sent by the subject surveyor to request that this complaint be deemed frivolous, by way of his attorney, alleged that the complaint was filed by the complainant due to a financial dispute between them. He added that Mr. Estrada and he recommend that this request be denied. Mr. Cheatham motioned to deny the request and Mr. Paxton seconded. Mr. Kwan voiced the opinion that he felt the subject surveyor was in fact being harassed by the complainant with the filing. Mr. Cheatham offered to amend/withdraw his motion with further explanation of the rule violations found. Mr. McMinn explained in more detail the situation at the center of the complaint. Mr. Kwan, and Mr. Garcia, then explained the reasoning behind their initial recommendation (as they were the Board members present at the informal settlement conference held to hear complaint 13-38) to dismiss the complaint and their opinion that it should be deemed frivolous. Mr. Cheatham withdrew his motion to deny the request. Mr. Kwan motioned to deem complaint 13-38 frivolous and Dr. Edwards seconded. The motion carried.

6. Committee Reports

a. Executive Committee –Jon Hodde, Chair

The Chair noted that no action had been taken by the Executive Committee since the last meeting.

b. Rules Committee – Mary Chruszczak, Chair

- i. Update on drafting language to improve definition of “surveying” and including use of drones as tools

Mr. Hodde noted that Mrs. Chruszczak was absent from the meeting but mentioned that she was currently working on drafting a definition of surveying.

c. Continuing Education Committee – Paul Kwan, Chair

- i. Approval of Courses

Mr. Kwan made recommendations to the Board from the Exhibit A (attached) in the meeting materials. Mr. Merten moved to accept the recommendations and Mr. Paxton seconded. The motion carried.

7. Other Business

a. Alternate path to licensure – Philip Adams, RPLS

Mr. Adams presented to the Board his ideas about establishing an alternate path to licensure other than having to complete a bachelor’s degree. He contended that the degree requirement is hindering the surveying community of Texas; citing such things as other states having established an alternate path, applicants having degrees that do not aid a surveyor, the declining number of surveyors in Texas, and the declining number of degree programs for land surveying being offered by institutions of higher learning across the nation. He added that many individuals practicing surveying in Texas are outside the regulation of the Board. Citing statistics from NCEES regarding the passing rate for the Fundamentals of Surveying Exam, he reported that Texas’ rate is very low. Mr. Adams also contended that other practices, and other states, are taking registrants from the community, essentially lowering the number of professional land surveyors in Texas. He suggested that the Board consider requiring the completion of 60 hours of Board approved collegiate course work, coupled with six years of professional surveying experience, in order to be permitted to take the licensure exam. Mr. Hodde requested that Mr. Paxton and Dr. Edwards look into implementing an alternate path to licensure in more detail.

Mr. Hodde called for a break at 10:40 am. The meeting reconvened at 10:53 am.

b. Update from Committee formed to address oil and gas well surveys submitted to the Texas Railroad Commission – Mark Neugebauer / Bill Merten

Mr. Merten, reporting in Mr. Neugebauer’s absence, said that he and Mr. Neugebauer had had many meeting with the Texas Railroad Commission and are now at an impasse. He explained that both Boards have done all they can without new legislation. Mr. Hodde recommended that TSPS may be able to help.

c. Establishment of continuing education policy – Mary Chruszczak / Paul Kwan

Mr. Kwan, reporting in Mrs. Chruszczak's absence, explained that he and Mrs. Chruszczak had drafted a document outlining the TBPLS policies regarding continuing education.

The first policy he presented confirmed that classes can be renewed by paying the renewal fee retroactive from the date of expiration. The second policy he presented explained that a maximum of 16 hours are granted for Board approved collegiate course work due to the rule change allowing a maximum of eight continuing education credits to be carried over to the following year. The third policy Mr. Kwan presented established that the teacher of a Board approved collegiate course will be granted a maximum of 16 hours of continuing education credit. The fourth policy he presented affirmed that a teacher of a course that will be submitted for Board approval at a later date can document their preparation and count it as self-study. The fifth policy presented by Mr. Kwan asserted that no continuing education credit would be granted for the preparation of, or the teaching of, para-professional courses. The sixth policy that Mr. Kwan presented reiterated that there is no fee due of an individual submitting for individual course approval. Policy number seven, Mr. Kwan explained, confirmed that no fee is due of an individual submitting a self-study form. Policy number eight, Mr. Kwan asserted, establishes that a maximum of eight continuing education credits would be granted to an individual for taking beginner CAD course work. He continued by explaining that policy number nine established that Business Management, Risk Management, Business Writing, and basic economic courses will be accepted as continuing education. Policy number 11 confirmed that TSPS chapter meetings would be awarded one hour per meeting, allowing an individual to accrue a maximum of four continuing education credits per year. Mr. Kwan continued by explaining that policy number 12 asserts that, depending on the actual hours applicable to surveying related topics, continuing education credits would be awarded for trainings offered by equipment vendors and software developers. Policy number 13, he explained, established that authors of articles can be awarded continuing education credits only when the publication is peer reviewed. Policy number 14, explained Mr. Kwan, establishes that individuals taking part in TBPLS committee assignments, or in proctoring a TBPLS exam, will be granted continuing education credits. Mr. Kwan asserted that it is good practice to randomly audit courses that have been submitted for Board approval. He also mention that TBPLS had established a policy that the Chair of the Continuing Education Committee would be granted authority to decide whether a course was acceptable during a CEU audit, in lieu of waiting for a subsequent Board meeting. Ms. Juarez asked if all policies mentioned had previously been adopted by the Board and the Board confirmed that they had.

8. Future Agenda Items – Select next meeting date

The next meeting was scheduled for October 20, 2017 at 9:00 a.m. in room 201, in building E, at the TCEQ complex.

9. Comments from the Public

Mr. Hodde called for a show of hands among the attendees that use drones in their businesses. Mr. Garcia then asked if all that raised their hands practice separately from one another and whether they were pleased with using drones. Dr. Edwards continued by asking all that raised their hands if they held the appropriate licenses to fly drones. Mr. Hodde then asked whether or not the individuals flying the drones were jointly licensed RPLSs. Mr. Garcia asked whether the cost of using such technology was prohibitive and the attendees answered that they didn't feel that it was.

No further comments were offered by the public.

10. Adjourn

Having no further business, Mr. Garcia moved to adjourn and, after being seconded by Dr. Edwards, the motion carried. The meeting was adjourned at 11:18 am.