

**Minutes of the Meeting of the Board of
Licensure for Professional Engineers and
Surveyors held August 8, 2003 in Santa
Fe, New Mexico.**

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

Members Absent: None

Others Present: Elena Garcia, Executive Director
Mary Smith, Assistant District Attorney, Legal Counsel to the
Board
Hank Rosoff, PE, NMSPE
Amanda Quintana, Licensing Manager

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Mr. Sisneros convened the meeting at 9:10 am.

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 Approval of the Minutes of the June 12, 2003 Regular Meeting -It was moved by Mr. Shah, seconded by Mr. Sanchez and unanimously,

VOTED: To approve the minutes of the June 2003 Meeting.

3.2 Approval of the Minutes of the July 22, 2003 Special Meeting - It was moved by Mr. Sanchez, seconded by Mr. Marble and unanimously,

VOTED: To approve the minutes of the July 22, 2003 Special Meeting.

4. **NEW BUSINESS**

4.1 Presentation by Mary Smith, Assistant Attorney General – Re: Open Meetings Act, Uniform Licensing Act and Other Pertinent Statutes & Procedures – Ms. Smith gave a presentation to the Board on the Open Meetings Act, exparte communications, the Uniform Licensing Act, conflicts of interests and other pertinent statutes and procedures—all with respect to the roles of Board Members. Ms. Smith also explained her role as counsel to the Board and the role of the assistant attorney general (prosecutor) assigned to the Board.

4.2 Board Observer at ABET visits at NM Schools - Mrs. Garcia asked for volunteers to be observers during ABET-accreditation visits to New Mexico Schools in the Fall of 2003. There were no volunteers at this time.

4.3 Expired License Prior to January, 2001 – RE: Professional Development- Mrs. Garcia explained that a surveyor’s license expired in 1999. The renewal submittal had been returned in 1999 since at that time the Board was reviewing all activities submitted and the licensee had not included specific dates for the activities being claimed. The licensee did not respond and eventually the license had lapsed. He had now submitted the renewal fee with a late penalty and the missing information. However, the statutes require a new application for reinstatement after a twelve month lapse. The rules since 1999 changed and now the Board does not require the detail reporting of professional development. A licensee may now submit an affidavit stating that he/she has acquired the 30 professional development hours without having to list in detail each activity. It was noted that the licensee had tried to renew, but due to what is now not a requirement had been denied. Mrs. Garcia inquired if it would be appropriate to waive any penalties. It was moved by Mr. Schoen, seconded by Mr. Guerrerortiz and unanimously,

VOTED: To advise the licensee to apply for reinstatement of his license as required by law, and when the Board considers his application they will reinstate his license retroactively if he has responded within ten days.

5. **CORRESPONDENCE/COMMUNICATIONS**

5.1 Robert A. Shoolbred, PE – Letter of commendation to the Board--for information purposes only.

6. **COMMITTEE APPOINTMENTS - CHARGES**

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Standing Committees:

6.1 Professional Engineering Committee – Mr. Shah reported that the PEC heard a presentation from Mr. Dickman regarding an unsafe structure, the committee elected to write a letter to the proper entities to inform them of the danger and suggest that it be remedied. There was no closed session. The committee considered an individual using the title of Certified Microsoft Engineer. The committee decided to advise him that he needs to take the word “Engineer” out completely. The Committee approved a licensee to take the Structural II PM exam. They ratified thirty-five Model Law Engineers, and reviewed over sixty new comity and examination applications.

6.2 Professional Surveying Committee – Mr. Chavez reported that the PSC listened to a presentation regarding the use of geographic information systems for cadastral applications. The committee referred this issue to the rules and regulations committee. The committee was invited to participate in the April 23-24, 2004 NMPS Convention. Mr. Chavez accepted and asked if the Board would change the April Board meeting to April 22-23, 2004 and the location to Ruidoso in order to accommodate NMPS’ request. The Board concurred. Ms. Garcia stated that she will send out a memo to make sure there are no schedule conflicts and then change the date and location of the April 2004 Board meeting. Mr. Chavez reported that the committee acted on two cases, and reviewed six applications for the Principles & Practice of Surveying exam.

6.3 Arch./Eng./Landscape Arch. JPC – Mr. Marble reported that Ms. Garcia is attempting to schedule a meeting. This has been delayed due to appointments being made in one of the other boards.

6.4 Professional Development Committee – No report.

6.5 Rules & Regulations Committee – No report.

6.6 Executive Committee – No report.

6.7 Examination Committee

6.7.1 Requests to Sit for the Exams More than Three Consecutive Times – Dr. Idriss reported that the committee reviewed fourteen requests to sit for the exams in October 2003 from exam candidates who failed the exam three consecutive times. The requests included information of further preparation for the exam. Dr. Idriss stated that the statute says that they must sit out for a year, and asked Mrs. Garcia under what provision does the Board have authority to allow the candidates to take the exam without having to sit out one year. Mrs. Garcia stated that the rules allow for the Board to determine whether or not a PE candidate may or may not sit for the exam once they submitted proof of preparation as directed by the board at a previous meeting. However, the statutes state an FE candidate who fails the exam three consecutive times must sit out for one year. This may have been an oversight. The Board has authority to review if a PE candidate can retake the exam but not an FE candidate. Chair Sisneros entertained a motion that the Board discuss the possibility of the said exam candidates not waiting out one year to take their approved exams. Dr. Idriss indicated she so moved, and Mr. Sanchez seconded the motion.

