

DRAFT

Minutes of the Meeting of the Professional Engineering
Committee of the Board held May 8, 2003 at 1010
Marquez Place (Board Office) Santa Fe, NM.

Members Present: Severiano Sisneros, III, PE
Dr. Rola Idriss, PE
Subhas Shah, PE
Patricio Guerrerortiz, PE

Members Absent: Steve Schoen, Esq. (Public Member)

Others Present: Elena Garcia, Executive Director
Edward Ytuarte, PE/PS Complaint Manager
Amanda Quintana, Manager
Savina Valdez, Secretary

1. **CONVENE, ROLL CALL AND INTRODUCTION OF GUESTS**

Mrs. Garcia convened the meeting at 9:07 a.m. indicating it was the first meeting of the new board. Board members introduced each other and Ms. Garcia indicated Mr. Schoen was not able to attend. It was noted that there was one pending PE member to be appointed.

PEC Orientation – Ms. Garcia gave an overview of the meetings and conducted a visual presentation on the board's enabling legislation, HB 923, current rules, regulations and policies, the Board and Professional Engineering Committee (PEC) duties, and provided an overall orientation for the new PEC. The presentation included information on the complaint process and a review of engineering requirements/applications. The board's staff was also introduced.

Election of Officers and Terms – It was moved by Mr. Sisneros, seconded by Mr. Guerrerortiz and unanimously,

VOTED: To elect Mr. Shah as Chairman of the PE Committee by acclamation through June 30, 2003.

It was moved by Mr. Shah, seconded by Dr. Idriss and unanimously,

VOTED: To elect Mr. Guerrerortiz as Vice Chairman of the PE Committee by acclamation through June 30, 2003.

During the June meeting, officers will be elected/ratified for FY 04 in compliance with the board's rules.

2. **APPROVAL OF THE AGENDA**

It was moved by Mr. Sisneros, seconded by Dr. Idriss and unanimously,

VOTED: to approve the agenda as presented.

3. APPROVAL OF THE MINUTES

Minutes of the February 6, 2003 Meeting - It was noted that a public body can approve the minutes even though its members were not a part of the body when the meeting took place. The minutes are presented by staff as the proper minutes for approval by the current body. It was moved by Mr. Sisneros, seconded by Mr. Guerrerortiz and unanimously,

VOTED: To approve the minutes without any changes.

4. NEW BUSINESS

4.1 DRAFT Position paper concerning mutual recognition of Professional Engineers

licensed in Canada and the United States - Ms. Garcia explained that Idaho was asking other boards to review the draft position paper and provide feedback. The paper was developed by some engineering licensing Boards and Associations from the Pacific Northwest Economic Region (PNWER). The participating entities include: Alaska, Idaho, Oregon, Washington, and Montana, the provinces of Alberta and British Columbia and the Yukon Territory. The position paper describes the licensing systems in Canada and in the US. It lists the systems' similarities and differences. As it turned out, the differences in the processes are significant. The comparison was made to determine if there are significant differences in the outcomes of the systems due to the differences in the processes. The differences in the processes have made cross-border licensure between Canadians and US jurisdictions difficult. The draft recommendation from this group is that although the licensing processes differ in many respects, the outcomes are substantially equivalent. In order to facilitate cross-border licensure between Canadian and US jurisdictions, the Draft Position Paper further recommends that participating entities be encouraged to seek legislative amendments necessary to enhance mobility efforts for US and Canadian engineers. The board discussed the specific requirements under each process and determined that at this time, it supports the draft position paper in concept only.

5. COMMUNICATIONS

5.1 Correspondence issued - For information

Engineer Intern Certification Requirements for Engineering Technology Graduates –

Due to a few misunderstandings by graduates of the engineering technology program at NMSU regarding the Board's Engineer Intern Certification, Board staff sent information to NMSU for distribution to its engineering technology student explaining that the Engineering and Surveying Practice Act requires all engineering technology graduates to obtain a minimum of two years of board-approved engineering experience prior to the issuance of a certificate as an Engineer Intern. Graduates of ABET-accredited engineering programs, applying for EI certification, do not need any experience to obtain Engineer Intern status/certification. For information only.

5.2 Diane Jenkins – Re: Engineering Certification – Ms. Jenkins passed the FE exam in 1993 with a non-ABET accredited Engineering Science Degree. In 1994 the Board determined that Ms. Jenkins would need to obtain two years of engineering experience since the engineering program was not board-approved. Ms. Jenkins is requesting a waiver of the experience and the issuance of her Engineer Intern certification. It was moved by Mr. Guerrerortiz, seconded by Dr. Idriss and unanimously,

VOTED: To reaffirm the decision of the previous Board that Ms. Jenkins needs two-years of board-approved engineering experience to become certified as an Engineer Intern.

5.3 Rhonda Reynolds – Re: Exam Fee Transfer - Ms. Reynolds' letter requested that her exam fee paid for the October 2002 exam be transferred to the October 2003 exam. Ms. Reynolds postponed sitting for the October 2002 exam, she in turn was sent a letter from the Board that the fee would only apply to the next exam session (April 2003) and that a registration form for the next exam would be sent to her, which it was. Ms. Reynolds did not register, nor call in a timely manner for the April 2003 exam. After considering the Board's policies, it was moved by Mr. Guerrerortiz, seconded by Mr. Sisneros and unanimously,

VOTED: That staff followed established policy, and Ms. Reynolds will need to register and pay for the next exam.

