

DRAFT

**Minutes of the Meeting of the Board of  
Licensure for Professional Engineers and  
Surveyors held June 13, 2003 in  
Albuquerque, New Mexico.**

**Members Present:** Severiano Sisneros, PE, Chair  
Rola Idriss, PE, Vice Chair  
Fred Sanchez, PS, Secretary  
Subhas Shah, PE  
Gilbert Chavez, PS  
Charles Atwell, Public Member  
Patricio Guerrerortiz, PE  
David Marble, PE/PS (Retired)  
Stevan Schoen, Public Member

**Members Absent:** no one

**Others Present:** Elena Garcia, Executive Director  
Amanda Quintana, Manager  
Hank Rosoff, PE  
Margaret Keller, Executive Director, NMSPE

1. **CONVENE/ROLL CALL/INTRODUCTION OF GUESTS**

Chair Sisneros convened the meeting at 9:10 a.m. A roll call was taken. It was noted that all members were present.

2. **APPROVAL OF THE AGENDA**

It was moved by Mr. Shah, seconded by Mr. Schoen and unanimously,  
**VOTED:** To approve the agenda as presented.

3. **APPROVAL OF THE MINUTES**

**3.1 Minutes of the May 9, 2003 Meeting** – It was moved by Mr. Shah, seconded by Mr. Guerrerortiz and unanimously,  
**VOTED:** To approve the May 9, 2003 minutes.

4. **NEW BUSINESS**

**4.1 Open Meeting Resolution for FY 04** – Mrs. Garcia explained that the Board is required to file an Open Meeting Resolution to determine how it will give notice to the public of its meetings. A resolution needs be approved every year. After reviewing the meeting resolution for the new fiscal year, it was moved by Mr. Guerrerortiz, seconded by Mr. Sanchez and unanimously,

**VOTED:** To approve the Open Meeting Resolution for F.Y '04.

**4.2 Providing Professional Services to the Federal Government – Who is Exempt and Who is Not – Review of General Policies** - Mrs. Garcia inquired as to the Board's interpretation of the Act regarding the federal government. She explained that the reason she brought this issue before the Board was because she wanted to be certain that this Board would have the same interpretation as the former Board. There is often some disagreement on whether or not contractors to the federal government are exempt from the Act or not. It has been the Board's interpretation since the repeal of the federal government exemption that all contractors providing engineering and surveying services to the federal government must be licensed, regardless of whether the work is done on federal lands or not. The most recent question posed to Mrs. Garcia was from an out-of-state licensed surveyor, working for the Forest Service. He indicated he will need to file a survey plat with the County Clerk which may include only surveying within federal lands, but he may also do surveys that adjoin private lands. It was noted that in order to do this, this individual must be a NM licensed surveyor. Many of the board members stated that any person engaging in engineering or surveying practices in New Mexico must have a New Mexico license. Information was presented by Mrs. Garcia regarding Section 61-23-22 (B), which was repealed in 1998 and which exempted "officers and employees of the federal government." She also presented documentation on the driving force behind this repeal, as well as the Board's 1994 Board Directive on Complaint Procedures regarding a complaint against a federal agency or a federal employee. The advisory opinion from the Office of the Attorney General regarding engineering and surveying practice on Indian lands and work that affects the public was also discussed at length. It was moved by Mr. Guerrerortiz, seconded by Dr. Idriss and unanimously,

**VOTED:** To have the Rules and Regulations Committee draft an advisory opinion for the August 7-8, 2003 Board meeting.

**4.3 Election of Officers [July 1, 2003 – June 30, 2004]** - It was moved by Mr. Sanchez, seconded by Mr. Shah and unanimously,

**VOTED:** To re-nominate and re-elect Mr. Sisneros as Chair of the Board, Dr. Idriss as Vice Chair, and Mr. Sanchez as Secretary of the Board by acclamation.

