

DRAFT

Minutes of the Meeting of the Professional Engineering
Committee of the Board held February 6, 2003 at
NMSU, Goddard 200 (Shaw Conference Room), Las
Cruces, NM

Members Present: John Rockwell, PE, Vice Chair
Samuel W. Small, PE
Robert A. Smith, PE (Retired)
Mary E. Wells, PE
Dr. Kenneth White, PE, Chair

Members Absent: Edward P. Norris, Public Member

Others Present: Elena Garcia, Executive Director
Edward Ytuarte, PE/PS Complaint Manager
Mary Smith, Assistant Attorney General
Amanda Quintana, Manager

1. CONVENE, ROLL CALL AND INTRODUCTION OF GUESTS

Dr. White convened the meeting at 9:05 a.m. A roll call was taken. It was noted that Edward Norris was not able to attend.

2. APPROVAL OF THE AGENDA

It was moved by Mr. Small, seconded by Mr. Smith and unanimously,
VOTED: to approve the agenda as presented.

3. APPROVAL OF THE MINUTES

8.1 **Minutes of the December 13, 2002 Meeting** - It was moved by Mr. Small, seconded by Ms. Wells and unanimously,

VOTED: To approve the minutes without any changes.

4. NEW BUSINESS

None

5. COMMUNICATIONS

5.1 **M.M. Specter, PE/LS, National Academy of Forensic Engineers** - Requested information on the Board's policies on providing expert testimony on engineering and surveying matters and whether

or not it was regulated by the Board in New Mexico. It was moved by Mr. Small, seconded by Ms. Wells and unanimously,

VOTED: To have Mrs. Garcia respond to Mr. Spector (NAFE) that according to the Engineering & Surveying Practice Act, expert testimony in engineering matters is the practice of engineering, and must be provided by a NM licensee.

5.2 Correspondence Issued. Ms. Garcia's letter to Jun Tsukii advising of the approval of the civil engineering discipline to his listing in the roster and a licensee's responsibility to practice in areas of competency, was provided for information purposes only.

5.3 Patrick J. McMahon, PE, requesting a waiver of current PE license for application by endorsement. Mr. McMahon intends to apply by licensure in NM by endorsement. However, New Mexico statutes require a current license in another jurisdiction. His initial license was obtained in California, and he has been unable to re-instate his license in CA since he has been asked to re-take the PE exam there. The Committee concurred that Mr. McMahon could apply for license by examination. Provided all other requirements are met and there is verification from CA that he at one time successfully completed the PE examination, the Board would endorse the examinations taken in California. A letter will be written informing Mr. McMahon of the Committee's advice.

6. OLD BUSINESS

6.1 Engineer Intern Process/Fundamentals of Engineering – Michigan Model. Mrs. Garcia reported she had looked into the process Michigan uses for administering the FE examination. The process looked attractive because all candidates for the FE exam applied directly to NCEES and the Michigan Board was not involved in the process until the candidate passed the examination. This eliminated much of the Board's administrative functions as well as a significant amount of records of seniors who do not pass the exam and perhaps move and start the licensing process in another state. After studying the licensing laws and contacting the Michigan Board, it appears that essentially NCEES pre-qualifies all candidates to sit for both the FE and PE examinations for Michigan on their forms. There are no admission pre-requisites for the FE. NCEES keeps and sends a roster of FE passing candidates to the Michigan Board. There is, however, no recognition status by NCEES or Michigan, i.e. no certified engineer intern status. Candidates may also apply to NCEES to take the PE exam on Michigan's form at any time. NCEES will pre-qualify candidate by ensuring they have: 1) an EAC/ABET accredited degree, and 2) four years of engineering experience (only number). Only after candidates have passed the examinations, are their actual records transferred to the Michigan Board. Upon receipt of the records, the Michigan Board will require the applicants to submit references for their application files. Once complete, they will proceed to review each file to ensure applicants meet the statutory requirements for licensure that are appropriate: 1) education, 2) experience, 3) references and 4) exams.

New Mexico's licensing process is also based on 1) education, 2) experience, and 3) exams. However, the process is opposite in that all candidates are qualified first, and then they are approved to sit for the examinations. The process for NM candidates is a two-phase process: 1) application as an engineer

intern by exam (FE), 2) application for licensure by exam (PE). In order to change this process, the statutes would need to be changed.

