

**DRAFT**

Minutes of the Full Board Meeting of the **Board of Registration for Professional Engineers and Surveyors** held May 9, 2003 at the NM Board office at 1010 Marquez Place, Santa Fe, NM 87505

**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:** All Members Present

**Others Present:** Elena Garcia, Executive Director  
Savina Valdez, Secretary  
Amanda Quintana, Manager  
Raymond Hensley, PE  
Greg Geisler, LFC Analyst

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

**1.1 Introduction/Greetings from NMSPE** – The meeting was convened at 9:00 a.m. and all Board members introduced themselves. Staff and visitors were also introduced. Raymond Hensley, PE, President, NMSPE addressed the Board indicating that NMSPE has had a good working relationship with the Board during the last few years and would like to continue the relationship. Mr. Hensley distributed copies of a letter from NMSPE to all board members. He stated NMSPE had been communicating with the Governor’s office, and it had been very difficult to get a board in place with board members qualified pursuant to the statutes. Mr. Shah inquired if NMSPE had any concerns regarding the appointed Board Members. Mr. Hensley responded that he did not know all the Board members so he did not have any concerns with anyone, however, it was important to have qualified members serving on the Board since they will be rendering important licensing decisions. He also indicated that he had been working with the old Fire Protection Engineering Committee and would like to continue in that capacity. Ms. Garcia indicated that the board will need to appoint members to the committees and will consider Mr. Hensley’s interest to serve on the committee. Mrs. Garcia also indicated that Dan Muth, President NMPS had sent greetings and a message that NMPS would be happy to assist the board in any capacity.

**1.2 Orientation** – Mrs. Garcia conducted a visual presentation on the statues/rules/regs not covered yesterday. She stated the Board’s mission is to regulate the practices of engineering and surveying as they relate to the welfare of the public in safeguarding life,

health and property. She indicated the emphasis is on protecting the interest of the consumer, not the professions when regulating the professions. She provided a list of the major statutes affecting the functions of the board and briefly described what the statutes addressed. She covered information regarding NCEES, major functions of the Board, some guidelines for board members and the budget process. Mr. Geisler described his involvement as LFC budget analyst in the Board's budget process and stated Board staff had worked very hard during the legislative process.

**1.3 Election of Officers** (Chair, Vice Chair and Secretary) It was moved by Mr. Shah, seconded by Mr. Sanchez and unanimously,

**VOTED:** To elect Mr. Sisneros as Chair through the remainder of FY03.

It was moved by Mr. Shah, seconded by Mr. Marble and unanimously,

**VOTED:** To elect Dr. Idriss Vice Chair through the remainder of FY 03.

It was moved by Mr. Shah, seconded by Mr. Chavez and unanimously,

**VOTED:** To elect Fred Sanchez as Secretary through remainder of FY03.

**1.4 Appointment of Public Members to PEC & PSC** – It was moved by Mr. Shah, seconded by Mr. Sanchez and unanimously

**VOTED:** that Mr. Schoen serve on the Professional Engineering Committee as public member and Mr. Atwell serve as public member on the Professional Surveying Committee.

## **2. APPROVAL OF THE AGENDA**

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

**VOTED:** To approve the agenda as presented.

## **3. APPROVAL OF THE MINUTES**

**3.1 Approval of the February 6, 2003 Meeting Minutes-** It was moved by Mr. Sanchez, seconded by Mr. Atwell and unanimously,

**VOTED:** To approve the February 6, 2003 minutes as presented by staff as being the minutes of the last Board meeting.

[None of the current board members were on the Board at the time of the meeting]

## **4. NEW BUSINESS**

**4.1 2003 NCEES Western Zone Meeting** (May 15-17, 2003 Red Lodge Montana) - Mrs. Garcia indicated meeting packets for this meeting were sent to all new board members. Mr. Chavez was the only board member who expressed an interest and was able to attend. She indicated that she and Mr. Chavez had confirmed attendance. She requested approval for her and Mr. Chavez as the board delegates to attend the meeting. She indicated that the expenses would not exceed \$2000.00 and that additional travel funds had been allocated for more representatives to this meeting. She provided specifics on the budget line item and the costs. It was moved by Mr. Sanchez, seconded by Mr. Guerrerortiz and unanimously,

