



STATE OF NEW MEXICO  
**BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND SURVEYORS**

P.O. Box 25101 • Santa Fe, New Mexico 87504  
(505) 476- 4565 Office • (505) 476-4806 Facsimile  
www.sblpes.state.nm.us

SUSANA MARTINEZ  
GOVERNOR

July 1, 2017

To Whom It May Concern:

61-23-21 of the Engineering and Surveying Practice Act as amended now requires filing a signed and notarized affidavit designating the authorized company officer and professional engineer for all business entities offering professional engineering services operating in the State of New Mexico. This affidavit must be kept on file with the Board of Licensure.

We have put together the following instruction sheet to simplify the process for you.

1. Please complete the forms by printing in black ink or by typing them. Incomplete forms will be returned.
2. All forms must be notarized and the originals submitted to this office, please keep a copy for your records.
3. Only New Mexico Licensed Engineers qualify to be an Engineer of Record for your business entity.
4. If the President, a Partner, or an Officer of the business entity is the Engineer of Record for your business entity, then that individual would complete only page # 4.
5. If an Engineer of Record is not the President, a Partner, or an Officer of the business entity, then complete page # 2 and page # 3. The business entity's President, a Partner, or an Officer of the business entity is to complete page # 2. The Engineer of Record is to complete Page # 3.
6. The "SCC no." refers to the State Corporation Commission number assigned to your business entity.

In addition to the above steps, please remember that you may need to register with the following state agencies:

New Mexico Department of Taxation and Revenue  
Corporate Income & Franchise Tax  
Post Office Box 25127  
Santa Fe, New Mexico 87504-5127  
(505) 827-7000

New Mexico Secretary of State  
Corporations Bureau  
325 Don Gaspar, Ste. 300  
Santa Fe, New Mexico 87501  
(800) 477-3632 / (505) 827-4508

If you have any questions or concerns, please contact this office at your convenience by telephone at (505) 476-4565.

Enclosure(s)

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**POLICY ON BUSINESS ENTITIES PRACTICING ENGINEERING  
IN NEW MEXICO****I. New Mexico State Law (61-23-21 NMSA 1978)**

New Mexico law, 61-23-21 NMSA 1978, entitled “Practice of Engineering” states that “Professional engineers may engage in the practice of engineering and perform engineering work pursuant to the Engineering and Surveying Practice Act as individuals or through a business entity. In the case of an individual, the individual shall be a professional engineer pursuant to the Engineering and Surveying Practice Act. [...] In the case of practice through a business entity that is a partnership, at least one of the partners shall be a professional engineer pursuant to the Engineering and Surveying Practice Act [...] In the case of practice through a business entity other than a partnership, services or work involving the practice of engineering may be offered through the business entity; provided that the person in responsible charge of the activities of the business entity that constitute engineering practice is a professional engineer who has authority to bind the business entity by contract; and further provided that all plans, designs, drawings, specifications or reports that are involved in engineering practice, or that are issued by or for such business entity, bear the seal and signature of a professional engineer in responsible charge of and directly responsible for the work when issued. [...] In the case of practice through a business entity offering or providing services or work involving the practice of engineering, an authorized company officer and the professional engineer who is employed by the business entity and in responsible charge shall place on file with the board a signed affidavit, as prescribed by board rule. The affidavit shall be kept current, and, if there is any change in the professional engineer or authorized company officer, the affidavit shall be promptly revised and resubmitted to the board.

**II. Board’s Statement of Policy**

The law of New Mexico as quoted above has basic requirements before a business entity can legally practice engineering. They are:

1. A licensed engineer must be responsible for the activities of the business entity relating to engineering. The engineer must have authority to contract for the business entity for such engineering work with clients.
2. A signed and notarized affidavit designating the authorized company officer and professional engineer must be kept on file with the Board of Licensure.
3. The affidavit shall be kept current, and, if there is any change in the professional engineer or authorized company officer, the affidavit shall be revised within 30 days and resubmitted to the Board. (NMAC 16.39.3.11(E))

The licensed New Mexico engineer signing the affidavit must be given express authority by the owner(s) and/or management of such business entity regarding engineering, and such engineer must be required by resolution to have responsible charge and control of the activities of the business entity regarding engineering.

