

# Self-Evaluation Report



***Texas Board of Professional Land Surveying***

**September 2017**

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## Texas Board of Professional Land Surveying Self-Evaluation Report

### I. Agency Contact Information

#### A. Texas Board of Professional Land Surveying

##### Exhibit 1: Agency Contacts

	Name	Address	Telephone & Fax Numbers	Email Address
<b>Agency Head</b>	Marcelino A. Estrada Executive Director	Texas Board of Professional Land Surveying 12100 Park 35 Circle Bldg. A, Rm. 156, MC-230 Austin, TX 78753	512-239-5263  512-239-5253 (fax)	tony.estrada@txls.texas.gov
<b>Agency's Sunset Liaison</b>	Marcelino A. Estrada Executive Director	Texas Board of Professional Land Surveying 12100 Park 35 Circle Bldg. A, Rm. 156, MC-230 Austin, TX 78753	512-239-5263  512-239-5253 (fax)	tony.estrada@txls.texas.gov

Table 1 Exhibit 1 Agency Contacts

### II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

#### A. Provide an overview of your agency's mission, objectives, and key functions.

The mission of the Texas Board of Professional Land Surveying (the Board) is to establish and enforce standards ensuring the competency of individuals licensed as land surveyors resulting in the orderly use of our physical environment for the protection of our citizens, the current and future property owners, of Texas.

The Board's objective is to regulate the land surveying profession through the licensure of competent individuals selected through an examination process and maintaining proficiency through continuing education requirements.

The key functions of the Board are examination, licensing and enforcement.

**B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?**

Land ownership is not something that has changed over time, nor will it change in the future. As long as humans are claiming a portion of land as theirs, the need to identify the invisible boundaries that separate one person's ownership from another's.

Licensure of individuals that have the knowledge, education, and experience in how to survey land is important. Unlike Hecataeus of Miletus and others like him, we know the earth is not flat and that its curvature is an important consideration when performing land surveying.

To obtain licensure, an individual must first meet education and experience requirements as outlined in the Professional Land Surveying Practices Act. For Surveyor-in-Training, education and experience can be a minimum of a high school diploma with four years in responsible charge as a subordinate to a registered professional land surveyor, to a Bachelor of Science degree in surveying with no experience. Upon meeting the education and experience requirements, the applicant for Surveyor-in-Training must pass the Fundamentals in Surveying exam which leads to certification as Surveyor-in-Training.

After being certified as a Surveyor-in-Training, the individual must gain a minimum of two years of experience in delegated responsible charge as a subordinate to a registered or licensed land surveyor and have, at minimum, a bachelor's degree with at least 32 semester hours in civil engineering, land surveying, math, photogrammetry, forestry, land law or the physical sciences. Once the individual has met the aforementioned requirements, they may apply to take the State exam that leads to registration as a land surveyor. Both the Fundamentals in Surveying exam and the State RPLS exam test the individual's knowledge in appropriate land surveying techniques and the necessary mathematical skills to ensure qualified individuals are being licensed.

An individual becomes a Registered Professional Land Surveyor (RPLS) upon successful passage of the State exam. The RPLS seal, along with his signature, on a survey plat indicate that he has the basic knowledge and ability to perform land, boundary or property surveying. To the land owner, this seal should represent that the individual performing the survey of their land is competent and can rest assured in the placement of the property boundaries.

A Registered Professional Land Surveyor is entitled to be licensed as a Licensed State Land Surveyor (LSLS), if he or she desires. A LSLS has the authority to survey public land in which the state or the permanent school fund has an interest or may perform other original surveys for the purpose of filing filed notes in the General Land Office. The LSLS field notes or maps determine the location or relocation of original land grant boundaries and corners and calculate the area of surveyed and unsurveyed land or land in which the state or the permanent school fund has an interest.

To become an LSLS, the RPLS must apply for, and be approved, to take the LSLS exam. The application process requires that the RPLS An applicant must arrange a meeting with the

Director of Surveying at the General Land Office prior to starting the application process. This meeting is designed to orient the applicant with the history, function, and contents of the General Land Office and to answer questions regarding the duties and functions of a LSLS. Once their application is approved, the RPLS will be allowed to take the eight-hour LSLS exam and upon passing the exam, will be issued a license as Licensed State Land Surveyor.

To ensure that a licensed individual is up-to-date on the development in land surveying techniques, the state laws pertaining to land surveying and the Board's minimum standards for surveying land, licensed individuals are required to obtain 12 hours of annual continuing education in Board approved professional development activities which include a minimum of three hours on the Professional Land Surveying Practices Act, Board rules and/or ethics. This education helps the Surveyor-in-Training and Register Professional Land Surveyor to continue their professional development throughout their career.

Enforcement of the Board's Act and Rules, or minimum standards, helps to ensure that those individuals who have become misguided are redirected or removed from licensure. Enforcement allows the general public the ability to notify the Board by filing a complaint against of these individuals so that action can be taken, if necessary. This is the first step in the enforcement process.

To the untrained individual, a land survey is nothing more than measuring the distance between two points on the ground. It is this fallacy that prevents people from understanding that it must first be determined where the points on the ground are located. An untrained individual can cause a tremendous amount of harm to the property owner because there is no assurance that the boundary lines of the property are in the correct place. If the property boundaries are in the wrong place and the property owner relies on that information to improve his/her property, he/she could be encroaching on the adjoining land owner's property. Imagine the cost of having to remove a concrete driveway, an addition to a home or a swimming pool because an untrained individual performed the land survey of a property and misled the land owner as to the location of the property's boundaries. The effect would be felt not only by the owner of the property surveyed but also by the owner of the adjoining property.

The Texas Board of Professional Land Surveying provides an avenue for individuals seeking licensure in the land surveying profession by identifying the requirements for becoming licensed, ensuring that competent individuals are licensed through examination, encouraging professional growth through annual continuing education and ensuring that the land owners are receiving professional product through the enforcement of the Board's enabling Act and Rules, or minimum standards. These are all standards that were set by the Legislature in the passing of the Texas Professional Land Surveying Practices Act and deemed necessary for the protection of the public.

**C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?**

Our performance measures provide evidence of the overall effectiveness and efficiency of the Board.

**D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?**

Texas Occupations Code, Chapter 1071, is the Board's enabling law and it continues to reflect the Board's mission, objectives and approach to performing its functions.

**E. Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?**

In 2003, the 78th Legislature adopted all of the Sunset Commission's recommendations (Acts 2003, 78<sup>th</sup> R.S., Ch. 16) amending Chapter 1071 of the Occupations Code by allowing the Board to continue for an additional 12 years. In addition, the Legislature reduced the number of members from 10 to 9 (Acts 2003, 78<sup>th</sup> R.S., Ch. 1170) thus strengthening the enabling law by these two Acts.

Additional amendments to Chapter 1071 (Professional Land Surveying Practices Act) are as follows:

2005:

- Allowing for "reduced fees for elderly land surveyors" (Acts 2005, 79th R.S., Ch. 170).
- Re-defined the definition of "Professional Surveying" (Acts 2005, 79th R.S., Ch. 611)

2007:

- The Surveyor in Training Certificate was extended to be valid for eight years and as a condition of retaining the Certificate, the Board requires the holder to successfully complete continuing professional education courses. (Acts 2007, 80th R.S., Ch. 53)
- Providing an avenue for the Registered Professional Land Surveyor to seek a court order to cross land where permission has been denied. (Acts 2007, 80th R.S., Ch. 158)
- Requiring registration by Business Entities offering land surveying services (Acts 2007, 80th R.S., Ch. 1077)

2009:

- Providing confidentiality for complaints deemed frivolous or without merit (Acts 2009, 81st R.S., Ch. 173)
- Raising the maximum Continuing Professional Education requirements for land surveyors from 8 hours to up to 16 hours annually. (Acts 2009, 81st R.S., Ch. 1161)

2011:

- Application of the Sunset Act extension to September 1, 2019 (Acts 2011, 82nd R.S., Ch. 1232)

In 2013, the Board sought to provide an avenue for licensees seeking to recover their license that had expired due to serious illness. This change was not adopted.

**F. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?**

There is no other agency, state or federal, whose functions overlap or duplicate those of this Board. How land boundaries are laid out in Texas is unique from how boundaries are laid out in other states. Considering the uniqueness of the profession, and the fact that there is no duplication with other agencies, the functions are placed appropriately in this stand-alone agency as opposed to under another agency or an umbrella agency.

One area of concern is regarding oil and gas well location and the documentation required by the Texas Railroad Commission (TRC) that could be viewed as an overlapping function. In this one specific area, land surveyors sign and seal a document that is very similar to a land survey plat but lacks elements laid out in the Board's minimum standards. Land surveyors are concerned that signing and sealing the TRC document is contrary to the rules of this Board and could result in an administrative action against them. The TRC however does not concern itself with any other land surveying matters.

The Office of the Attorney General (OAG) has previously opined that the TRC can establish their own rules and requirements for documents that are submitted to the TRC. This Board recognizes that it cannot dictate what rules another agency establishes.

**G. In general, how do other states carry out similar functions?**

Professional land surveying regulation is handled by a dedicated state agency in other states. Much like the Texas Board of Professional Land Surveying, their mission is to protect the public through the examination, licensure and enforcement of those state's laws and board rules. Differences may exist in staff size.

**H. What key obstacles impair your agency's ability to achieve its objectives?**

Examination: Applicants that meet the legislatively mandated requirements are eligible to sit for the state's RPLS exam. The requirements include holding a Surveyor-in-Training certificate, at least two years of delegated responsible charge under a registered or licensed land surveyor, and a bachelor's degree with a minimum of 32 semester hours in courses acceptable to the Board. Individuals that are already registered professional land surveyors may apply to take the Licensed State Land Surveyor exam

The State's RPLS and LSLS exam are administered by the Board's staff twice per year. The number of individuals sitting for the exams is based on the number of qualified applicants. At this time there is no obstacle that impairs the Board's ability to achieve this objective.

Licensing: Licensing is based on an individual's ability to pass the state's registered professional land surveyor exam and licensed state land surveyor exam. At this time there is no obstacle that impairs the Board's ability to achieve this objective.