5. **CORRESPONDENCE/COMMUNICATIONS - none**

6. **COMMITTEE APPOINTMENTS - CHARGES**

**6.1 Professional Engineering Committee** – Mr. Shah reported that the PEC had ratified the FE and PE scores, the current officers were re-nominated and

elected to serve during the new fiscal year, a correspondence from OSU was considered and acted upon. Three complaints were reviewed and acted upon as well as all the applications for licensing by endorsement or exam. It was moved by Mr. Schoen, seconded by Dr. Idriss and unanimously,

**VOTED:** To approve Mr. Shah's PE Committee report.

**6.2 Professional Surveying Committee** – Mr. Chavez reported that the PSC had held a hearing all morning and will wait for the official transcript to render a decision in the complaint case. The Committee also met with an applicant for a surveying license and denied licensure due to deficiencies in his education. It ratified exam scores, elected officers for the new fiscal year and reviewed three cases--deferred two and dismissed one. Mr. Marble also indicated that staff had indicated that the examination item bank for the two hour NM surveying exam is low in exam questions in certain categories. It was moved by Mr. Guerrerortiz, seconded by Mr. Schoen and unanimously,

**VOTED:** To approve Mr. Chavez's PS Committee report.

**6.3 Arch./Eng./Landscape Arch. JPC –**

**6.3.1 – Response to Request for Variance – Charles A. Lusher, PE -**  
Mr. Marble reported that the letter in the briefing books was a response to Charles A. Lusher's request for a variance on a multiple-seal requirement project. It was decided by the JPC sub-committee that the cost of the project in fact would be less than \$50,000 which satisfies the criteria of project valuation under \$400,000. The JPC added a condition that if the use of the facility differs from the applicant's description and subsequently generates an occupant load of more than 50 people, and if public health, safety, and welfare goes unprotected, then the variance will not apply. It was moved by Mr. Schoen, seconded by Mr. Guerrerortiz and unanimously,

**VOTED:** To accept the letter of response provided to Charles A. Lusher, PE by David Marble, PE/PS (Retired).

**6.3.2 – Schedule Next JPC Meeting** – Since not all affected boards had had an opportunity to meet and appoint JPC members, Mrs. Garcia indicated that she will keep in contact with the other boards and set up a meeting after all JPC members are appointed. A copy of the preliminary JPC roster was provided.

A draft copy of the Board's committees, committees' membership, and committees' charges was presented by Mrs. Garcia. Chair Sisneros made the following appointments:

**6.4 – Professional Development Committee** – Gilbert Chavez, Chair; Subhas Shah, Member.

**6.5 – Rules and Regulation Committee** – Subhas Shah, Chair, Gilbert Chavez, Member.

**6.6 – Executive Committee** – Severiano Sisneros, Chair; Charles Atwell, and Patricio Guerrerortiz, Members.

**6.7 – Examination Committee** – Dr. Rola Idriss, Chair, David Marble, and Gilbert Chavez, Members.

Mr. Marble explained that the New Mexico Two Hour Land Surveying Exam needed to be reviewed and updated, possibly adding and deleting questions from the question bank.

**6.8 – Fire Protection Engineering Committee** – Stevan Schoen, Chair; David Marble, Member and Raymond Hensley, NMSPE, Advisory Member.

**6.9 – Committee on Consumer Information Publication** – Patricio Guerrerortiz, Chair; David Marble, Member.

**6.10 – Committee on Construction Staking** – Fred Sanchez, Chair; Severiano Sisneros, Member.

Mr. Sanchez stated that construction staking has been an issue for quite a long time, the problem, as he sees it, is the Practice Act with the “Engineering Survey” terminology. Mr. Sanchez expressed that this Committee is very important, and noted that tough decisions need to be made.

Mrs. Garcia suggested that the ad hoc committees submit a written progress report on their work during board meetings. Board members expressed concerns over having to submit written reports, but agreed that a report is a good idea and would be a tool to document progress in the various committees. Mrs. Garcia stated that staff members would continue to take minutes during committee meetings.