Adopted: June 2, 2017

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**ENGINEER OF RECORD AFFIDAVIT**

(SENIOR BUSINESS ENTITY MANAGEMENT FORM)

**Complete Both Pages of This Form If the Engineer of Record is *NOT* the President, a Partner, or an Officer of the Business Entity**

**I HEREBY AFFIRM** that I am the President, a Partner, or an Officer of the below named business entity and that I have read and understand section 61-23-21 NMSA, 1978 entitled “Practice of Engineering” of the New Mexico Engineering and Surveying Practice Act (61-23-1 through 61-23-33 NMSA, 1978) and the Board’s Policy on Business Entities Practicing Engineering in New Mexico. I further affirm that I am listed as the President, a Partner, or an Officer of the business entity with the Office of the New Mexico Secretary of State, if incorporated and that I am empowered and authorized to execute this affidavit for the business entity.

**LET IT BE KNOWN** that I hereby appoint \_\_\_\_\_ to the position of Engineer of Record for this business entity and grant the authority to bind this business entity, as defined and required by section 61-23-21. (B) NMSA 1978, in all matters relating to the practice of engineering. I further agree to notify the Board, by executing a new Engineer of Record Affidavit, of any changes in this status within thirty days of the change.

**APPOINTMENT VALID:** FROM: \_\_\_\_\_ TO: \_\_\_\_\_  
*(If an Engineer of Record is only appointed for a project, then please indicate the time period of the appointment.)*

Business Entity Name: \_\_\_\_\_ NM SCC Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*(If there is any change, the affidavit shall be revised within 30 days and resubmitted to the Board.)*

State of \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

**SUBSCRIBED AND SWORN TO** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

( SEAL )

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

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**ENGINEER OF RECORD AFFIDAVIT**

(NEW MEXICO LICENSED ENGINEER FORM)

**Complete Both Pages of This Form If the Engineer of Record is *NOT* the President, a Partner, or an Officer of the Business Entity**

**I HEREBY AFFIRM** that I have been appointed and accept the responsibilities of the position of Engineer of Record for the below named business entity and that I have read and understood section 61-23-21 NMSA, 1978 entitled “Practice of Engineering” of the New Mexico Engineering and Surveying Practice Act (61-23-1 through 61-23-33 NMSA, 1978) and the Board’s Policy on Business Entities Practicing Engineering in New Mexico. I further affirm that I have been granted or otherwise been given the authority to bind this business entity, as defined and required by section 61-23-21. (B) NMSA, 1978, in all matters relating to the practice of engineering. I further agree to notify the Board, in writing, of any changes in this status within thirty days of the change.

**APPOINTMENT VALID:** FROM: \_\_\_\_\_ TO: \_\_\_\_\_  
*(If an Engineer of Record is only appointed for a project, then please indicate the time period of the appointment.)*

Business Entity Name: \_\_\_\_\_ NM SCC Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*(If there is any change, the affidavit shall be revised within 30 days and resubmitted to the Board.)*

State of \_\_\_\_\_ )

) ss.

County of \_\_\_\_\_ )

**SUBSCRIBED AND SWORN TO** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

( SEAL )

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**ENGINEER OF RECORD AFFIDAVIT**

(DO NOT ALTER THIS FORM – PRINT IN BLACK INK OR TYPE)

**Complete This Form If the President, a Partner, or an Officer of the Business Entity Is a New Mexico Licensed Engineer and the Engineer of Record for the Business Entity**

**I HEREBY AFFIRM** that I am the President, a Partner, or an Officer, or sole proprietor of the below named business entity and that I have read and understand section 61-23-21 NMSA, 1978 entitled “Practice of Engineering” of the New Mexico Engineering and Surveying Practice Act (61-23-1 through 61-23-33 NMSA, 1978) and the Board’s Policy on Business Entities Practicing Engineering in New Mexico. I further affirm that I am listed as the President, a Partner, or an Officer of the business entity with the Office of the New Mexico Secretary of State, if incorporated and that I am empowered and authorized to execute this affidavit for the business entity.

**LET IT BE KNOWN** that I hereby accept the responsibilities that of the position of Engineer of Record for this business entity and have the authority to bind this business entity, as defined and required by section 61-23-21. (B) NMSA 1978, in all matters relating to the practice of engineering. I further agree to notify the Board, by executing a new Engineer of Record Affidavit, of any changes in this status within thirty days of the change.

**NEW MEXICO LICENSE:** NUMBER: \_\_\_\_\_ EXPIRATION: \_\_\_\_\_

Business Entity Name: \_\_\_\_\_ NM SCC Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*(If there is any change, the affidavit shall be revised within 30 days and resubmitted to the Board.)*

State of \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

**SUBSCRIBED AND SWORN TO** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

( SEAL )