Enforcement: Complaints against surveyors are received from the general public and from other surveyors. The staff size is an obstacle and impairs the Board's ability to process complaints in a timely manner. The hiring freeze mandated by the Governor's Office at the end of January 2017 added an additional impairment when the Complaint Administrator position was unable to be filled after a vacancy. An exception to the freeze was subsequently granted.

**I. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).**

A recommendation by the Sunset Commission for anything other than the continuance of this Board would have an impact on the Board's key functions in the near future.

**J. What are your agency's biggest opportunities for improvement in the future?**

One of the biggest opportunities for improvement is to embrace cloud technology for its enforcement function which could result in going paperless. The Board has begun the process of evaluating how managing complaint files across the agency by using cloud technology will greatly improve access by those staff members needing access to the files while reducing the workload on the individual acting as Complaint Administrator. The Board is also examining fillable forms on its web site to allow easier submittal of complaints.

The Board is also examining the use of technology for Informal Settlement Conferences. Providing the Board members with an option of being able to attend the meeting via video teleconferencing. This could possible reduce travel costs for Board members that sit on the Informal Settlement Conference (ISC) committee or may make it easier for the responding surveyor to attend the ISC. We would need to determine if using video conferencing would have an impact on confidentiality and the need for a secure network connection.

Another opportunity is to make better use of the Board's web site by educating the public on what a land survey is, why it is important and why an improperly done survey can be detrimental to the land owner.

**K. In the following chart, provide information regarding your agency's key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures. See Exhibit 2 Example. Please provide information regarding the methodology used to collect and report the data.**

**Texas Board of Professional Land Surveying  
Exhibit 2: Key Performance Measures — Fiscal Year 2016**

Key Performance Measures	FY 2016 Target	FY 2016 Actual Performance	FY 2016 % of Annual Target
Percent of licensees with no recent violations	99%	99.47%	100.47%
Percent of documented complaints resolved within six months	70%	12.77%	18.24%
Percent of licensees who renew online	65%	63.61%	97.86%
Number of new licenses issued to individuals	70	43	61.43%
Number of licenses renewed (Individuals)	2986	2844	95.24%
Complaints resolved	25	31	124%

**Table 2 Exhibit 2 Key Performance Measures**

*Percent of licensees with no recent violations:* This percentage is derived by taking the number of licensees with violations and dividing it by the total number of licensees for the period.

*Percent of documented complaints resolved within six months:* This percentage is calculated by Versa Regulation and a report is produced for the required period. Complaint information is entered into Versa, including the date received. Upon resolution of the complaint, the date of resolution is entered into the system. Versa then uses the date of receipt and the date of resolution to determine the number of days it took to resolve the complaint. It then generates a report indicating the percentage of complaints that were resolved within 180 days or less.

*Percent of licensees who renew online:* This information is provided by Texas.gov to Health Professions Council. A report is generated by Versa Regulation, the regulatory database used by this agency and forwarded to the Board, by the accounting staff. The information is then entered into ABEST for compilation of performance measures. The report is forwarded to the Executive Director who confirms the data entered and submits the information to ABEST.

*Number of new licenses issued to individuals:* An applicant's record is maintained in Versa Regulation. Once the individual passes the RPLS/Reciprocal exam, a data field in his record is changed to reflect passing of exam by the staff member that handles applications. A report is then generated from Versa at the request of the accounting staff and the information is input into ABEST. The report is forwarded to the Executive Director who confirms the entry and submits the data to ABEST.

*Number of licenses renewed:* License renewal information is generated by Versa Regulation and is based on a field within the database that indicates payment received during the renewal period. The field is updated by staff when payment is received via mail at the Board's office or based on a report generated by Versa when payment is made online by the license holder.

*Complaints Resolved:* The Complaint Administrator enters complaint records into Versa Regulation. When a complaint is resolved, a data field is noted in the record of the specific complaint. A report is then generated by Versa. This information is given to the accounting staff for input into ABEST. The report is then forwarded to the Executive Director for confirmation and submission to ABEST.

- L. Please discuss any “high-value data” your agency possesses, as defined by Section 2054.1265 of the Government Code. In addition, please note whether your agency has posted those data sets on publically available websites as required by statute.**

The Board possess information on registered professional land surveyors, licensed state land surveyors and firms offering land surveying services. This information is collected in Versa Regulation when applicants become licensed or firms request a certificate. The information is publicly available on our web site through the roster.

### III. History and Major Events

1919: Board of Examiners of Licensed State Land Surveyors created to regulate individuals licensed for the purpose of surveying state school land and land grant patents.

1955: State Board of Registration for Public Surveyors created to regulate individuals licensed to perform land surveying for private property owners.

1979: Texas Board of Land Surveying created through the consolidation of the Board of Examiners of Licensed State Land Surveyors and the State Board of Registration for Public Surveyors. Passage of this Act doubled the number of licensees by requiring all Professional Engineers practicing land surveying to become licensed as land surveyors. As a result of this consolidation, the size of the office staff was increased from two to four.

1989: The Board's name was changed to the Texas Board of Professional Land Surveying.

1989: Continuing education was made a requirement for license renewal. Legislation amending the Professional Land Surveying Practices Act required all applicants applying for registration after 1996 to have a bachelor's degree from an accredited institution of higher education. This requirement was repealed in 1991 and reinstated in 1995.

1991: Legislation passed exempting Professional Engineers from the continuing education requirement until after December 31, 1995.

1992: Minimum Professional Standards were adopted by the Board.

1995: Legislation passed amending the Professional Land Surveying Practices Act which required all applicants applying for registration after January 1, 2003 to have a bachelor's degree from an accredited institution of higher education.

2002: The Board hired a part-time investigator to investigate complaints. Prior to this time, Board members rotated this duty.

2003: The Professional Land Surveying Practices Act was re-codified after Sunset Review and the Board structure changed from ten members to nine members. In addition, House Bill 3442 (78<sup>th</sup> Legislature, Regular Session) mandated that a professional fee of \$200 be added to each yearly renewal. One hundred and fifty dollars (\$150) of this amount was to be deposited into the General Fund and fifty dollars (\$50) was to be deposited into the Foundation School Fund.

2005: After occupying the same space for 23 years, the Board was notified in August 2005 that its lease could not be renewed. The office was moved and now occupies space in the state-owned Texas Commission on Environmental Quality complex.

2007: The Professional Land Surveying Practices Act amended and allowed Surveyors-In-Training to retain their certification for up to eight years before requiring renewal or expiration.

2009: Legislation amended the Professional Land Surveying Practice Act regarding complaints determined to be frivolous or without merit could be considered confidential.

2015: Legislation passed that repealed the \$200 fee increase mandated by law in 2003.

## IV. Policymaking Structure

- A. Complete the following chart providing information on your policymaking body members.**

**Texas Board of Professional Land Surveying  
Exhibit 3: Policymaking Body**

<b>Member Name</b>	<b>Term / Appointment Dates / Appointed by</b> <i>(e.g., Governor, Lt. Governor, Speaker)</i>	<b>Qualification</b> <i>(e.g., public member, industry representative)</i>	<b>City</b>
Jon Hodde	6 years/February 2013-January 2019/ Appointed by Governor	RPLS	Brenham
Hon. George P. Bush	Statutory	General Land Commission	
William E. Merten	6 years/February 2013-January 2019/Appointed by Governor	LSSL	Houston
William D. Edwards	6 years/July 2015-January 2021/Appointed by Governor	LSSL	Alvord
James H. Cheatham	6 years/July 2015-January 2021/Appointed by Governor	Public member	Aledo
Andrew W. Paxton	6 years/July 2015-January 2021/Appointed by Governor	Public member	Lubbock
Paul P. Kwan	6 years/January 2011-January 2017/Appointed by Governor	RPLS	Houston
Gerardo M. Garcia	6 years/January 2011-January 2017/Appointed by Governor	Public member	Corpus Christi
Mary Chruszczak	6 years/January 2011-January 2017/Appointed by Governor	RPLS	The Woodlands

Table 3 Exhibit 3 Policymaking Body

- B. Describe the primary role and responsibilities of your policymaking body.**

The primary role and responsibility of the Board's policymaking body is to adopt and enforce reasonable and necessary rules, establish standards of conduct and ethics, prescribe minimum standards and establish the enforcement process regarding the land surveying profession.

- C. How is the chair selected?**

In accordance with Texas Occupations Code, section 1071.055(a), the Governor designates one board member as the board's presiding officer to serve in that capacity at the pleasure of the Governor.

- D. List any special circumstances or unique features about your policymaking body or its responsibilities.**

There are no special circumstances or unique features about the Board.

**E. In general, how often does your policymaking body meet? How many times did it meet in FY 2016? In FY 2017?**

In general, the policymaking body meets quarterly. In FY2016, the body met five times and have met three times so far in FY2017.

**F. What type of training do members of your agency's policymaking body receive?**

Individuals appointed to the Board receive training from the executive director and general counsel appointed by the Office of the Attorney General regarding Board's enabling legislation, the role and function of the Board, the current rules, the budget, and information on any recent audits. They are also provided with information on laws regarding open meetings, public information, administrative procedure and conflict of interest. This training is required pursuant to Texas Occupations Code section 1071.059.

**G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.**

The respective roles of the policymaking body and agency staff are addressed in the Professional Land Surveying Practices Act, Occupations Code, Chapter 1071. The Policymaking body is responsible for hiring the executive director, adopting necessary rules and minimum standards for land surveying, developing exams, and imposing penalties for violation of the rules and minimum standards. The executive director and staff conduct the administrative affairs of the Board.

**H. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?**

The Board is provided with information concerning continuing education audits, number of applicants sitting for and passing the surveyor-in-training exam and RPLS exam, complaints and budgetary information including Legislative Appropriations Requests, Strategic Plans and performance measures statistics.

**I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?**

At the beginning and end of each Board meeting, attendees are providing with the opportunity to offer comments or concerns regarding issues relevant to the jurisdiction of the Board. The public may also contacts the Board staff via email, telephone or fax. The input received often generates discussion at a future Board meeting and can result in either the establishment of a policy or a review of the Board's rules.