**VOTED:** To approve Mr. Chavez' and Mrs. Garcia's travel as delegates to the NCEES Western Zone Meeting.

## **5. CORRESPONDENCE/COMMUNICATIONS**

**5.1 James H. Milligan, PE, Board Chair, Idaho Board of Professional Engineers & Prof. Land Surveyors-** Idaho requested support in their efforts to defeat an amendment to the NCEES Bylaws which would eliminate the Education Assessment and Qualification Committee as a standing committee of the Council. One of the current topics at the national level is the validity of the accreditation process. Idaho is questioning whether or not the education "bar" has been set high enough or even set at all. The results of the FE exams indicate there are problems. The standing committee has been in charge of evaluating the educational component of the licensing system; and therefore this would not be the time to eliminate this committee. There was discussion among board members, and it was agreed that the work of the committee is vital. It was questionable whether the Committee's functions would be picked up by some other committee(s). Eliminating the Committee without this would not be recommended. Mrs. Garcia indicated that this matter will be discussed at the Western Zone meeting, and she would have additional information. The final decision will be made at the national meeting in August. Chair Sisneros indicated that the delegates to the meetings would be more informed in order to make a decision. No further action was taken.

**5.2 Betsy Browne, NCEES Executive Director-** RE: March 20, 2003 Memo Referencing Confidential Information- Mrs. Garcia indicated that there is a lot of discussion/information pertinent to New Mexico's licensing functions at the national level. She has forwarded NCEES the names addresses of all board members. NCEES will send each member periodically a newsletter, memos, etc in order to keep all NCEES Members informed.

**5.3 Betsy Browne, NCEES Fiscal Year Financial Statements** - Provided for information purposes only.

## **6. COMMITTEE APPOINTMENTS - CHARGES**

Standing Committees:

**6.1 Professional Engineering Committee** – Mr. Shah reported that the PEC had met and had elected officers, approved minutes, discussed a position paper on the processes on

licensing engineers in Canada as compared to licensing engineers in the US. It reviewed a memo sent to NMSU regarding the certification of engineering technology graduates and ratified [approximately 31 applications approved for the licensing examinations by two new board members and 59 new “MLE” licenses issued by staff since the Feb. Meeting]. They also reviewed about 40 brand new applications.

**6.2 Professional Surveying Committee** – Mr. Chavez reported the surveying committee elected officers, met with an out-of-state professional surveyor who had made application for a license in NM. He was asked to submit additional education. The Committee reviewed five cases and took actions on all of them.

**6.3 Arch./Eng./Landscape Arch. JPC**– Chair Sisneros appointed Mr. Marble, PE/PS (retired) and Mr. Sanchez, PS to the Joint Practice Committee.

**6.3.1 Request for Variance from Multiple Seal Requirement** [addition to Church in Clovis] from Charles Lusher, PE – Ms. Garcia indicated that the request needs to be reviewed by a representative of the PEPS board and a representative of the Architects’ Board. She will follow up with Mr. Marble and the Architects Board to determine their representative, so that a decision can be sent to Mr. Lusher.

**6.3.2 December 6, 2002 Draft Meeting Minutes** - Copies were provided for information purposes only.

Current Ad Hoc committees [A few members were appointed as noted to certain committees]. Appointments to all committees were deferred until the next meeting.

**6.4 Professional Development Committee** – Appointments were not made.

**6.4.1 Frank Costello, III – Audit Submittal**- Staff presented copies of Mr. Costello’s letter and documentation to see what activities met the standards under the Professional Development rules. After a lengthy discussion, it was moved by Mr. Guerrerortiz, seconded by Mr. Chavez and unanimously,

**VOTED:** To notify Mr. Costello that 12 of the 57 hours he submitted are acceptable. He must complete 14 hours [has 4 carryover] of professional development pursuant to the rules for board review before the end of the year.

**6.5 Rules & Regulations Committee** – Appointments were not made.

**6.6 Executive Committee** – Chair Sisneros appointed Mr. Atwell, Mr. Guerrerortiz, PE and as Chair of the board he would also be a member.

**6.7 Examination Committee** – Chair Sisneros appointed Dr. Idriss, PE, and Mr. Marble, PE/PS(retired)

6.8 **Fire Protection Committee** – It was moved by Mr. Atwell, seconded by Mr. Guerrerortiz and unanimously

**VOTED:** To include Mr. Hensley in this Committee. It was moved by Mr. Mr. Atwell, seconded by Dr. Idriss and unanimously,  
**VOTED:** To appoint Steve Schoen to the committee.

6.9 **Committee on Consumer Information Publication** – Appointments were not made.

6.10 **Committee on Construction Staking** – Chair Sisneros appointed Mr. Sanchez to the Committee.

