

Meeting of the Board of Licensure for Professional
Engineers & Professional Surveyors held November
3, 2005 at Goddard Hall #200, S. Horseshoe Dr.,
NMSU, Las Cruces, NM

Members Present: Dr. Rola Idriss, PE, Board Chair
Gilbert Chavez, PS, Board Vice Chair
Patricio Guerrerortiz, PE, PEC chair
Fred Sanchez, PS, PSC Chair
Severiano Sisneros, PE
Subhas Shah, PE,
John Romero, Sr., PE
Salvador Vigil, PS
Charles Atwell, Public Member

Members Absent: Stevan J Schoen, Public Member, PEC Vice Chair

Others Present : Elena Garcia, Executive Director
Candis Bourassa, Licensing Manager
Jeremy Del Valle, Investigator
Mary Wells, NMSPE

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Dr. Idriss convened the meeting at approximately 1:15 p.m. Roll call was taken, and it was noted that a quorum of the Board was present. Guests introduced themselves.

2. APPROVAL OF THE AGENDA

It was moved by Mr. Romero, second by Mr. Sisneros and unanimously,

VOTED: To approve the agenda as presented.

3. APPROVAL OF THE MINUTES

3.1 **Approval of the August 5, 2005 Minutes** –It was moved by Mr. Sanchez, seconded by Mr. Sisneros and unanimously,

VOTED: To approve the minutes of the August 5, 2005 meeting.

3.2 **Approval of the September 16, 2005 Minutes** - It was moved by Mr. Shah, seconded by Mr. Sanchez

VOTED: To approve the September 16, 2005 minutes. [Mr. Sisneros, Mr. Atwell and Mr. Guerrerortiz abstained because of their absence from the meeting]. Motion passed.

4. NEW BUSINESS

4.1 Use of Engineering & Surveying Titles by State Personnel Office (SPO) – Discussion/Status Report Gary L. Giron, Deputy Director of Labor Relations, State Personnel Office – 1:15 p.m. - Mr. Giron proposed that SPO drop the term “engineer” from all titles that are not licensed engineers. The target date for approval from the State Personnel Board is the December 2005 Board meeting. The target date for a complete conversion is March 2006 due to the time it will take to go through an implementation process with all the state agencies covering a work force of 18,000. Mr. Giron inquired if members of the Board of Licensure would work with him on the review of the titles prior to approval by the State Personnel Board. He would like to have the Board’s approval as they proceed through changes before the SPO Board meets in December. This should correct the technical occupational group titles where all the engineer terms are used. There are two titles SPO uses, one is the official technical occupational group title or TOG title and the second is the agencies working titles in internal job descriptions. He will be able to address the issue of these internal working titles as the state starts its new data software system called “Shares”. “Shares” has a human resource log and allows the tracking and approval of any agency working titles by the summer of 2006. At that point, SPO can correct the issue of internal working titles. The term “Surveyor” is difficult because of its use in Health and Human Services agencies as DOH, HSD, and Children, Youth and Family. “Surveyor” is used to describe someone who oversees health care compliance for performance improvement. The term “surveyor” is an industry standard nationally used in healthcare. Physician’s nurses, hospital administrators and multiple titles carry licensure with their respective boards using the term “surveyor”. Centers for Medicaid Services (CMS) funded nationally also use the word “surveyor”. SPO’s solution to this is to only refer to those employees as the whole title “Health Care Surveyor”. The single term “surveyor” will only be used according to the Professional Engineer and Professional Surveyor Act. Volunteers to work with Mr. Giron for November and December are Mr. Sanchez, Mr. Sisneros, and Mr. Romero. It was moved by Mr. Guerrerortiz, seconded by Mr. Chavez and unanimously,

VOTED: To applaud SPO for moving to correct the use of the “Engineer” and “Surveyor” terms within the State Human Resources System and to support SPO in this endeavor.

4.2 Approval of Proposed Changes to the Rules & Standards for Scheduling Public Rules Hearing – Mr. Sanchez explains he worked on both the Standards and other rules in the Administrative Code and recommended changes along with Mrs.