Proposed rules or amendment to rules are published in the Texas Register. The public may submit written comments, or if a public hearing is requested, provide comments at the hearing.

- J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. *See Exhibit 4 Example.* In addition, please attach a copy of any reports filed by your agency under Government Code Chapter 2110 regarding an assessment of your advisory committees.

**Texas Board of Professional Land Surveying  
Exhibit 4: Subcommittees and Advisory Committees**

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee
Item Writers	9	To amend current exam questions or create new exam questions for the registered professional land surveyor and reciprocal exams. Questions reflect current scenarios in land surveying and laws, and are intended to test an individual's abilities and knowledge.	Occ. Code secs 1071.552-1071.556  22 TAC Secs 665.1-665.9
QAQC	9	To review the questions drafted by the Item Writers Committee. The subject matter experts on this committee review for grammar, punctuation, spelling, clarity and viability before the question is added to the test data bank. This committee provides valuable constructive criticism of the questions created by the Item Writer's Committee.	Occ. Code secs 1071.552-1071.556  22 TAC Secs 665.1-665.9

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee
Cut-off Score	9	The committee is charged with determining the appropriate passing score for each exam. A psychometrician first analyzes each question on each exam by comparing the answers chosen for each question. He will point out if an equal number of examinees chose another answer for a given question over the correct answer. The committee members will then review the analysis and work the problematic questions themselves. They then discuss their answers and determine whether the question is good or bad, whether it should not be counted in the current exam, whether the question should go back to the Item Writers for review or whether it should be removed from the test data bank. A cut-off score is then determined and that will establish the pass/fail score for the exam.	Occ. Code secs 1071.552-1071.556  22 TAC Secs 665.1-665.9

Table 4 Exhibit 4 Subcommittees and Advisory Committees

## V. Funding

### A. Provide a brief description of your agency’s funding.

Method of financing for this Board is from the General Revenue Fund and Appropriated Receipts. Based on the General Appropriations Act for FY2016-2017, General Revenue funding was \$459,439 and \$459,404, respectively. The agency’s budget approved by the Legislature requires the agency to generate at least \$5,400 in appropriated receipts.

### B. List all riders that significantly impact your agency’s budget.

There are no riders for this agency.

### C. Show your agency’s expenditures by strategy. See Exhibit 5 Example.

**Texas Board of Professional Land Surveying  
Exhibit 5: Expenditures by Strategy — 2016 (Actual)**

<b>Goal / Strategy</b>	<b>Amount Spent</b>	<b>Percent of Total</b>	<b>Contract Expenditures Included in Total Amount</b>
Licensing & Enforcement/Licensing and Education	\$359,326	77%	
Licensing & Enforcement/Indirect Admin-Licensing/Education	\$88,363	19%	
Licensing & Enforcement/Texas.gov	\$17,150	4%	\$17,150
<b>GRAND TOTAL:</b>	<b>\$464,839</b>	<b>100%</b>	<b>\$17,150</b>

Table 5 Exhibit 5 Expenditures by Strategy

- D. Show your agency’s sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines. See Exhibit 6 Example.**

**Texas Board of Professional Land Surveying  
Exhibit 6: Sources of Revenue — Fiscal Year 2016 (Actual)**

Source	Amount
General Revenue	\$459,439.00
Appropriated Receipts	\$23,376.49
<b>TOTAL</b>	<b>\$482,815.49</b>

Table 6 Exhibit 6 Sources of Revenue

- E. If you receive funds from multiple federal programs, show the types of federal funding sources. See Exhibit 7 Example.**

This agency does not receive funding from federal sources.

- F. If applicable, provide detailed information on fees collected by your agency. See Exhibit 8 Example.**

**Texas Board of Professional Land Surveying  
Exhibit 8: Fee Revenue — Fiscal Year 2016**

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
RPLS/LSLS license renewal	\$211	2,501.57	\$432,881.00	General Revenue
RPLS active sub fee	\$5	2,501	\$12,505.00	General Revenue
RPLS/LSLS renewal penalty active	\$105.50	87.84	\$9,267.00	General Revenue
RPLS Inactive sub fee	\$5	176.8	\$884.00	General Revenue
LSLS active sub fee	\$5	28.2	\$141.00	General Revenue
RPLS inactive renewal penalty	\$19	43	\$817.00	General Revenue
SIT renewal	\$25.94	28	\$726.32	General Revenue
Firm renewal	\$31	1,385.45	\$42,949.00	General Revenue
Firm renewal sub fee	\$2	1,481	\$2,962.00	General Revenue
Firm renewal penalty	\$29	85	\$2,465.00	General Revenue
Cont. Ed. Renewal	\$51.63	33.16	\$1,712.04	General Revenue
Prorated registration	\$174	13.61	\$2,367.50	General Revenue
Application fee	\$128.69	143.19	\$18,426.94	General Revenue

<b>Fee Description/ Program/ Statutory Citation</b>	<b>Current Fee/ Statutory Maximum</b>	<b>Number of Persons or Entities Paying Fee</b>	<b>Fee Revenue</b>	<b>Where Fee Revenue is Deposited (e.g., General Revenue Fund)</b>
Examination fee	\$150	124	\$18,600.00	General Revenue
Firm registration	\$32.11	115	\$3,692.65	General Revenue
Cont. Ed. Course application fee	\$51.63	65	\$3,355.95	General Revenue
Violation	\$1,500 per violation maximum	13	\$56,350.00	General Revenue
Duplicate certificate	\$20	19	\$380.00	General Revenue
Roster	\$22	17	\$374.00	General Revenue
Home Study courses	varies	221	\$19,129.34	General Revenue
Open records fee	varies	2	\$99.20	General Revenue
Occ. Code §1071.1521	200	8	\$1,600	General Revenue/School Fund
<b>TOTAL</b>			<b>\$648,898.94</b>	

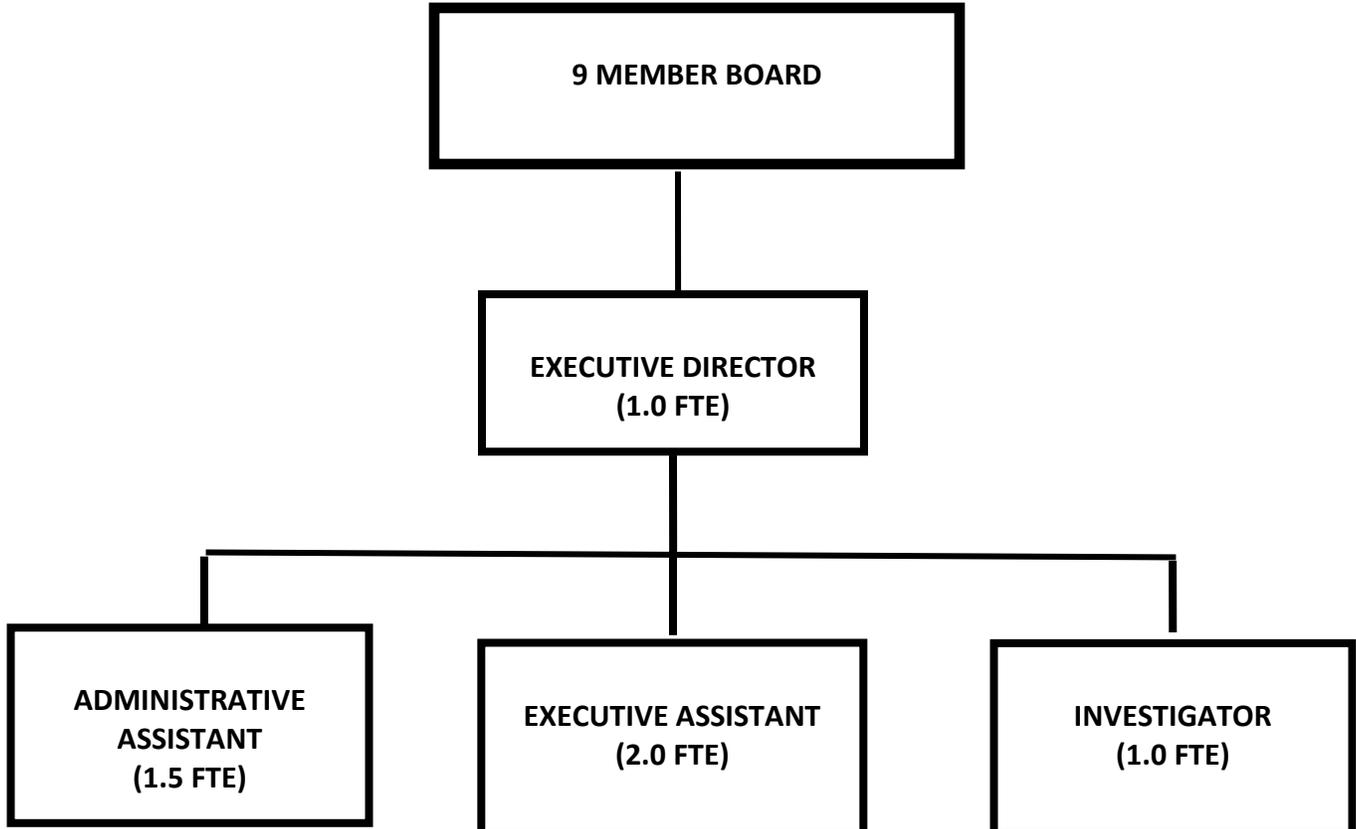
Table 7 Exhibit 8 Fee Revenue

## VI. Organization

- A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible, Department Heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.**

The Texas Board of Professional Land Surveying consists of nine members: one elected member (the General Land Office commissioner), and eight Governor appointed members. The Board employs one Executive Director who supervises three full time classified employees and three half time classified employees. Because of limited staff, each person performs more than one task. The primary task of each employee is listed below.

1. One full-time Executive Assistant oversees the continuing education functions and all accounting functions of the Board.
2. One full-time Administrative Assistant oversees all complaints received by the Board.
3. One full-time Executive Assistant processes all applications and prepares and assists in administering all examinations.
4. One half-time Administrative Assistant handles Firm Registrations, license changes and processing payments received in Board office.
5. The Board employs two half-time Investigators. The investigators investigate all complaints received and assists in resolution of all complaints.