DISCUSSION: Mr. Atwell asked if these candidates qualify under the statutes. Dr. Idriss stated that the PE exam candidates do qualify and FE candidates must wait out one year. Dr. Idriss stated that the motion on the floor was to approve the Examination Committees' review of further preparation for the exams to retake the examination.

FRIENDLY AMMENDMENT BY MR. SANCHEZ –to exclude the two FE candidates because by statute they have to sit out for one year. It was unanimously,

VOTED: to approve the Examination Committees' review of further preparation for the exams to exclude the two FE candidates because by statute they must sit out for one year.

- 6.8 **Fire Protection Engineering Committee** – No report.
- 6.9 **Committee on Consumer Information Publication** – No report.
- 6.10 **Committee on Construction Staking** - Mr. Sanchez stated that he had written a report regarding construction staking. Copies were distributed to the Board members. The report at this time is only for use by the committee.

7. **ADMINISTRATOR'S REPORT**

7.1 **Staff Activity Report**

7.1.1 Update on ELSESES – Exam Administration – Mrs. Garcia explained that NCEES and Board staff is working closely on this project and all is going well. All deadlines have been met as set in the ELSESES Project Timetable as completed by staff. Special attention was given to a group of fifteen candidates who had an exam fee credit with the Board. The best solution was to have candidates submit the registration form (less the fee) to the Board's office for transmittal to NCEES. NCEES will then bill the board for these fees. She also indicated that since the application deadline was earlier this year, it was widely advertised, including the publication of an ad in the Albuquerque Journal. Copies of all communications to candidates on the process were provided to the Board for review.

7.2 **Information for NCEES**

7.2.1 Susan M. Thrift, NCEES – RE: NCEES Examinee Answer Sheets & Solution Pamphlets – Mrs. Garcia explained that she asked NCEES to retain all exam answer sheets and solution pamphlets for ninety days following the release of exam scores, at which time NCEES will have the materials destroyed. The Committee concurred.

7.2.2 Betsy Browne, NCEES – RE: Request for Testing Accommodations – Mrs. Garcia explained that NCEES/ELSESES will

process any requests for ADA accommodations as part of their service to the Board. This is another good service since it will ensure uniformity among many jurisdictions.

7.2.3 NCEES/ELSEES Policy on Proctoring for Other States – For information only. Mrs. Garcia explained that ELSEES will only proctor out of state exams to candidates in states where ELSEES has a contract to administer the exams. This decision was due to the liability associated with proctoring an exam in a state where ELSEES does not control how the exam administration is handled.

7.2.3.1 Correspondence from Oregon – Mrs. Garcia explained that Oregon will not be offering their candidates the option of sitting for an NCEES exam in any of the jurisdictions using ELSEES; nor will Oregon proctor for states using ELSEES.

7.3 Method of Scoring National Examinations – Mrs. Garcia provided information on NCEES’ method of scoring examinations as provided to candidates.

7.4 Financial Status Report – May, June 2003 Reports – The May and June DFA financial reports were explained to the Board. It was moved by Mr. Atwell, seconded by Mr. Marble and unanimously,

VOTED: To approve the May 2003 vouchers paid.

It was moved by Mr. Atwell, seconded by Mr. Schoen and unanimously,

VOTED: To approve the June 2003 vouchers paid.

7.5 DFA Correspondence RE: Strategic Plan – For information only.

7.6 FY 05 Performance-based Budget Request – For information only.

7.7 Board Member Business Cards/Telephone Credit Cards – For Information Only. Mrs. Garcia explained that she will be ordering business cards for Board Member and would like some feed back as to the information each Board Member would like on their individual cards. Mr. Guerrerortiz inquired about getting a personalized Board e-mail address. Mrs. Garcia stated that she will look into the feasibility of obtaining this. Mrs. Garcia also explained that Board members have the option of receiving telephone credit cards for board business; if interested please let her know.

8. OLD BUSINESS

8.1 Status Report on Exam (FE) Loss Incident – Mrs. Garcia stated that she sent letters to the twenty-nine Socorro examinees regarding the Board’s decision taken during the July 22, 2003 special meeting. She has received almost all of the return-receipt cards indicating candidates have received the Board’s letter. She also indicated she had approached DFA for approval of a specific line item to be used when reimbursing applicants’ submittals for travel expenses and exam study material. A copy of her letter to DFA was included in the meeting books. DFA had granted approval.

8.1.1 Peter F. Gerity, Vice President, Academic Affairs - Mr. Gerity wrote to communicate his concerns over the loss of the answer sheets. Mrs. Garcia will respond to his letter.

9. CLOSED SESSION (Complaints and Violations)

Did not need to go into closed session.

9A. OPEN SESSION

9.1 John Flores – The Office of the Attorney General had issued an injunction against John Flores prohibiting him from practicing without a license.

Chair Sisneros stated that the applications need to reviewed and discussed during normal meeting time frame and this needs to be discussed at the next full board meeting.

10. ADJOURNMENT Chairman Sisneros adjourned the meeting at approximately 11:30 a.m.

Date Approved

Elena Garcia, Executive Director