Garcia's recommendations based on her knowledge and familiarity with the documents the proposed changes were created. This has been a six-month process and will bring the rules into conformance with the new revisions to the Act. February is the proposed date to reach public hearing. Mr. Sanchez added he would like to propose one other change so that dual licensure requires PDH associated to each profession. He would propose a change to alternate PDH each year between PE and PS. He indicated the PSC has approved sections dealing with surveying. Some Board members indicated they would like more time to review the proposed changes before approving a proposal for public hearing. Mr. Guerrerortiz moved that the code changes regarding subspecialties be approved at this time to meet the commitment to other state agencies awaiting a public hearing. No second to the motion. Mr. Guerrerortiz moved that there be a special meeting for the PEC to meet on December 1, 2005, second by Mr. Shah. In discussion, the meeting is set to accomplish a total review of the changes proposed. Mr. Guerrerortiz amends his motion to have a December 1, 2005 PEC meeting for the purpose of accepting, review and debating changes and a full board meeting on December 8, 2005, second by Mr. Sisneros and unanimously,

VOTED: To have two special meetings, December 1, 2005 PEC and December 8, 2005 full board meeting. [December 8, 2005 was later changed to December 13, 2005]

5. CORRESPONDENCE/COMMUNICATIONS

5.1 **NCEES Nominations for NCEES national awards** – Dr. Idriss would like to make a motion to nominate Mrs. Garcia for the NCEES award (Associate Member). The board would like to do this and Mrs. Garcia has agreed to the nomination, second by Mr. Sanchez and unanimously,

VOTED: To submit the paperwork for Mrs. Garcia as a nominee for the NCEES Meritorious Service Award for Associate Member.

Mr. Sanchez moved that a salary increase be also considered as soon as possible for Mrs. Garcia, second by Mr. Guerrerortiz and unanimously,

VOTED: To consider a salary increase for Mrs. Garcia as soon as possible.

Mrs. Garcia indicated she appreciates this very much. She has also been looking at staff salaries, but does not have this in the current budget. With the proposal of increasing fees, the adjusting of the salary budget can be placed on the agenda for consideration at the next meeting.

5.2 **Leroy Purifoy, RE: Wavier of Professional Development Requirements** – Mrs. Garcia summarized the correspondence in the meeting book. This includes a letter sent to the Governor and staff's response regarding the requirement of 30 PDH's to renew

a license. Mr. Purifoy did not submit the required PDHs. It was moved by Mr. Guerrerortiz, seconded by Mr. Sanchez and unanimously,

VOTED: To respond and let him know the Board supports staff's response.

6. COMMITTEE REPORTS

Standing Committees:

6.1 Professional Engineering Committee – Patricio Guerrerortiz, Chair, PEC reported two individual addressed the committee in a request to take the exam prior to meeting the experience requirements. The assessment of existing rules is addressing this, but requirements have not yet changed. The committee reviewed eight cases. In most cases actions were deferred for more information. In one case, 04-04-08, the stipulated agreement was rejected. Applications for three retired statuses and three inactive statuses were reviewed. One individual returned to active status. The eighty MLE applications were approved and comity and examination applications are being reviewed.

6.2 Professional Surveying Committee – Fred Sanchez, Chair, PSC reported the committee approved the draft changes to the minimum standards. Action on the Administrative Code was delayed for a joint action or full board approval. In closed session they reviewed 9 cases, but some of them were updates. In open session, three cases were dismissed, and two hearing officers were assigned, Mr. Vigil and Mr. Sanchez. A potential applicant with a geography degree wrote seeking advice as to what was needed for the PS exam. There appears to be a conflict between what we currently have as a policy and what NMSU requires in a surveying degree. He will be sent a letter and list of the required hours that the PSC will require in accordance with NMSU's program. There were no retired status applications and three applications for comity were approved. Mr. Sanchez reported that in Memphis, he spoke to the out-going and incoming president about removing the language of engineering surveys currently in the model law and they are looking into taking some action from our changes to the NM practice act. Mr. Chavez indicated he had also taken some steps in communicating with Dr. Frank in an effort to define "related- science" degree. The committee would like to establish a definition that applies in every case.

Other Committees:

6.3 Rules & Regulations Committee - Subhas Shah, PE - The engineering and surveying committee will deal with their own proposed changes, and any changes that overlap will come to this committee.

6.4 Professional Development Committee proposed as Licensure Promotion Committee – Gilbert Chavez, PS reported he has developed a presentation he is using

as part of the training he provides his personnel. It covers licensure qualifications. In our special meeting the possibility of awards for new licensees was discussed. The speakers' kit is also available for engineers and surveyors. He has submitted modifications for the renewal form. Mrs. Garcia has made changes so the licensees know it is the new Practice Act that they need to review. Mr. Sanchez indicated he would like a review of past PDH's to be part of the complaint procedures. In the Taos special meeting, Mr. Vigil suggested an open-book questionnaire go out with the renewals. It is the professionals' responsibility to read the standards, but it isn't being done in many cases. Too often the audits show weakness in the PDH honor system. It was moved by Mr. Sisneros, seconded by Mr. Sanchez and unanimously,

VOTED: To that this committee becomes the Licensure Promotion Committee.

Mr. Sisneros, Mr. Chavez, and Mr. Romero will serve on this committee. It was suggested that a new list be provided of who is on each committee.