- B. If applicable, fill in the chart below listing field or regional offices. See Exhibit 9 Example.**

**Texas Board of Professional Land Surveying  
Exhibit 9: FTEs by Location — Fiscal Year 2016**

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2016	Number of Actual FTEs as of June 1, 2016
Headquarters	12100 Park 35 Circle, Austin TX	No	5.5	5.5
			<b>TOTAL: 5.5</b>	<b>TOTAL: 5.5</b>

Table 8 Exhibit 9 FTEs by Location

- C. What are your agency's FTE caps for fiscal years 2016–2019?**

FY2016: 5.5

FY2017: 5.5

FY2018: 6.0

FY2019: 6.0

- D. How many temporary or contract employees did your agency have as of August 31, 2016? Please provide a short summary of the purpose of each position, the amount of expenditures per contract employee, and the procurement method of each position.**

The Board does not have temporary or contract employees.

- E. List each of your agency's key programs or functions, along with expenditures and FTEs by program. See Exhibit 10 Example.**

**Texas Board of Professional Land Surveying  
Exhibit 10: List of Program FTEs and Expenditures — Fiscal Year 2016**

Program	Number of Budgeted FTEs FY 2016	Actual FTEs as of August 31, 2016	Actual Expenditures
Licensing & Enforcement	3.475	3.475	\$255,876.43
Indirect Administration	2.025	2.025	\$149,107.85
<b>TOTAL</b>	<b>5.5</b>	<b>5.5</b>	<b>\$404,984.29</b>

Table 9 Exhibit 10 List of Program FTEs and Expenditures

## VII. Guide to Agency Programs

Complete this section for **each** agency program (or each agency function, activity, or service if more appropriate). Copy and paste the questions as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

### A. Provide the following information at the beginning of each program description.

*Name of Program or Function:*            **Licensing & Enforcement**

*Location/Division:*            Austin/Headquarters

*Contact Name:* Marcelino A. Estrada, Executive Director

*Actual Expenditures, FY 2016:* \$255,876.43

*Number of Actual FTEs as of June 1, 2017:* 3.475

*Statutory Citation for Program:* Occupation Code, Chapter 1071

### B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of this program is to register individuals and businesses offering land surveying services, renew licenses and registrations, and accept continuing education course applications.

Licensure is a two-step process which begins with an individual applying for **Surveyor in Training**. Occupations Code, Chapter 1071, Professional Land Surveying Practices Act (the Act), establishes five avenues that an individual can qualify for approval to take the Fundamentals of Surveying (FS) exam. When an individual submits an application, along with the required supporting documentation, it is reviewed by the Board's staff. Upon confirmation of qualification, the individual is then approved to take the FS exam which is administered by the National Council of Examiners for Engineering and Surveying. Once the individual has passed the FS exam, the Board will issue a Surveyor in Training (SIT) certificate which is valid for eight years. The new SIT must complete a minimum of two years of statutorily required experience in delegated responsible charge under a registered professional land surveyor. By statute, the SIT certificate may be renewed on an annual basis at the end of eight years.

An individual seeking licensure as a **Registered Professional Land Surveyor (RPLS)** must either have a SIT certificate and meet the requirements as established by the Act or must be licensed in another state and seeking licensure by reciprocity. In either case, the individual must submit an application with supporting documentation to the Board's staff. Upon review of the application and documentation by the Board's staff and a committee made up of at least two Board members, a determination is made as to whether the individual has met the requirements for taking the RPLS exam or not. The RPLS exam is developed by two of the

Board's exam advisory committees, the Item Writers Committee and the QAQC Committee. The exam is then approved by the Board members at a regular meeting prior to the exam date. The exam itself is administered and proctored by the Board's staff. After the exam, a psychometrician provides a statistical analysis of the exam and the Cut-Off Score Committee, the Board's third exam committee, determines the passing score for that specific exam. Individuals who meet or exceed the passing score are then issued a license as a Registered Professional Land Surveyor.

Applicants that submit an application to become a SIT or RPLS must pay an application fee. Those that pass the RPLS exam and are issued a license will pay a prorated licensing fee based on when they took the exam. The Board offers the paper and pencil based exam two times per year: April and October.

Licenses are valid for one year and expire on December 31 of any given year. Licensees must renew their license prior to that time but have up to twelve months in which to renew an expired license. An individual with an expired license is prohibited from offering land surveying services. Once past the 12-month mark, an expired license can no longer be renewed.

Only an RPLS may seek additional certification as **Licensed State Land Surveyor**. The RPLS who is interested in becoming a LSLs must apply for and be approved to take the LSLs exam. This additional designation allows the surveyor to survey land in which the state or the permanent school fund has an interest or to perform other original surveys for the purpose of filing field notes in the General Land Office.

Businesses that are interested in offering land surveying services in Texas must register with the Board. **Firm registration** consists of completing a form and submitting the required fee. Firm registrations are valid for one year and may be renewed before expiration on December 31.

**Continuing education** is required of all licensees. RPLSs must obtain 12 hours of continuing education each calendar year; beginning after the eighth year, SITs must obtain eight hours each calendar year. Licensees are required to keep record of having met the annual requirement. The Board's staff conducts a continuing education audit of not less than five percent of the renewal applications at the beginning of each year. Failure to have acquired the required hours results in the licensee having to pay the late registration fee.

Individuals or companies (sponsors) interested in providing continuing education courses to our licensees must submit a course approve application along with detailed information about the course and appropriate fee. This information is forwarded to the Board's Continuing Education Committee who reviews the courses and recommends, to Board members at a regular meeting, acceptance or denial of the application and stipulates the number of hours to be earned by attendees. Upon approval, the course is issued a course number. Courses may continue to be offered from year to year so long as there are no substantial changes to the description and material, and the sponsor pays a renewal fee to the Board's office. Courses in good standing are maintained on the Board's web site.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program. Also please provide a short description of the methodology behind each statistic or performance measure.**

New licenses are issued after the Board, at a regular meeting following an exam, has conferred licensure upon the examinees passing the exam. Renewed licenses are issued within seven days of the renewal application and appropriate fee.

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.**

Licensure requirements were significantly affected by the passage of H.B. 2813 by the 77<sup>th</sup> Legislature in 2001. This bill moved the laws pertaining to this Board from Article 5282c of the civil statutes to the Chapter 1071 of the Occupations Code. At this time, a degree requirement was added to the requirements for licensure as a Registered Professional Land Surveyor. Any applications received by the Board after January 1, 2003 required the applicant to have earned a bachelor's degree from an accredited institution that included at least 32 semester hours in courses acceptable to the Board.

- E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.**

This function affects individuals that are interested in offering land surveying services. Licensees are those who have taken and passed the State's Registered Professional Land Surveyor or reciprocal exam, or the LSLS exam. Licensed individuals are required to maintain 12 hours of continuing education with a minimum of three hours on the Board's Act and rules and/or ethics.

Firms are businesses that offer land surveying services to the public. They are required to have at least one Registered Professional Land Surveyor employed full-time who will provide direct supervision to the field crew and other staff members directly involved in assisting to prepare the survey.

Examinees are the individuals that have submitted an application, and been approved, to take either the Surveyor in Training (SIT) exam or the State's Registered Professional Land Surveyor/Reciprocal exam. To be approved for the SIT exam, the individual must have at a minimum a high school education and four years of experience being supervised by a Registered Professional Land Surveyor. For the RPLS exam, the individual has obtained Surveyor in Training certification and has earned a minimum of two years of experience being supervised by a Registered Professional Land Surveyor. They have also acquired a bachelor's degree with at least 32 semester hours in courses acceptable to the Board that pertain to land surveying, civil engineering, math, photogrammetry, forestry, land law or the physical sciences.

Those that are applying for licensure through reciprocity must be licensed in another state whose requirements for licensure are similar to Texas. For the LSLS exam, the examinee must have already become licensed as a Registered Professional Land Surveyor and have been approved to take the LSLS exam.

Course sponsors are businesses or individuals that have submitted for approval continuing education courses they wish to offer to our licensees. A detailed description of the course is submitted to the Board's Continuing Education Committee and the committee then brings its recommendation to a regular Board meeting for members to approve.

Based on statistics from FY2016:

- Licensees: 2,871 (includes 64 licensed as Licensed State Land Surveyors)
- Firms: 1,580
- Examinees: 158
- Course Sponsors: 41

**F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The **Licensing function** is administered primarily by an Executive Assistant I who reports directly to the Executive Director. This individual is responsible for all aspects of the licensing process for those that are seeking to become a Surveyor in Training or Registered Professional Land Surveyor. She is also responsible for providing assistance to the exam advisory committees in the exam process.

*Surveyor in Training*

1. SIT application and supporting documentation received.
2. Application is reviewed by Executive Assistant I for completeness and to ensure candidate meets minimum guidelines.
  - a. If application is incomplete or if the individual does not meet requirements, a letter is sent explaining deficiency. Applicant may resubmit application upon correction of deficiency.
3. A complete, qualified application is forwarded to the Board's SIT committee for review of supplemental documentation which includes references and experience.

a. If review of the application determines any problems with the references or experience, a letter is sent to the applicant who may correct the deficiencies and resubmit the application.

4. If, upon review of the application and supporting documentation, it is determined that the applicant has met the qualifications outlined by the Board, a letter is issued authorizing them to take the Fundamentals of Surveying (FS) exam offered by the National Council of Examiners for Engineering and Surveying (NCEES).

5. If not previously registered with NCEES, the applicant should do so and schedule a time to take the computer-based test.

