

MINUTES

**STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS
TUESDAY SEPTEMBER 10, 2024
9:00 a.m.**

Members Present:

Jason Durr, Chair
Steve Gillman
Susan Zellers
Opal Kuhl – arrived at 9:09
Tim Jensen

Members Absent:

Greg Morical, Vice Chair
Sam Reed

Attending Administrative Staff:

Amy Hall - Board Director
Chris Shea-Russell – Assistant Board Director
Donald ‘Ned’ Hannah - Board Counsel
Lindy Myer, Court Reporter

CALL TO ORDER – Jason Durr called to order the meeting at **9:05 a.m.**

ADOPTION OF THE AGENDA – The Board reviewed the draft agenda. Motion made by Tim Jensen and seconded by Steve Gillman to approve the amended agenda, changed the order of the items on the agenda.

Motion carries 4/0/0

Jason Durr	Aye
Steve Gillman	Aye
Susan Zellers	Aye
Tim Jensen	Aye

ADOPTION OF THE MINUTES OF JULY 16, 2024, BOARD MEETING

The Board reviewed the draft minutes. Motion made by Opal Kuhl and seconded by Susan Zellers to approve the July 16, 2024, meeting minutes.

Motion carries 4/0/1

Jason Durr	Aye
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Steve Gillman	Aye
Susan Zellers	Aye
Opal Kuhl	Aye
Tim Jensen	Abstained

REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

Ian Mathew provided a report from the Office of the Attorney General, of current complaints. There are no big changes, with 6 complaints open

Opal Kuhl arrived at 9:09 – missed the Adoption of the Agenda and the Report from the Office of the Attorney General.

ADMINISTRATIVE HEARINGS

Kevin Burton Potter – Order to Show Cause – 2024 SBRPE0003

Kevin Potter appeared before the Board for the Order to Show Cause. He performed structural engineering work on and expired license, which had been expired since 2018.

Violation 1

Failed To Comply

Probationary violation/expired registration

Motion made by Steve Gillman and seconded by Tim Jensen that his is in violation.

Motion carries

Jason Durr	Aye
Steve Gillman	Aye
Susan Zellers	Aye
Opal Kuhl	Aye
Tim Jensen	Aye

Violation 2

Practicing on an expired license.

Motion made by Time Jensen and seconded by Opal Kuhl that he is in violation

Motion Carries

Jason Durr	Aye
Steve Gillman	Aye
Susan Zellers	Aye
Opal Kuhl	Aye
Tim Jensen	Aye

Violation 3

Falsifying or misrepresenting his professional status

Motion made by Time Jensen and seconded by Opal Kuhl that he is in violation

Motion carries

Jason Durr	Aye
Steve Gillman	Aye
Susan Zellers	Aye
Opal Kuhl	Aye
Tim Jensen	Aye

Determination of discipline made on the three violations

Motion made Susan Zellers and seconded by Tim Jensen for indefinite suspension of at least two years on Mr. Potters professional engineer registration.

Motion carries 4/1/0

Jason Durr	Aye
Steve Gillman	Aye
Susan Zellers	Aye
Opal Kuhl	Nay
Tim Jensen	Aye

PERSONAL APPEARANCES

A. Nilesh Lal – Comity Application Education Review

Nilesh Lal appeared before the board regarding his comity application. He is short on hours, but confused as to why his courses do not meet the requirements of the state. The math courses and physical and life sciences do meet the requirements. He has 12.5 hours of math. Based on his NCEES record, he is short on life and physical sciences, but he does meet the requirements with the addition of two engineering courses, environmental engineering (send in course description) and electrical engineering. His master's degree has statistics (4 credit hours) which can be included his total math. He will need to redo his supplemental form to show the recommended changes and submit course descriptions for review.

Motion made by Steve Gillman and seconded by Susan Zellers to approve pending approval of the new supplemental and course descriptions.

Motion carries 5/0/0

Jason Durr	Aye
Steve Gillman	Aye
Susan Zellers	Aye
Opal Kuhl	Aye
Tim Jensen	Aye

B. Edward Borden– Positive Response – Renewal

Edward Borden appeared before the board regarding the positive response on his renewal. Mr. Borden is currently on probation with the State of Texas with deferred adjudication due to his guilty plea. His criminal probation is currently six years, though it may be completed early through his good behavior. He is licensed in almost 50 states though has an expired registration in at least 20 states.

Motion made by Tim Jensen and seconded by Opal Kuhl to approve indefinite probation until the completion of his criminal probation.

Motion carries 5/0/0

Jason Durr	Aye
Steve Gillman	Aye
Susan Zellers	Aye
Opal Kuhl	Aye
Tim Jensen	Aye

C. Daniel Allen – Positive Response – Renewal

Daniel Allen did not appear before the board regarding the positive response on his renewal application.

Motion made by Steve Gillman and seconded by Opal Kuhl to deny his renewal application.

Motion carries 5/0/0

Jason Durr	Aye
Steve Gillman	Aye
Susan Zellers	Aye
Opal Kuhl	Aye
Tim Jensen	Aye

DISCUSSION ITEMS

1. Alternative Pathways to Licensure

Box graphs were provided from the NCEES Annual meeting to the whole Board. The graphs illustrate various pathways to licensure that the Board may utilize in the future. The members wished to review the information before taking a deeper dive on it.

2. Electronic Meeting Policy

Motion by Tim Jensen and seconded by Steve Gillman to approve.


Motion carries 5/0/0

Jason Durr	Aye
Steve Gillman	Aye
Susan Zellers	Aye
Opal Kuhl	Aye
Tim Jensen	Aye

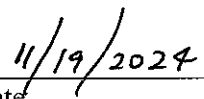
3. Rule Change Discussion/Review

Status is on hold...

AJOURNMENT
11:06



Jason Durr, Chair



Date