6.5 Examination Committee – Dr. Rola Idriss, PE – no report

6.6 Consumer Information Publication Committee – Mr. Guerrerortiz, PE – Mr. Guerrerortiz indicated articles are needed for the next newsletter issue. Mrs. Garcia proposed "licensure promotion" be the next theme. Mrs. Garcia reported that updates to the website are taking too long through GSD and that the last newsletter had a portion that had been retyped by State Printing and they had made a very noticeable typographical error in the publication. They had indicated they would make it up with the next issue. Mrs. Garcia reported the total costs for two issues per year run approximately \$13,000.

6.7 Executive Committee – Severiano Sisneros, PE

6.7.1 ABET- accreditation Visit to UNM/Board Observer Report - . Mr. Sisneros reported he had been the board observer at UNM recently. He was impressed with the computer science skills the students demonstrated. He met many of the professors. It was a good experience and he suggested the Board conduct a reward event for the engineering graduates who complete the FE examination. UNM was open to do what we might arrange.

6.8 Landfill Gas Remediation Committee – Subhas Shah, PE reported they have had one meeting with the City of Albuquerque and they discussed the landfill issue and a subcommittee was formed. This subcommittee will write up something to present to the Board.

6.9 Photogrammetry Task Force-Fred Sanchez, PS reported the meeting discussions covered photogrammetry as a tool and included for whom it was most often produced and why. In his opinion, the public benefit and demand of licensing

photogrammetrists as professional surveyors could not be proven. The task force wanted another meeting to present these issues. The meeting was well attended and included an educators, professional surveyors and photogrammetrists.

7. **OLD BUSINESS**

7.1 WZ Meeting June 1-3, 2006 in Santa Fe – Update – Mrs. Garcia has submitted the budget to NCEES, page 69 in the meeting books. A Friday night dinner with entertainment is being planned, the location still needs to be determined.

8. **DIRECTOR'S REPORT**

8.1 **Staff Activity Report** – Staff is preparing renewal documents and will be mailing them soon. The examination sessions were completed and the workload in the investigative side as well as in the licensing area continues. The annual financial audit is being conducted. It is anticipated that the planning for the Western Zone meeting will take a lot of time.

8.2 **FY 06 Financial Status Reports – June, July, August, and September.** The financial reports were presented by Mrs. Garcia, pages 71 through page 97 in the meeting books. It was moved by Mr. Shah, seconded by Mr. Guerrerortiz and unanimously,

VOTED: To approve the vouchers for June and July, 2005.

It was moved by Mr. Shah, second by Mr. Guerrerortiz and unanimously,

VOTED: to approve the vouchers for August and September.

8.3 **Need to Raise Fees (Renewal Fees, Application, etc. – Revenues for FY 07, 08, 09** – Proposed fee increases were presented on page 99 of the meeting books. Mrs. Garcia provided a list of fees from other states. Mrs. Garcia proposed renewal fees for PE and PS licensees be increased to \$130 per biennium from the current \$80 effective December, 2006. It was moved by Mr. Sanchez, seconded by Mr. Sisneros and unanimously,

VOTED: To increase fees as noted in order to have a balanced budget with an appropriate cash reserve for FY 07. Other increases to include: Applications by exam from \$75.00 to \$100.00; Applications for Reinstatement from \$100.00 to \$150.00; and Retired and Inactive Status fees from \$0 to \$10.00 (Retired PE & PS receive the Board's newsletters).

It was noted that this will provide a balanced budget with yearly expenditures being offset by yearly revenues beginning in FY 07. For the last few years the Board had been

budgeting for yearly revenues from its cash reserve and in FY 07 it is anticipated that the cash reserve will stabilize at 50% of the Board's budget.

8.3.1 Report from LFC Subcommittee Hearing – Mrs. Garcia indicated she and Patricia Bordenave attended the Legislative Finance Committee, October 3, 2005. One of the concerns raised by the legislators was the depleting cash reserve. She reported she was asked to give a report on the mandatory disclosure of professional liability insurance for professional surveyors. Other items included questions on our databases, concern over the aging surveyor population, and that there should be more public members on the Board.

9. **CLOSED SESSION** (complaints and violations) Case Reviews were completed during the Professional Engineering Committee Meeting & during the Professional Surveying Committee Meeting beginning at 9:00 a.m. - No closed session necessary

9. A **OPEN SESSION** – Actions on above case(s) None

10. **OTHER – no other business.**

11. **ADJOURNMENT** – Having no further business, it was moved by Mr. Sanchez, second by Mr. Shah and unanimously,

VOTED: To adjourn the meeting

Submitted by:

Approved by:

Elena Garcia, Executive Director

Dr. Idriss, PE, Board Chair

_____ Approval Date