6. Upon taking and passing the FS exam administered by the NCEES, the applicant is awarded the Surveyor in Training certification issued by the Board. The applicant is notified and pays a fee. The certificate is valid for eight years, during which time the new SIT must obtain a minimum of two years of experience working under the supervision of a RPLS. If they have not obtained a bachelor's degree, they should do so at this time before applying for RPLS. SIT certificates are renewable on an annual basis after the first eight year period.

a. If the applicant fails the exam, they are notified and are given three opportunities to retake and pass the exam. If the applicant fails after the third time, they must wait one year before applying to take the exam again

#### Registered Professional Land Surveyor

1. RPLS/RCP application and supporting documentation received.

2. Application is reviewed by Executive Assistant I for completeness and to ensure candidate meets minimum guidelines and has obtained a Surveyor-in-Training certificate.

a. If application is incomplete or if the individual does not meet requirements, a letter is sent explaining deficiency. Applicant may resubmit application upon correction of deficiency.

3. A complete, qualified application is forwarded to RPLS committee for review of supplemental documentation which includes references, experience and, where applicable, sample survey.

a. If review of the application determines any problems with the references, experience or sample survey, a letter is sent to the applicant who may correct the deficiencies and resubmit the application.

4. If, upon review of the application and supporting documentation, it is determined that the applicant has met the qualifications outlined by the Board, a letter is issued authorizing them take the RPLS/RCP exam.

5. Upon taking and passing the State RPLS exam administered by the Board, the applicant's name is passed on to the Board. At its next regular meeting, the Board confers licensure upon

the applicant. The applicant is notified and a prorated fee is paid before the license number is disclosed. All licenses expire on December 31 and must be renewed between November 1 and December 31 for to be considered active for the next year.

a. If the applicant fails the exam, they are notified and are given three opportunities to retake and pass the exam. If the applicant fails after the third time, they must wait one year before applying to take the exam again.

### Licensed State Land Surveyor

1. LSLS application and supporting documentation received.

2. Application is reviewed by Executive Assistant I for completeness. The applicant must hold a current license as an RPLS in Texas and submit proof that they reside in Texas. There is no required time period that an individual must hold a RPLS license before they can seek to become an LSLS.

a. If application is incomplete or if the individual does not meet requirements, a letter is sent explaining deficiency. Applicant may resubmit application upon correction of deficiency.

3. A complete, qualified application is forwarded to LSLS committee for review of supplemental documentation which includes references, experience and, where applicable, sample survey. The applicant must arrange a meeting with the Director of Surveying at the General Land Office prior to starting the application process. This meeting is designed to orient the applicant with the history, function, and contents of the General Land Office and to answer questions regarding the duties and functions of a LSLS.

a. If review of the application determines any problems with the references, experience or sample survey, a letter is sent to the applicant who may correct the deficiencies and resubmit the application.

4. If, upon review of the application and supporting documentation, it is determined that the applicant has met the qualifications outlined by the Board, a letter is issued authorizing them take the LSLS exam.

5. Upon taking and passing the LSLS exam administered by the Board, the applicant's name is passed on to the Board. At its next regular meeting, the Board confers licensure upon the applicant. The applicant is notified and a prorated fee is paid before the license number is disclosed. All licenses expire on December 31 and must be renewed between November 1 and December 31 for to be considered active for the next year.

a. If the applicant fails the exam, they are notified and are given three opportunities to retake and pass the exam. If the applicant fails after the third time, they must wait one year before applying to take the exam again.

### Firm Registration

A part-time Administrative Assistant IV is responsible for processing firm registrations and license renewals. This individual reports directly to the Executive Director.

1. Business entities interested in offering land surveying services must register with the Board. A completed Firm Registration form, along with the appropriate fee, must be submitted to the Board's office.
2. Upon review and acceptance, a firm registration certificate is issued to the firm.
3. The firm must meet certain requirements as noted in the Professional Land Surveying Practices Act and Board rules.

#### License Renewals

1. All licenses expire on December 31.
2. Renewals may be paid by cashier's check, money order or online through Texas.gov. Payments mailed to the office are processed by the part-time Administrative Assistant IV.
3. The renewal period opens November 1. Licensees are notified via postal service that their license is due for renewal.
4. By renewing, licensees attest to renewing the oath and to having met the continuing education requirements for the year.
5. Upon receipt of payment, a pocket card or wall certificate for the new year is mailed to licensees.
6. For licensees who do not renew by December 31, their license is expired. They have 12 months in which to pay the renewal fee plus late penalty in order to keep their license.
7. Individuals whose license has expired and who have not renewed within the following 12 months lose their license. The Act and rules require that these individuals to go through the certification and licensing process again.

#### Continuing Education Audit

The Continuing Education audit is handled by an Executive Assistant I. This person reports to the Executive Director.

1. Board rules require an annual audit of not less than 5% of the renewal applications.
2. Once the percentage is determined by the Executive Director, a report is generated from Versa Regulation, the regulatory database used by the Board.
3. Letters are sent to the licensees listed in the report asking them to submit proof of their having earned 12 hours of continuing education during the previous year.

4. Documentation returned to the Board's office by licensees is reviewed to confirm the courses taken were acceptable.

a. Individuals whose courses were acceptable are shown as having successfully completed the audit and are notified by mail of such.

b. Individuals whose courses are unacceptable or who do not have proof of a total of 12 hours of continuing education are notified their license is expired. They are required to obtain the hours lacking and pay a late fee in order to return their license status to "active". The database is changed to reflect that the individual's license is expired.

c. Individuals who fail to respond to the audit notification are sent a separate letter indicating that their license is expired and they are prohibited from practicing or offering land surveying services. The database is changed to reflect that the individual's license is expired.

### Course Sponsorship

In order for an individual or business entity to offer continuing education courses, those courses must first be approved. This function is administered by an Executive Assistant I who reports directly to the Executive Director.

1. Individual or business entity must submit a completed course application form along with documentation regarding the course topic, description and number of continuing education hours to be offered. The appropriate fee must also be remitted.

2. The Executive Assistant I receives the information and prepares Exhibit A, a document which, along with the documentation submitted, is forwarded to the Board's Continuing Education Committee.

3. The Continuing Education Committee reviews the course documentation and determines if it is acceptable to the Board. The Committee then makes a recommendation to the full Board at its next regular meeting.

4. The full Board entertains the Continuing Education Committee's recommendation and any discussion. If appropriate, the Board will adopt the committee's recommendation.

5. Course sponsors are notified of the Board's decision by the Executive Assistant I. Courses must be renewed each year but do not have to go through approval process again unless there is substantial change to the content of the course. Courses that are not approved or that are not renewed are not considered approved courses for which licensee can use towards their continuing education hours.

**G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

All funding for this function comes from General Revenue and appropriated receipts. Appropriated receipts are funds obtained through the sales of the Board's home study courses and Public Information Act copy requests.

**H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

There are no other programs, internal or external to this agency that provides identical or similar services or functions to the target population.

**I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

There are no other programs.

**J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

The Board works with the Texas Department of Public Safety to obtain background checks of all applicants seeking certification or licensure. The Board also obtains information from the Office of the Attorney General, Child Support Division, to determine licensee compliance with child support orders and with the Texas Guaranteed Student Loan Corporation to determine licensee compliance with student loan repayment.

**K. If contracted expenditures are made through this program please provide:**

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2016;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

The Licensing function does not have contracted expenditures. Expenses for this function are covered under Administration.

**L. Provide information on any grants awarded by the program.**

The Licensing function does not award grants.

**M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

- Occupations Code, §1071.254, Qualifications for Registrations as Registered Professional Land Surveyor

This section of the Professional Land Surveying Practices Act requires that an applicant must have earned a bachelor's degree from an accredited institution of higher education with at least 32 semester hours in a combination of courses acceptable to the board. There is no proof that an individual with a bachelor's degree can out-perform an individual with several years of experience directly related to land surveying. Some individuals with years of experience would like to become licensed as registered professional land surveyors but the degree is not within their grasp due to the economy or to family commitments. Allowing individuals with a degree OR 10 years of experience to apply for licensure will help boost the number of professionals available to perform land surveying services to property owners.

**N. Provide any additional information needed to gain a preliminary understanding of the program or function.**

Land surveying is an important aspect of owning real property. An improperly done survey can have a major impact on not only the current property owner of the subject property, on the adjoining property as well. It can even impact subsequent buyers of either property. Issues resulting from an improperly done survey can tally into the thousands of dollars very quickly if the subject property owner is required to remove any improvements that are encroaching on the adjoining property or if a determination of the appropriate boundary between two properties requires legal intervention. Oversight through examination and licensing is one method of ensuring that qualified individuals are properly surveying real property and thus minimizing the chance of a property owner encountering an unqualified individual.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:**
- **why the regulation is needed;**
  - **the scope of, and procedures for, inspections or audits of regulated entities;**
  - **follow-up activities conducted when non-compliance is identified;**
  - **sanctions available to the agency to ensure compliance; and**
  - **procedures for handling consumer/public complaints against regulated entities.**

Licensing the land surveying profession is important because land does not come with lines or markers to help the property owner physically distinguish the boundaries of his or her property. If we allowed anyone to use a measuring tape to determine where property boundaries were located, there would be much disorder. Land surveyors help to maintain order by using established methodology to determine the artificial boundaries of one's real property and then mark the corners of those boundaries for posterity. Property owners see the effects of unqualified individuals but, unfortunately, it may not be until they decide to sell their property or an adjoining piece of property is purchased. When that happens, boundary disputes arise and the property owner using the unqualified individual not only loses financially, they also will lose property that they believed they owned.

For public lands, it is important to licensing individuals Licensed State Land Surveying, a designation that the legislature made law in 1919. Without these individuals, land in which the State of Texas or permanent school fund has an interest could be jeopardized.

The Board does not inspect or audit regulated agencies without a complaint filed. After a complaint is received, the subject surveyor or firm is requested to reply to the allegations made in the complaint. The information received is then reviewed by the investigator and any additional requests for information are made.

In those complaints where violations are identified, the subject surveyor has the option of requesting an informal settlement conference. Unless the subject surveyor can present additional information to disprove the violations noted, an Agreed Order is drafted for approval from the board. The Agreed Order will stipulate if a reprimand is issued, list administrative penalties, and identify if the subject surveyor must provide additional continuing education proof or submit copies of their work over a set period of time.

The Professional Land Surveying Practices Act (Occupations Code, Chapter 1071) gives the Board the authority to impose an administrative penalty not to exceed \$1,500 for each violation. The Board also has the authority to order a licensee to pay restitution to a consumer.