## 7. **ADMINISTRATOR’S REPORT**

### **7.1 – Staff Activity Report**

**7.1.1 – Report on ELSSES – Exam Administration** – Mrs. Garcia explained the new process for examinations now that ELSSES will be taking over the process. All graduating engineering and surveying seniors enrolled in a four-year ABET-accredited engineering or surveying curriculum will apply directly to NCEES by September 8, 2003. Graduate

students must apply to the New Mexico Board by August 1, 2003. First-time candidates for the Principles and Practice of Engineering (PE) exam and Principles and Practice of Land Surveying (PPLS) exam must have their complete applications in the Board office no later than August 1, 2003. Re-exam candidates must register with NCEES by September 8, 2003 if they have not failed three consecutive times, or if they have filed appropriate documentation of having prepared for the exam. Mrs. Garcia explained the contract with NCEES to administer the exams. The reason the Board is contracting with ELSEES is due to issues of liability and security related to the exams. Mrs. Garcia also explained the State of New Mexico process with all contracts. It was moved by Mr. Guerrerortiz, seconded by Mr. Chavez and unanimously,

**VOTED:** To approve the contract as long as it is approved at DFA, and to delegate the authority to Mrs. Garcia to sign the contract.

### **7.1.2- Proposed Professional Services Contracts**

**7.1.2.1 – Independent Auditor** – It was moved by Mr. Shah, seconded by Mr. Marble and unanimously,

**VOTED:** To approve the independent auditor contract with Zlotnick, Laws & Sandoval, P.C., and to delegate authority to Elena Garcia to sign the contract.

**7.1.2.2 – Complaint Manager** – It was moved by Mr. Marble, seconded by Mr. Guerrerortiz and unanimously,

**VOTED:** To approve the complaint manager's contract with Mr. Edward Ytuarte, PEPS, and to delegate authority to Elena Garcia to sign the contract.

**7.1.2.3 – IT Services** – It was moved by Dr. Idriss, seconded by Mr. Shah and unanimously,

**VOTED:** To approve the IT services contract with Mr. Ralph Vincent, and to delegate authority to Elena Garcia to sign the contract.

## **7.2 Financial Status Report – March, April 2003 Reports**

**DFA Correspondence** – Mrs. Garcia explained the March and April 2003 financial reports and directed special attention to the vouchers paid to specific vendors, board members and staff during those months. She requested approval of said vouchers. Mr. Marble requested that a description of service on each voucher paid be on the next reports presented to the Board. It was moved by Mr. Shah, seconded by Dr. Idriss and unanimously,

**VOTED:** To approve the vouchers paid.

**7.3 Meeting Schedule for FY 04 – Change April Meeting** – The Board decided to reschedule the April meeting at the August 7-8, 2003 meeting, since the date of the Engineering Conference was not known.

**8. OLD BUSINESS**

**8.1 Report from Delegates to 2003 NCEES Western Zone Meeting, May 15-17, 2003, Red Lodge Montana – For information only.** Mr. Chavez expressed how important it is for various Board Members to attend the Western Zone meetings and National Meetings and become involved not only locally but nationally. Mrs. Garcia presented a written report on what took place during that conference.

**8.1.1 Cindi Christianson, PE, Board for Professional Engineers and Land Surveyors [California] – For information only.** [A summary is included in the PSC minutes.

**8.2 NCEES Annual Meeting, August 13-16, 2003 – Approval of Delegates** – It was noted that Mrs. Garcia was the named NCEES-funded delegate to this meeting. It was moved by Mr. Guerrerortiz, seconded by Mr. Shah and unanimously,

**VOTED:** To approve Mr. Shah, Mr. Atwell, Mr. Chavez, Dr. Idriss, and Mr. Sisneros as delegates for the August 13-16, 2003 NCEES Annual Meeting.

**9. CLOSED SESSION (Complaints and Violations) No closed session was held.**

**10. ADJOURNMENT -** Chairman Sisneros adjourned the meeting.

Submitted,

Date approved:\_\_\_\_\_

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Elena Garcia, Executive Director

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Severiano Sisneros, PE, Board Chairman