Mrs. Garcia suggested that there is a real benefit in utilizing NCEES for the engineer intern process for the following reasons: 1) the qualifications for an Engineer Intern are substantially equivalent among states, 2) most candidates who sit for the FE are seniors in an ABET-accredited engineering program, and 3) upon graduation many candidates leave the state, therefore never completing the licensing process. It makes sense for NCEES to administer the exam, keep a record of those who successfully complete the exam and issue a record marked, for example 1) Model Law Engineer Intern, or 2) non-MLEI, similar to the PE Council Record. This process would require minor changes to the law regarding references for interns.

The Committee indicated that not issuing an Engineering Intern status would not be in the best interest to engineering graduates. The committee requested that Mrs. Garcia write a letter to NCEES suggesting they consider a similar process as “Model Law Engineers” for interns at the national level.

7. CLOSED SESSION (Complaints and Violations)

It was moved by Mr. Rockwell, seconded by Mr. Smith and

VOTED: to go into closed session pursuant to NMSA 1978, Section 10-15-1(H)(1) to discuss cases 02-02-26, 02-02-28, 02-02-18, and 02-02-25 as listed on the agenda. A roll call vote was taken: Voting yes- Mr. Rockwell, Dr. White, Ms. Wells, Mr. Small, and Mr. Smith. Voting No: No one. Motion carried unanimously.

Guests were asked to exit the room.

7.A. OPEN SESSION

Guests were invited into the meeting room.

It was moved by Mr. Small, seconded by Ms. Wells and unanimously,

VOTED: To reconvene in open session. Only the cases listed on the agenda were discussed in closed session.

Mr. Smith noted that he recused himself from the discussion of Case 02-02-25 and exited the room during discussions on this case.

It was moved by Mr. Small, seconded by Ms. Wells and unanimously,

VOTED: to take the following actions on the following cases:

Mr. Smith noted that he abstained from voting for Case 02-02-25.

- 8.1 Case 02-02-26 – Dismissed as unfounded
- 8.2 Case 02-02-28 – Refer to District Attorney in conjunction with the City of Albuquerque
- 8.3 Case 02-02-18 – Closed
- 8.4 Case 02-02-25 – Refer to the JPC and keep open until a report from JPC is received.

7.B. APPOINTMENT OF HEARING OFFICER(S)

None needed

8. REVIEW OF APPLICATIONS

8.1 **Retired Status Applications** – It was moved by Mr. Small, seconded by Mr. Rockwell and unanimously,

VOTED: To approve Martin D. Bradshaw, PE 6318, Orelan R. Carden, Jr., PE 10550, Joseph P. Castillo, PE 4232, Carroll A. Coonce, PE 2934, William H. Cottrill, PE 6334, Richard M. Engle, PE 3300, Charles R. Gilbert, PE 9144, Jerry B. Gray, PE 4792, Herbert G. Koogler, PE 1940, Charles E. Moore, PE 8020, William R. Morris, PE 11146, Hohn W. Norton, PE 6640, Michael M. Rauh, PE 11724, Franklin K. Shreeve, PE 5138, Charles W. Soltis, PE 3748, Donald C. Thorn, PE 3220, and Clyde R. Tipton, PE 1281 for Retired Status.

8.2 **Inactive Status Applications** – It was moved by Mr. Rockwell, seconded by Mr. Small and unanimously,

VOTED: To approve Donald B. Alm, PE 7750, Tore O. Arnesen, PE 10430, Chris Boyle, PE 11510, John M. Comalli, PE 4728, Howard M. Cooper, PE 7994, R. Reeves Hayter, PE 6218, Stephen A. Holt, PE 8794, Steven L. Hudson, PE 9412, William E. Kleppinger, PE 8775, Arnold Y. Nishioka, PE 9512, and Larry D. Ratliff, PE 6569 for Inactive Status.

8.3 Review of Applications

8.3.1 **Model Law Engineers** – It was moved by Mr. Rockwell, seconded by Mr. Small and unanimously,

VOTED: To approve the list of 47 engineers licensed by staff who held Model Law Engineer status or substantial equivalency.

8.3.2 **Review of Comity and Examination applications** – The Committee reviewed forty applications. A list of the applicants and the decisions is on file.

9. ADJOURNMENT – Chair White adjourned the meeting.

Date Approved

Dr. Kenneth White, PE Board Chairman

Elena Garcia, Executive Director