The procedures involved in complaint administration are:

- a. Complaint received by Board
- b. Subject surveyor is notified and asked to respond to allegations.
- c. Subject surveyor submits response to complaint.
- d. Board investigator reviews the complaint, documentation submitted with the complaint and the subject surveyor's response. If necessary, clarification is requested from either party or the subject surveyor is asked to provide additional information related to the subject survey.
- e. Board investigator makes recommendation to Executive Director.
  - i. No violations – If no violations of the Professional Land Surveying Practices Act or Board rules are found, a recommendation to dismiss is taken to the Complaint Review Panel. This panel is comprised of two Board members, the investigator and the Executive Director. If the panel agrees, the Board is notified at its next regular meeting. If the panel disagrees, the investigator reviews the complaint and information based on the panel's recommendation.
    1. Upon dismissal of a complaint, the complainant is notified and given the opportunity to request a reinvestigation. The request goes to the Board at its next regular meeting for approval or disapproval.

2. Upon dismissal of a complaint, the subject surveyor may request that the complaint be deemed frivolous by the Board based on criteria outlined in the Act and Board rules. The request goes to the Board at its next regular meeting for approval or disapproval.

ii. Violations – If violations are found, the subject surveyor is notified and may agree with the findings or may request an informal settlement conference.

1. Agreement with findings -- The subject surveyor may request an agreed order stipulating the findings and penalty. The order is to be signed and returned to the Board's office. The order will then go before the Board at its next regular meeting for approval or disapproval. Once approved, the subject surveyor will be required to meet the conditions stipulated in the agreed order. The complainant is then notified of the results.

2. Request for Informal Settlement Conference – The subject surveyor may request an informal settlement conference to protest the violations and/or administrative penalty. They may present any information additional to what was submitted in their response to the complaint or explain to the conference committee why the Board was wrong in identifying the specific violations. An Informal Settlement Conference Committee is comprised of a public Board member, a licensed Board member, the investigator and the Executive Director. Based on the additional information and/or discussion with the subject surveyor, the committee may uphold the violations and/or penalties, alter the violations and/or penalties or dismiss the complaint. With the exception of dismissal, violations and penalties will result in an agreed order that will go before the Board at its next meeting for approval or disapproval.

3. State Office of Administrative Hearings – In lieu of an informal settlement conference, the subject surveyor make request that a hearing be scheduled before SOAH. The outcome of from SOAH would result in a recommendation to the Board and the Board at a regular meeting would entertain SOAH's recommendation.

**P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices. Please include a brief description of the methodology supporting each measure.**

**Texas Board of Professional Land Surveying  
Licensing / Enforcement  
Exhibit 11: Information on Complaints Against Regulated Persons or Entities  
Fiscal Years 2015 and 2016**

	Fiscal Year 2015	Fiscal Year 2016
Total number of regulated persons	2899	2871
Total number of regulated entities	1493	1580
Total number of entities inspected	N/A	N/A
Total number of complaints received from the public	36	60
Total number of complaints initiated by agency	-0-	-0-
Number of complaints pending from prior years	12	10

	Fiscal Year 2015	Fiscal Year 2016
Number of complaints found to be non-jurisdictional	N/A	N/A
Number of jurisdictional complaints found to be without merit	17	13
Number of complaints resolved	99	50
Average number of days for complaint resolution	522	781
Complaints resulting in disciplinary action:	3	4
administrative penalty	1	2
reprimand	1	1
probation	0	1
suspension	0	0
revocation	0	0
other	2	4

Table 10 Exhibit 11 Information on Complaints Against Persons or Entities

**A. Provide the following information at the beginning of each program description.**

*Name of Program or Function:*           **Indirect Administration**

*Location/Division:*       Austin/Headquarters

*Contact Name:* Marcelino A. Estrada, Executive Director

*Actual Expenditures, FY 2016:* \$149,107.85

*Number of Actual FTEs as of June 1, 2017:* 2.025

*Statutory Citation for Program:* Occupation Code, Chapter 1071

**B. What is the objective of this program or function? Describe the major activities performed under this program.**

Indirect Administration is covers the day-to-day administration of the agency. The Professional Land Surveying Practices Act gives the Board the authority to hire an executive director to conduct the administrative affairs of the Board under the Board’s direction. The Board also has the authority to employ persons as necessary to properly perform the Board’s work.

Administration includes the accounting and human resources side of the agency. The Executive Director oversees and is reported to directly by the staff member that serves as the agency’s accountant and human resources person.

**C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.**

**Also please provide a short description of the methodology behind each statistic or performance measure.**

There are no statistics to demonstrate effectiveness and efficiency of this function other than the budget itself. For FY2016, the agency was allocated \$464,839 which included at least \$5,400 in appropriated receipts and \$17,150 dedicated to Texas.gov. Expenditures for FY2016 totaled \$404,984. In addition, the agency's appropriated receipts totaled more than the minimum \$5,400 and resulted in the agency lapsing funds for the fiscal year.

**D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.**

N/A

**E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.**

This function affects the agency itself and its ability to operate efficiently.

**F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The **Indirect Administrative function** is administered primarily by the Executive Director who oversees the Licensing and Enforcement function. The Executive Director supervises two employees at the Executive Assistant I level, one Administrative Assistant IV and two Land Surveyors. These individuals are responsible for licensing, enforcement, and continuing education.

**G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

All funding for this function comes from General Revenue and appropriated receipts. Appropriated receipts are funds obtained through the sales of the Board's home study courses, Open Record copy fees and sales of the agency's roster.

**H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

There are no other programs, internal or external to this agency that provides identical or similar services or functions to the target population.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

There are no other programs.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

The Board works with the Texas Department of Public Safety to obtain background checks of all applicants seeking certification or licensure. The Board also obtains information from the Office of the Attorney General, Child Support Division, to determine licensee compliance with child support orders and with the Texas Guaranteed Student Loan Corporation to determine licensee compliance with student loan repayment.

- K. If contracted expenditures are made through this program please provide:**

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2016;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

The Board does not have major contracts through this program. We do have an Interagency Contract with the Texas Commission on Environmental Quality for the provision of mailroom services and information technology services which includes network access, software installation and updating, remediation, troubleshooting and security. The also provide telephone service for our office. The amount of expenditure for FY 2016 was \$11,036.43.

The Board also has an Interagency Contract with the Health Profession Council (HPC) to provide web server administration and shared data services for Versa Regulatory System. While a Board staff member is the web administrator and handles the updates to the information posted to our web site, HPC provides the web server which hosts our web site as well as an administrator who ensures that web site software is up-to-date and the server is maintained. The Board participates in the consortium of state agencies that contribute to HPC for the purpose of acting as administrator of Versa Regulation, the database used to maintain licensee information. For FY 2016, the Board contributed \$11,808.

After applicants take the RPLS/Reciprocal exams, test results are analyzed by a psychometrician. The psychometrician's analysis ensures that the Board's exam is fair by reviewing the answers selected to each question on the exam. This helps the Cut-Off Score Exam committee determine if there are questions on the exam that problematic that could result in the entire exam being held invalid. This measure will help prove that the exam is fair should an applicant decide to challenge his or her test result in court. The psychometrician's services are required for each of the two exam dates held during the year. Fees for FY 2016 amounted to \$4,710.86.

**L. Provide information on any grants awarded by the program.**

The Indirect Administration function does not award grants.

**M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

N/A

**N. Provide any additional information needed to gain a preliminary understanding of the program or function.**

Indirect Administration, simply put, is the part that handles the day-to-day operation of the agency. It includes accounting and human resources.

**O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:**

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

See information listed under this section in Licensing and Enforcement above.

**P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices. Please include a brief description of the methodology supporting each measure.**

See table listed under this section in Licensing and Enforcement above.

## **VIII. Statutory Authority and Recent Legislation**

**A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open**

**Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2011–2015, or earlier significant Attorney General opinions, that affect your agency’s operations.**

**Texas Board of Professional Land Surveying  
Exhibit 12: Statutes / Attorney General Opinions**

***Statutes***

Citation / Title	Authority / Impact on Agency <i>(e.g., “provides authority to license and regulate nursing home administrators”)</i>
Occupations Code, Chapter 1071	Provides the authority to license and regulate individuals and businesses offering land surveying services

Table 11 Exhibit 12 Statutes

***Attorney General Opinions***

Attorney General Opinion No.	Impact on Agency
JM-418 (1985)	Determined that sketches or “plats” of proposed well locations required to accompany applications to the Railroad Commission for certain drilling permits need not be prepared by a public surveyor registered under 5282c, VTCS.
GA-0239 (2004)	Determined the Board may not establish a “retired status” for its registrants, set a reduced renewal fee, and waive continuing education requirement for those individuals.

Table 12 Exhibit 12 Attorney General Opinions

**B. Provide a summary of recent legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency. See Exhibit 13 Example.**

**Texas Board of Professional Land Surveying  
Exhibit 13: 85th Legislative Session**

There were no bills enacted during the 85<sup>th</sup> Legislative regular session concerning the Board. Important bills enacted since 2011 are listed below.

***Legislation Enacted***

Bill Number	Author	Summary of Key Provisions
SB 652 (2011)	Hegar	Changed the Board's sunset date from 9/1/2015 to 9/1/2019.
HB 7 (2015)	Darby	Eliminated \$200 occupational tax. Reduced the Board's licensing fee from \$374 to \$174. The tax was appropriated to the General Revenue Fund and the Foundation School Fund.

Table 13 Exhibit 13 Legislation Enacted 85th Leg

**Legislation Not Passed**

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
SB 127	Huffines	Bill related to the Internet broadcast of open meetings held by the Board. This bill was referred to the Business & Commerce Committee. Senator Huffine's office contacted the Board prior to the time the bill was filed (11/14/2016) to inquire why the Board was not broadcasting their meetings according to another state statute. At that time and prior, Board meetings were held in a meeting room within the Texas Commission on Environmental Quality and the Board did not have the staff or equipment to broadcast its meeting. After this time, the Board was able to secure access to an agenda room used by the TCEQ commissioners that was set up for public hearings and broadcasting. Our first live-stream broadcast occurred with the October 14, 2016 regular meeting of the Board. The Board's budget was able to absorb the cost of broadcasting and no additional funding was required or requested.

