

Minutes of the Meeting of the Professional  
Engineering Committee of the Board held August 7,  
2003 at 1010 Marquez Place, Santa Fe, New Mexico.

Members Present: Severiano Sisneros, III, PE  
Dr. Rola Idriss, PE  
Subhas Shah, PE  
Patricio Guerrerortiz, PE  
Stevan J. Schoen, Public Member

Members Absent: No one.

Others Present: Elena Garcia, Executive Director  
Mary Smith, Assistant Attorney General  
Amanda Quintana, Manager  
Hank Rosoff, PE  
Jason Dickman, PE

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

Mr. Shah convened the meeting at 9:10. Elena Garcia stated that Mr. Sisneros and Mr. Guerrerortiz would be a few minutes late.

2. **APPROVAL OF THE AGENDA**

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

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

3. **APPROVAL OF THE MINUTES**

**3.1 Minutes of the June 12, 2003 Meeting** - It was moved by Dr. Idriss, seconded by Mr. Schoen and unanimously,

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

4. **NEW BUSINESS**

Mr. Guerrerortiz joined the meeting.

**4.1 Jason Dickman, PE – Re: KMXQ Transmitter – Structural Engineering** – Mr. Dickman made a presentation to the Board regarding what he believes to be an unsafe structure of the KMXQ radio transmitter tower in Socorro. Mr. Dickman stated that the tower is an unsafe structure. In 2001 VoiceStream Wireless asked Mr. Dickman to give a structural report on the tower. He concluded that the tower was falling apart, it had missing members, sheered bolts, and there were signs of distress all over the structure. The stress levels in the structure are over the factors of safety that are allowed in structural engineering. The risk of it falling over is very high.

Mr. Dickman's main concern is that the radio station by the base of the structure has people employed there. There is a church as well as residential lots by the structure. Mr. Dickman indicated he had issued his report to the owner of the tower, Titan Towers from Midland, Texas. Titan Towers asked the City of Socorro if they could take the tower down and re-construct it. The City stated if the tower came down, it would stay down. Titan Towers did not want that to happen so they built a reinforcement structure around the old structure. They did not; however, build completely to the top, which left the structure dangerous. Mr. Dickman asked what he should do as a professional engineer since he is concerned about the welfare of the people that could be in danger if the top of the tower should collapse. Mr. Dickman stated that he has made several different recommendations to remedy the problem; however, Titan has not responded positively to the recommendations. Mr. Schoen stated that the Board has a moral obligation to notify the parties involved of the danger of said structure. Dr. Idriss stated the Board should notify the involved parties [City of Socorro, Titan Towers, the Radio Station] that the matter was brought to the Board's attention and that the tower in accordance with a report by a licensed professional engineer may be an unsafe structure and should be given immediate attention. It was suggested that the letter be copied to the Construction Industries as well as the New Mexico Municipal League who is the insurance carrier for the City of Socorro. The letter should be sent directly to the City of Socorro and Titan Towers and copied to the rest of the parties. Mr. Schoen stated that the letter needs to be clear that the Board is putting Titan Towers on notice that there is a problem. It was moved by Dr. Idriss, seconded by Mr. Guerrerortiz and unanimously,

**VOTED:** To notify all parties involved that the tower owned by Titan Towers may be an unsafe structure and should be immediately evaluated and appropriate actions are taken to ensure it is a safe structure. The letter should state that although the Board has not evaluated the structure, there are sufficient reasons (brought to the Board's attention by a New Mexico Licensed Professional Engineer) to notify them of the potential threat to the public's safety. [Letter to be signed by the PEC Chair]

**4.2 Policy on pre-engineered product drawings/manufacturing drawings [61-23-22, Item B]** - Mrs. Garcia stated that an inquiry had been received regarding a Wind Energy Project in New Mexico. The local inspector asked to see the stamped GE drawings (manufacturing drawings) for the electrical wiring in the tower for the wind turbine. The site manager wanted to know if the Board required these to be stamped by a NM licensee. The Committee concurred that the manufactured drawings do not need to be sealed by a NM licensee. However, the project specifications must be done by a New Mexico professional engineer, e.g. the specifications connecting the motor to the public power network.

## **5. COMMUNICATIONS**

### **5.1 Correspondence issued - For information**

**5.1 Roger B. Tate, PE – Unified Investigations & Sciences, Inc. Re: Questions on Forensic (failure analysis) Engineering** – Mrs. Garcia indicated that a hypothetical scenario was presented which extended into multiple jurisdictions. The firm provides forensic (failure analysis) engineering and not design services. A forensic engineer is domiciled in jurisdiction A. A

property damage incident takes place in Jurisdiction B. A non-licensee transports evidence from Jurisdiction B to a laboratory facility in Jurisdiction C. A client domiciled in Jurisdiction D retains the engineer to analyze the evidence. The Engineer travels to Jurisdiction C to examine the evidence, but completes the analysis and report preparation in Jurisdiction A. Assuming the engineer's activities in Jurisdictions A and C meet New Mexico's statutory definition of engineering and that the engineer never physically enters Jurisdictions B or D nor the engineer nor his/her business advertise engineering services in Jurisdiction D and the client learned of the engineer by word of mouth. The question being if NM was A, B, C, or D (each) would a NM license be required.

Mr. Schoen stated that the Board needs to respond by saying "in New Mexico you need to be licensed to provide engineering services as noted in the statutes" and if you regularly conduct engineering services in New Mexico" you must be licensed. A copy of the statutes and rules should be sent to Mr. Tate.

**Larry Nixon, PE, President, ABET Re: Letter to NCEES addressing NCEES concerns regarding quality of "accredited programs"** - Mrs. Garcia indicated that although this correspondence is not on the agenda it was put in the Board Member books for information. It is ABET's response to NCEES' previous letter conveying its concerns over ABET's educational criteria 2000 and the accreditation of engineering programs. Some of the concerns are that perhaps the low passing rates on the Fundamentals of Engineering exam is a reflection of the ABET criteria. The schools may not be teaching what NCEES' exams are testing.

**6. OLD BUSINESS**

No Old Business

**7. CLOSED SESSION (Complaints and Violations)**

Board did not go into closed session.

**OPEN SESSION**

7.1 **Case 04-AD-1** – Case involved an advertisement as a Microsoft Certified Systems Engineer. In the past the Board has determined that a person could use the acronym CSE but cannot use the word engineer. The Committee agreed with this policy.

**APPOINTMENT OF HEARING OFFICER(S)**

None needed

**8. REVIEW OF APPLICATIONS**

**8.1 Request to Sit for Structural II Exam – William M. Druc, PE** – Mr. Druc is a New Mexico licensed professional engineer with the civil and structural engineering discipline. He also successfully completed the Structural I exam and the Structural II AM portion of the exam. He has

made application to Hawaii, and the laws in Hawaii require that he complete both the AM and PM Structural II exams. He requested approval to sit for the exam in New Mexico for record purposes only. Mrs. Garcia indicated once he passes the exams, NM will certify his scores to the Hawaii board. The Committee concurred.

**8.2 Model Law Engineers** – The Committee ratified the issuance of thirty-seven (37) licenses to individuals meeting “Model Law Engineer” criteria.

**8.3 Licensing Requirements/Revised Licensing Chart** – Mrs. Garcia went over the revised licensing chart used in the review of applications.

**8.4 Review of New Comity and Examination Applications (60)** – Some committee members continued to review the 60 applications and a record of actions taken is being made a part of the Board’s records.

9. **ADJOURNMENT** – at approximately 3:00 p.m.

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Date Approved

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Elena Garcia, Executive Director