6. OLD BUSINESS

No Old Business

7. CLOSED SESSION (Complaints and Violations)

It was moved by Mr. Guerrerortiz, seconded by Dr. Idriss and unanimously,

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. Sisneros, Dr. Idriss, Mr. Guerrerortiz, and Mr. Shah. Voting No: No one. Motion carried unanimously.

Guests and staff were asked to exit the room.

7.A. OPEN SESSION

Guests and staff were invited into the meeting room.

Mr. Shah opened the meeting indicating only those cases listed on the agenda and as noted in the motion to close the meeting were discussed in closed session.

It was moved by Mr. Guerrerortiz, seconded by Dr. Idriss and unanimously,

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

7.1 Case 02-01-07 Augustine C. Grace, PE – For information only. Licensee is on probation until January 2004, other conditions have been met, including payment of the \$1,000.00 fine.

7.2 Board of Examiners for Architects’ Order in the matter of an Architect Practicing Engineering – For information only. No action was required/taken.

7.3 Case 03-03-08 – Allegation of practicing engineering with an expired license. Issue an informal settlement agreement with a \$500.00 penalty and any other licensing fees required.

7.B. APPOINTMENT OF HEARING OFFICER(S)

None needed

8. REVIEW OF APPLICATIONS

8.1 Retired Status Applications – It was moved by Mr. Guerrerortiz, seconded by Mr. Sisneros and unanimously,

VOTED: To approve William McCulloch, PE #6444, for Retired Status.

8.2 Inactive Status Applications – It was moved by Mr. Guerrerortiz, seconded by Mr. Sisneros and unanimously,

VOTED: To approve Terry Warnke, PE # 4474 and Earl H. Michie, PE # 12006 for Inactive Status.

8.3 Review of Applications

8.3.1 Correspondence from Gary A. Chubb Re: Wanting to be considered for licensure by endorsement under Title 16, Chapter 39, Part 3.13 (3) NMAC. It was moved by Mr. Guerrerortiz, seconded by Dr. Idriss and unanimously,

VOTED: To deny Mr. Chubb’s application for license by endorsement since he does not meet the educational requirements under Title 16, Chapter 39 Part 3.13(3) NMAC, he must have had 8 years of engineering experience with his non-engineering education in 1990 to qualify for licensure, which he did not have.

8.3.2 Correspondence from Jonathan E. Fuller Re: Education Requirement – Mr. Fuller’s application for licensure by endorsement was reviewed at the December 13, 2002 meeting and denied because his Bachelors Degree in Geology is not acceptable under the licensing requirements in the Act. Mr. Fuller wrote a letter to the Board explaining why he believes that he should be licensed. It was moved by Dr. Idriss, seconded by Mr. Guerrerortiz and unanimously,

VOTED: To reaffirm the decision of the previous Board that Mr. Fuller did not meet the New Mexico requirement of having an ABET-accredited four-year engineering degree or a Board-approved degree in 1993 when he was initially licensed in Arizona.

8.3.3 Correspondence from Jorge A. Garcia Re: Foreign Degree Evaluation – Mr. Garcia’s application for license by endorsement was reviewed at the September 12, 2002 Board meeting and was denied due to his education outside of the U.S. Mr. Garcia’s evaluation from ECEI, a division of ABET, was considered. He also wrote a letter to the Board appealing the fact the ECEI determined his degree is not comparable to an ABET-accredited degree due to deficiencies in the areas of basic sciences and humanities/social sciences. It was moved by Mr. Sisneros, seconded by Mr. Guerrerortiz and unanimously,

VOTED: To approve Mr. Garcia’s education and therefore licensure in New Mexico.

8.3.4 Scott W. Walkowicz, PE (Review of appropriate discipline to be listed) – Mr. Walkowicz applied to the Board to take the PE exam inadvertently and was approved on March 28, 2003. Mr. Walkowicz then had Michigan submit verification that he did take the PE exam, staff reviewed the application and determined Mr. Walkowicz could be licensed under the Board’s policy of substantial equivalency to a Model Law Engineer. It was moved by Mr. Guerrerortiz, seconded by Mr. Sisneros and unanimously,

VOTED: To ratify Mr. Walkowicz license by endorsement and further approve that his disciplines of engineering be listed as civil and structural engineering.

8.3.5 ECEI Board Policy / Dorel Anghel (Application by Comity) – Mr. Anghel’s application for license by endorsement was reviewed at the February 6, 2003 Board meeting. Mr. Anghel’s mechanical engineering degree is from Romania so he needed to submit to the Board a Foreign Degree Evaluation from Engineering Credentials Evaluation International (ECEI). The evaluation that he submitted was from Educational Credential Evaluators, Inc. (ECE). The Board determined that Mr. Anghel would need to submit an ECEI evaluation. He did so. It was moved by Mr. Guerrerortiz, seconded by Mr. Sisneros and unanimously,

VOTED: To approve Mr. Anghel’s application for license by endorsement.

8.4 Ratification of PE Applications reviewed March 28, 2003 – It was moved by Dr. Idriss, seconded by Mr. Sisneros and unanimously,

VOTED: To ratify the 31 PE applications for the April examination reviewed March 28, 2003 by Mr. Sisneros and Mr. Shah.

8.5 Ratification of Model Law Engineers - It was moved by Mr. Guerrerortiz, seconded by Dr. Idriss and unanimously,

VOTED: To approve the licensing of 59 engineers as presented by staff who held Model Law Engineer status or substantial equivalency.

8.6 Review of Comity and Examination applications – The Committee reviewed 54 new applications. A list of the applicants and the decisions are on file.

9. ADJOURNMENT – Chair Shah adjourned the meeting.

Date Approved

Mr. Subhas Shah, PE Committee Chairman

Elena Garcia, Executive Director