Table 14 Exhibit 13 Legislation Not Passed 85th Leg

Legislation introduced between the 82d (2011) and the 84<sup>th</sup> (2015) include the following:

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 2543 (2011)	Smith	Abolishing and consolidating agencies under the Texas Board of Professional Services. Referred to Licensing & Administrative Procedures Committee where it was left pending.
HB 2480 (2011)	Geren	Abolishing TBPLS, move licensing of land surveyors to Architects Board. Referred to Licensing & Administrative Procedures Committee which held a public hearing. No action was taken by the committee.
HB 3166 (2011)	Callegari	Abolishing and consolidating agencies under the Texas Board of Professional Services. Report filed by Government Efficiency & Reform Standing Committee. Bill was never voted on by the House.

The bills listed in the table above would have had a major impact on this agency. The Texas Society of Professional Surveyors and the licensees themselves have been very vocal about seeing that this agency continues to exist.

## IX. Major Issues

The purpose of this section is to briefly describe any potential issues raised by your agency, the Legislature, or stakeholders that Sunset could help address through changes in statute to improve your agency's operations and service delivery. Inclusion of an issue does not indicate support, or opposition, for the issue by the agency's board or staff. Instead, this section is intended to give the Sunset Commission a basic understanding of the issues so staff can collect more information during our detailed research on your agency. Some questions to ask in preparing this section may include: (1) How can your agency do a better job in meeting the needs of customers or in achieving agency goals? (2) What barriers exist that limit your agency's ability to get the job done?

Emphasis should be given to issues appropriate for resolution through changes in state law. Issues related to funding or actions by other governmental entities (federal, local, quasi-governmental, etc.) may be included, but the Sunset Commission has no authority in the appropriations process or with other units of government. If these types of issues are included, the focus should be on solutions which can be enacted in state law. This section contains the following three components.

### **Complaint Resolution**

#### **A. Brief Description of Issue**

Complaint resolution times are excessive and should be diminished.

#### **B. Discussion**

**Background.** Include enough information to give context for the issue. Information helpful in building context includes:

- What specific problems or concerns are involved in this issue?
- Who does this issue affect?
- What is the agency's role related to the issue?
- Any previous legislative action related to the issue?

The complaint investigation process needs to be revised because resolution is taking longer than necessary. At present, there are two part-time investigators involved in the process of reviewing complaint documentation received by the Board. In addition, a Complaint Administrator is responsible for processing the complaints, sending correspondence to parties involved, creating the complaint file and interacting with the complainant, respondent and investigators.

When a complaint is submitted, and a survey plat is included with the complaint, we believe we are obligated to review the survey plat to ensure that the Board's minimum standards were followed. This is true even if the complainant did not directly address a concern with the survey plat itself. In doing so, a review of the plats and relevant property deeds to acquire an

understanding of what the surveyor did can take time. A simple piece of residential property may be reviewed within a six-month period but a rural piece of property could take longer.

This concern impacts both the complainant, often the landowner involved, and the surveyor. The complainant needs a quick resolution to his or her complaint because they may be selling the property or trying to build; the surveyor needs problems with his or her surveying brought to their attention as soon as possible to prevent them from continuing bad habits.

The agency's role is to ensure that the Board's minimum standards are being met and that the Professional Land Surveying Practices Act is being followed. This role requires that this Board do its best to protect the citizens of Texas.

There has been no previous legislative action related to this concern.

### **C. Possible Solutions and Impact**

Provide potential recommendations to solve the problem. Feel free to add a more detailed discussion of each proposed solution, including:

- How will the proposed solution fix the problem or issue?
- How will the proposed change impact any entities or interest groups?
- How will your agency's performance be impacted by the proposed change?
- What are the benefits of the recommended change?
- What are the possible drawbacks of the recommended change?
- What is the fiscal impact of the proposed change?

Correcting this concern should incorporate the following:

1. Make better use of the Versa Regulation system.

Much of the complaint process can be better tracked and automated by uploading form letters into Versa. Streamlining this process will help make the Complaint Administrator's job more efficient.

2. Use cloud storage for complaint files.

The Board will be working with Neibus and its cloud product to scan and store complaint files. This will allow the investigator's to have direct access to the documents and to upload their own letters and notes to the file. The Complaint Administrator will not have to rescan documents or forward previously scanned files to the investigators.

3. Bring the complainant initiation online.

The Board staff will investigate making the complaint filing process an online process rather than paper based. By making this process electronic, the need for scanning related complaint documents will be reduced.

#### 4. Analyze the complaint review process.

The Executive Director, Complaint Administrator and investigators will address the actual review of surveys submitted as part of the complaint to determine the most efficient way to review the documentation for violations of the Board's Act and rules. A timeline will be established to encourage the investigators to review complaints in a timelier manner.

The impact of the improvement of this concern will mean that the complainant will receive timelier resolution; the subject surveyor will be corrected to prevent the continuation of a practice that may be harmful to the public.

The impact to the agency will be improvement in meeting or beating its performance measure in complaint resolution time.

There are no negative drawbacks nor negative fiscal impacts to the agency.

### **Confidentiality During Complaint Process**

#### **A. Brief Description of Issue**

Make the complaint process confidential like is permitted by the statutes governing other regulatory boards.

#### **B. Discussion**

**Background.** Include enough information to give context for the issue. Information helpful in building context includes:

- What specific problems or concerns are involved in this issue?
- Who does this issue affect?
- What is the agency's role related to the issue?
- Any previous legislative action related to the issue?

Section 1071.204(d) of the Occupations Code states that a complaint filed with the Board is public information. This section goes on to say that if a complaint is deemed frivolous or without merit, the complaint and related information is confidential. What is unclear is whether this section is saying that the actual document initiating the complaint is public information or if it is saying that the complaint and other enforcement case information is open to the public during the time the investigation is active. What is of concern is that investigation information is subject to release prior to the complaint being closed. From the time that the subject surveyor responds and up to the time that the investigator determines there are violations of the Board's Act and rules, the final disposition hinges on acceptance of the recommendation made by the Informal Settlement Conference committee by the full Board at one of its regular meetings. Releasing complaint file information prior to that could lead the public to believe certain action was taken when in fact the final disposition may have changed significantly.

This concern impacts the surveyor's or land surveying firms that are subject to the complaint.

### **C. Possible Solutions and Impact**

Provide potential recommendations to solve the problem. Feel free to add a more detailed discussion of each proposed solution, including:

- How will the proposed solution fix the problem or issue?
- How will the proposed change impact any entities or interest groups?
- How will your agency's performance be impacted by the proposed change?
- What are the benefits of the recommended change?
- What are the possible drawbacks of the recommended change?
- What is the fiscal impact of the proposed change?

#### 1. Amend Occupations Code, Section 1071.204

Section 1071.204(d) should be clarified as to the intent. Does "complaint" mean the initial information submitted by the complainant that starts the process or does it mean the entire complaint file including subject surveyor responses and preliminary investigatory information?

The proposed change will impact licensees, individuals and firms by preventing preliminary information being distributed to the public prior to a final decision by the Board. It will also ensure that the public is receiving accurate information.

There are no drawbacks or fiscal impacts to the proposed change.

### **Employment of personnel**

#### **A. Brief Description of Issue**

Professional Land Surveying Practices Act, Section 1071.102, Personnel, states that the Board shall employ or retain persons as necessary to perform the Board's work. This section appears to require that the Board conduct the actual hiring of employees.

#### **B. Discussion**

**Background.** Include enough information to give context for the issue. Information helpful in building context includes:

- What specific problems or concerns are involved in this issue?
- Who does this issue affect?
- What is the agency's role related to the issue?
- Any previous legislative action related to the issue?

Section 1071.101 of the Occupations Code states that the Board shall employ an executive director to conduct the administrative affairs of the Board. However, section 1071.102 states that the Board shall employ or retain persons as necessary to properly perform the Board's work. As written, section 1071.102 does not give the Board the authority to delegate the matter of employment to the executive director.

This concern impacts the executive director's ability to post vacancies and hire staff.

### **C. Possible Solutions and Impact**

Provide potential recommendations to solve the problem. Feel free to add a more detailed discussion of each proposed solution, including:

- How will the proposed solution fix the problem or issue?
- How will the proposed change impact any entities or interest groups?
- How will your agency's performance be impacted by the proposed change?
- What are the benefits of the recommended change?
- What are the possible drawbacks of the recommended change?
- What is the fiscal impact of the proposed change?

#### **1. Amend Occupations Code, Section 1071.102**

Amend Section 1071.102 to grant the Board the authority to delegate the personnel function to the Executive Director. Section 1071.101 gives the Executive Director the authority to conduct the affairs of the Board. By amending section 1071.102, it will bring the language in line with section 1071.101.

There is no impact to any entities or interest groups nor is the agency's performance impacted.

There are no drawbacks or fiscal impacts to the proposed change.