Mr. Guerrerortiz indicated that additional information on each committee is needed. Mrs. Garcia will provide information to the Chair and members, i.e. drafted committee charges, documentation, etc. Members are to advise the Chair on which committees they would like to serve on, so that appointments are completed at the June meeting.

## 7. **ADMINISTRATOR'S REPORT**

7.1 **Staff Activity Report** - Mrs. Garcia stated she was providing in place of her regular report, which normally includes staff's activity between board meetings, a complete list of functions, projects, tasks, responsibilities, deadlines, etc. for each month in a year.

7.2 **Financial Status Report** – Copies of the February Budget FY 03 Reports. She indicated that in lieu of the Chair signing all vouchers, the Board's policy has been to authorize the Executive Director to sign all vouchers for expenditures that are within the approved operating budget. She provides a list of all vouchers, including vendor names and amounts for board review at meetings. She indicated that she would be able to work closely with the Executive Committee on any issues regarding the financial reports, budgets, etc. She answered questions regarding revenues stating they are derived mainly from licensing fees, fines, etc. Funds are considered state funds (other state funds) and are appropriated by the Legislature. She explained the cash balance, and how it was accumulated. She indicated there is always a concern over cash balances. The Board's policy has been to reduce its cash reserves to one year's budget amount. Each year a portion of the balance is budgeted. This had not always been allowed, thereby resulting in the increase to the reserves when cuts were made to the budget by DFA and/or LFC. The new performance budgeting requirements now provide for better budgeting and accountability. Licensing fees have not had to be increased since early nineties.

7.3 **FY04 Operating Budget** – Copies of the operating budget were reviewed. The budget for FY 04 is \$510,900. Of this amount, \$151,400 are being requested from Cash Reserves.

7.4 **NCEES Examination Contract** – [Engineering Land Surveying Examination Services (ELSSES)] Mrs. Garcia explained the process she had undergone to implement a

new contract with ELSESES, a division of NCEES for the administration of the licensing examinations as approved by the former Board. The implementation had included special provisions in the Budget Request for HB 2. It was moved by Mr. Guerrerortiz, seconded by Mr. Atwell and unanimously,

**VOTED:** To approve the contract with NCEES for FY 04 [which included the administration, use of the examinations, grading, and statistics reporting by NCEES.

7.4.1 **Proposed Meeting Schedule for FY04** – August 7-8, 2003 Santa Fe; November 6-7, 2003 Las Cruces; February 5-6, 2004, Santa Fe; April 1-2, 2004 Albuquerque; June 17-18, 2004 Santa Fe. It was moved by Mr. Guerrerortiz, seconded by Dr. Idriss and unanimously,  
**VOTED:** To approve the above meeting schedule.

7.5 **HB 923 & Other Passed Laws During 2003 Legislative Session** – Mrs. Garcia recapped the amendments to the Act (HB 923) which would give the Board full investigative and civil penalty authority over non-licensees and would provide for waivers of the FE in certain instances when candidates have acquired higher degrees or have twelve or more years of board-approved engineering experience. She also commented on HB 428 procurement code amendments which increase the thresholds for certain design/build projects; HB220 (amending the Per diem and Mileage Act) which increases rates; HB 219 prescribing powers & duties of the Financial Control Div.; SB 8 [died] would have given national labs authority to provide technical assistance to certain entities; and SB 665 amending the Uniform Licensing Act [sanctions for unlicensed activity]. She indicated there had been also a bill that would have enacted a Home Inspector Licensing Act that died in committee.

7.6 **October 2003 Examination Session** – A written report was provided which included the number of candidates for each exam for the October 2003 exam session administered in three locations within the state.

## 8. **OLD BUSINESS**

8.1 **Written Report on the Board President's Assembly** – A written report by former Board Chair Ronald Forstbauer, PS on the 2003 Presidents' and Member Board Administrators' Meeting was reviewed and accepted. Mrs. Garcia indicated she had planned on attending the meeting, but had been unable to due to becoming ill right before the meeting.

## 9. **CLOSED SESSION (Complaints and Violations) Closed session was not required.**

9A. **OPEN SESSION** – Actions on above case(s). No open session discussed.

## 10. **ADJOURNMENT**

Chair Sisneros adjourned the meeting.

Submitted,

Approved (Date): \_\_\_\_\_

\_\_\_\_\_  
Elena Garcia, Executive Director

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Severiano Sisneros, PE, Board Chair