## X. Other Contacts

- A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

### Texas Board of Professional Land Surveying Exhibit 14: Contacts

#### **Interest Groups**

*(groups affected by agency actions or that represent others served by or affected by agency actions)*

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Texas Society of Professional Surveyors / Ms. D. J. Kyle	2525 Wallingwood Dr. Ste. 300 Austin, TX 78746	512-327-7871	djkyle@tspss.org

Table 15 Exhibit 14 Interest Groups

#### **Interagency, State, or National Associations**

*(that serve as an information clearinghouse or regularly interact with your agency)*

Group or Association Name/ Contact Person	Address	Telephone	Email Address
National Council of Examiners for Engineering and Surveying / Sherrie Saunders	280 Seneca Creek Road Seneca, South Carolina 29678	800-250-3196	ssaunders@ncees.org

Table 16 Exhibit 14 Interagency, State, and National Association

#### **Liaisons at Other State Agencies**

*(with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)*

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Legislative Budget Board / Budget Analyst / Jennifer Quereau	PO Box 12666, Austin TX 78711-2666	512-463-2666	Jennifer.Quereau@lbb.state.tx.us
Office of the Attorney General / Assistant Attorney General / Melissa Juarez	PO Box 12548, Austin TX 78711-2548	512-475-3209	Melissa.Juarez@oag.texas.gov
TCEQ / Information Resources / Greg Rogers	PO Box 13087, Austin TX 78711-3087	512-239-4782	Greg.Rogers@tceq.texas.gov
Health Professions Council / Administrative Officer / John Monk	333 Guadalupe St., Ste. 2-220, Austin TX 78701	512-305-8551	John.monk@hpc.state.tx.us
Office of the Governor / Appointments / David Zapata	PO Box 12428, Austin TX 78711-2428	512-463-1828	David.Zapata@gov.texas.gov
Office of the Governor / Agency Liaison / DeAnn Walker	PO Box 12428, Austin TX 78711-2428	512-936-3380	DeAnn.Walker@gov.texas.gov

Self-Evaluation Report

<b>Agency Name / Relationship / Contact Person</b>	<b>Address</b>	<b>Telephone</b>	<b>Email Address</b>
Office of the Governor / Agency Policy Analyst / Logan Mims	PO Box 12428, Austin TX 78711-2428	512-463-1778	Login.Mims@gov.texas.gov

Table 17 Exhibit 14 Liaisons at Other State Agencies

## XI. Additional Information

- A. Texas Government Code, Sec. 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment. See Exhibit 15 Example.**

The Board does not have other reporting requirements other than the general reporting requirements applicable to all agencies.

- B. Has the agency implemented statutory requirements to ensure the use of "first person respectful language"? Please explain and include any statutory provisions that prohibits these changes.**

The Professional Land Surveying Practices Act and Board rules use “first person respectful language” and avoid terms as outlined in Government Code section 392.002.

- C. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency’s practices.**

The Board has not received complaints against this agency.

**Texas Board of Professional Land Surveying  
Exhibit 16: Complaints Against the Agency — Fiscal Years 2015 and 2016**

	Fiscal Year 2015	Fiscal Year 2016
Number of complaints received	N/A	N/A
Number of complaints resolved	N/A	N/A
Number of complaints dropped / found to be without merit	N/A	N/A
Number of complaints pending from prior years	N/A	N/A
Average time period for resolution of a complaint	N/A	N/A

Table 18 Exhibit 16 Complaints Against the Agency

**D. Fill in the following charts detailing your agency’s Historically Underutilized Business (HUB) purchases. See Exhibit 17 Example.**

**Texas Board of Professional Land Surveying  
Exhibit 17: Purchases from HUBs**

The Board makes a good faith effort to purchase from HUB vendors when possible. A recent purchasing audit conducted by the Comptroller’s office informed us that Texas Industry for the Blind and Handicapped (TIBH) should be our first source for commodity purchases since they offered the types of items we purchased. A secondary source is Smart Buy. Computer hardware purchases are made through contracts available to us through the Department of Information Resources contracts and services program.

The Board does not have contracts in Heavy Construction, Building Construction or Special Trade.

**Fiscal Year 2015**

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal*	Statewide Goal
Heavy Construction	N/A	N/A	NA/	N/A	11.2%
Building Construction	N/A	N/A	N/A	N/A	21.1%
Special Trade	N/A	N/A	N/A	N/A	32.9%
Professional Services	N/A	N/A	N/A	23.7%	23.7%
Other Services	\$15,453.27	\$3,500	22.6%	26.0%	26.0%
Commodities	\$6,438.89	\$5,309.79	82%	21.1%	21.1%
<b>TOTAL</b>	<b>\$21,892.16</b>	<b>\$8,809.79</b>	<b>40.24%</b>		

Table 19 Exhibit 17 HUB Purchases for FY 2015

\* If your goals are agency specific-goals and not statewide goals, please provide the goal percentages and describe the method used to determine those goals. (TAC Title 34, Part 1, Chapter 20, Rule 20.284)

**Fiscal Year 2016**

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	N/A	N/A	N/A	N/A	11.2%
Building Construction	N/A	N/A	N/A	N/A	21.1%
Special Trade	N/A	N/A	N/A	N/A	32.9%
Professional Services	N/A	N/A	N/A	N/A	23.7%
Other Services	\$9,848.44	\$3,500.00	35.5%	26.0%	26.0%
Commodities	\$1,841.39	\$1,093.47	59.38%	21.1%	21.1%
<b>TOTAL</b>	<b>\$11,689.83</b>	<b>\$4,593.47</b>	<b>39.29%</b>		

Table 20 Exhibit 17 HUB Purchases for FY 2016

**Fiscal Year 2017**

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	N/A	N/A	N/A	N/A	11.2%
Building Construction	N/A	N/A	N/A	N/A	21.1%
Special Trade	N/A	N/A	N/A	N/A	32.9%
Professional Services	N/A	N/A	N/A	N/A	23.7%
Other Services	\$14,789.06	\$3,500.00	23.6%	26.0%	26.0%
Commodities	\$5,008.35	\$612.78	12.24%	21.1%	21.1%
<b>TOTAL</b>	<b>\$19,797.41</b>	<b>\$4,112.78</b>	<b>20.77%</b>		

Table 21 Exhibit 17 HUB Purchases for FY 2017

**E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Sec. 2161.003; TAC Title 34, Part 1, rule 20.286c)**

The Board's policy is to adhere to the Statewide goals. Based on the information learned during the purchasing audit, it appears there is little room for this agency to meet HUB goals if we are required to use TIBH first, which we understand is not classified as a HUB vendor, and then Smart Buy second for commodity purchases.

**F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Sec. 2161.252; TAC Title 34, Part 1, rule 20.285)**

The Board has no contracts valued at \$100,000 or more.

**G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.**

**1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Sec. 2161.062; TAC Title 34, Part 1, rule 20.296)**

N/A

**2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Sec. 2161.066; TAC Title 34, Part 1, rule 20.297)**

N/A

**3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of**

**HUBs to contract with the state or to receive subcontracts under a state contract?  
(Texas Government Code, Sec. 2161.065; TAC Title 34, Part 1, rule 20.298)**

N/A

**H. Fill in the charts below detailing your agency’s Equal Employment Opportunity (EEO) statistics. See Exhibit 18 Example.**

**Texas Board of Professional Land Surveying  
Exhibit 18: Equal Employment Opportunity Statistics**

**1. Officials / Administration**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2015	1	0%	7.4%	100%	22.1%	0%	37.4%
2016	1	0%	7.4%	100%	22.1%	0%	37.4%
2017	1	0%	7.4%	100%	22.1%	0%	37.4%

Table 22 Exhibit 18 EEO Statistics for Officials/Administration

**2. Professional**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2015	1	0%	10.4%	0%	19.3%	0%	55.3%
2016	2	0%	10.4%	0%	19.3%	0%	55.3%
2017	2	0%	10.4%	0%	19.3%	0%	55.3%

Table 23 Exhibit 18 EEO Statistics for Professionals

**3. Technical**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2015	0	0%	14.4%	0%	27.2%	0%	55.3%
2016	0	0%	14.4%	0%	27.2%	0%	55.3%
2017	0	0%	14.4%	0%	27.2%	0%	55.3%

Table 24 Exhibit 18 EEO Statistics for Technical

**4. Administrative Support**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2015	3	33.3%	14.8%	33.3%	34.8%	100%	72.1%

<b>Year</b>	<b>Total Number of Positions</b>	<b>Percent African-American</b>	<b>Statewide Civilian Workforce Percent</b>	<b>Percent Hispanic</b>	<b>Statewide Civilian Workforce Percent</b>	<b>Percent Female</b>	<b>Statewide Civilian Workforce Percent</b>
2016	2	0%	14.8%	50%	34.8%	100%	72.1%
2017	1	0%	14.8%	0%	34.8%	100%	72.1%

Table 25 Exhibit 18 EEO Statistics for Administrative Support

**5. Service / Maintenance**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2015	0	0%	13.0%	0%	54.1%	0%	51.0%
2016	0	0%	13.0%	0%	54.1%	0%	51.0%
2017	0	0%	13.0%	0%	54.1%	0%	51.0%

Table 26 Exhibit 18 EEO Statistics for Service and Maintenance

**6. Skilled Craft**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2015	0	0%	10.6%	0%	50.7%	0%	11.6%
2016	0	0%	10.6%	0%	50.7%	0%	11.6%
2017	0	0%	10.6%	0%	50.7%	0%	11.6%

Table 27 Exhibit 18 EEO Statistics for Skilled Craft

**I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?**

The Board has an equal employment opportunity policy. Every effort is made to hire minorities and females when vacancies occur. All job announcements are posted with the Texas Workforce Commission and on our web site so there is no restriction upon applicants. Due to the size of the office staff, turnover is relatively low.

When filling staff vacancies, the Executive Director has the interest of the agency at heart and seeks out the best qualified person based on their work experience and how that experience relates to the qualifications for the vacancy. Actual work experience of the applicant is compared to the job duties of the vacant position and those who are a best match are selected for interview. Applicant's that are military or veterans are given priority.

The Board cannot control who will ultimately apply for vacancies with the Board. Applicants for the vacancies posted in the past tend to attract more females than males (administrative positions) while professional position postings tend to attract more males than females.

**XII. Agency Comments**

Land surveying is an aspect that touches all of the citizens of Texas as well as the interest of the State and the permanent school fund. It is important that property owners and those purchasing property understand the boundaries of their property. Failure to do so can cause emotional and financial stress in the form of ill will towards one's neighbor, anger and frustration over the possibility that one owns less real property than believed, legal fees to

correct boundary line issues, and costs to remove permanent fixtures erected based on a faulty survey.

Our minimum standard provide licensees with the guidance to perform their duty as Registered Professional Land Surveyors or Licensed State Land Surveyors. These individuals have stated their appreciation for the existence of this Board.

Land surveying requires special knowledge of the principles of geodesy, mathematics, applied and physical sciences and relevant State laws to determine real property corners and boundaries. Examination and licensing these individuals is a relevant and important aspect for protecting the citizens of Texas.