

Members Present: Ronald A. Forstbauer, PS, Chair
Samuel W. Small, PE
John Rockwell, PE
Robert A. Smith, PE
Charles G. Cala, Jr., PS
Mary E. Wells, PE
Rod Billingsley, PE/PS
Don Kaufman, Public Member
Kenneth White, PE

Members Absent: Edward P. Norris, Public Member

Others Present: Elena Garcia, Executive Director
Amanda Quintana, Manager II
Edward Ytuarte, PEPS, Complaints Manager

1. CONVENE, ROLL CALL AND INTRODUCTION OF GUESTS

Chairman Forstbauer convened the meeting at 9:00 a.m. A roll call was taken. It was noted that a quorum was present. One member as noted above was unable to attend.

2. APPROVAL OF THE AGENDA

It was moved by Mr. Small, seconded by Ms. Wells and unanimously,
VOTED: To approve the agenda.

3. APPROVAL OF THE MINUTES

3.1 Minutes of the December 13, 2002 Meeting - It was moved by Mr. Small, seconded by Mr. Cala and unanimously,

VOTED: To approve the minutes of the December 13, 2002 Meeting.

Dr. White and Mr. Kaufman abstaining [Did not attend Dec. 13, 2002 meeting]

3.2 Minutes of the January 7, 2003 Meeting – It was moved by Mr. Kaufman, seconded by Mr. Billingsley and unanimously,

VOTED: To approve the minutes of the January 7, 2003 Meeting.

Dr. White and Mr. Small abstaining [Did not attend January 7, 2003 Meeting]

4. NEW BUSINESS

None

5. CORRESPONDENCE/COMMUNICATIONS

5.1 NCEES, Appointment of Associate and Emeritus Members – Mrs. Garcia stated that she and Mr. Ytuarte are currently Associate Members of NCEES. Lewis H. Poe, PE, and Dr. Quentin Ford, PE, are Emeritus Members. No formal action is needed if there are no changes. Mr. Small suggested that the Board should appoint/nominate Dr. White as an Emeritus Member in the event that he is not re-appointed to the Board so that he may continue his work on the NCEES Board of Directors. It was moved by Mr. Rockwell, seconded by Mr. Billingsley and unanimously,
VOTED: To appoint/nominate Dr. White as an Emeritus Member of NCEES.

5.2 NCEES, Committee Assignments - Mrs. Garcia noted that if any of the Board members are interested in serving on national committees, they should complete the “Committee Assignments Preferences” sheet and submit it to NCEES as soon as possible.

7.1 NCEES 2001-2002-Fiscal Year Financial Statements – For Information Only.

7.2 Albert J. Lama, Director, Civil Division/AGO – Re: Complaint Files and Confidentiality Statutes - Mrs. Garcia explained that she had responded to a Attorney General’s survey regarding the handling of complaint files and confidentiality statutes. Mr. Lama’s letter explained the general statute regarding the inspection of public records. It also included a tabulation of the responses received from other Boards. It was interesting to note that the Engineering and Surveying Practice Act was one of the few Acts that considered complaints under investigation totally confidential.

7.3 Dr. Jimmy H. Smith, PE, NIEE/Murdough Center of Engineering Professionalism – Re: Possible Ethics Exam - This organization is one that can develop an ethics exam for licensees based on New Mexico statutes, Board rules and regulations and/or whatever the Board deems appropriate. Such an exam can be used as a disciplinary tool and/or as professional development activity. Mr. Billingsley volunteered to follow up on pursuing an ethics exam with the assistance of Mr. Small and Ms. Wells. A presentation by this entity regarding their services and product should be pursued.

6. COMMITTEE REPORTS/ACTIONS

6.1 Professional Engineering Committee – Dr. White reported that the PEC reviewed a letter from the National Academy of Forensic Engineers requesting information on the Board’s policies on providing expert testimony on engineering matters and whether or not it was regulated by the Board. The Committee considered correspondence from an applicant for waiver of current PE License for application by endorsement. They discussed the Engineer Intern Process and the Michigan engineer intern model versus the New Mexico model. The Committee reviewed four complaints. Retired status and inactive status applications were approved. Model Law Engineers were ratified, and forty applications were reviewed.

6.2 Professional Surveying Committee – Mr. Billingsley reported that the PSC discussed photogrammetry and the definition of surveying and agreed that it should be further evaluated by the rules committee. The Committee heard six cases – one case will be sent to the Attorney Generals Office, an NCA was issued in one case, another case was closed, and three cases were continued. Due to an oversight the retired and inactive status applications were not approved. It was moved by Mr. Billingsley, seconded by Mr. Rockwell, and unanimously,

VOTED: To approve Herbert G. Koogle, PEPS, D. Rodger Kretz, PS, and Franklin K. Shreeve, PEPS, for Retired Status. [Dual licensees were also approved by the PEC] The Committee reviewed and approved three applications.

6.3 Arch./Eng./Landscape Arch. JPC – Robert A. Smith, PE (Retired), Chair

6.3.1 Minutes of December 6, 2002 Meeting - Minutes of the December 6, 2002 JPC meeting were provided.

6.3.2 Design Competition Position Paper – The position paper was finalized by the JPC and each Board is being asked to give it its final approval. The changes referencing the professional surveyors have been made. It was moved by Mr. Cala, seconded by Mr. Small, and unanimously, **VOTED:** To approve the JPC Position Paper on Design Competition.

6.3.3 Variance from multiple seal requirement (Incidental Practice) – Mr. Smith reported that JPC received a request from CL Engineering, Inc. for a variance from the multiple-seal requirement. The request had been denied (copies of the correspondence was provided).

7.1 Professional Development Committee – Dr. White reported that the Committee met to discuss the submission of on-line logs for professional development courses. The Committee determined they are acceptable. They also determined that first aid courses are not acceptable for PDH credit. Also, when licensees are being audited, they will only receive credit for those PDH's which are accompanied by verifying documentation. PDH policies were also reviewed.

6.4.1 Audit Results – A report on the licensees audited was provided.

6.4.2 Review of Policies – Mrs. Garcia inquired if “tutoring” should be deleted from the form “Policies Pertaining to Professional Development Activities.” Dr. White reported that it was the consensus of the Committee that tutoring is not an acceptable PD activity. Mrs. Garcia inquired as to the recommended language for the question regarding conviction on the renewal form. Dr. White stated that the question should be changed FROM “Have you ever been convicted or entered a plea of nolo contendere to any crime under the laws of the United States, or any state, territory or county thereof, which is a felony, misdemeanor or otherwise an essential element of which is moral turpitude, or have you been disciplined by any other licensing board?” TO include the following language at the beginning of the sentence “In the last two years or since last renewal, have you been convicted ...?” Mrs. Garcia also asked for guidance as to whether or not we should continue to ask the question regarding a misdemeanor and if so, would the committee consider providing guidelines specific to misdemeanors. Mr. Forstbauer requested that this issue be sent to the appropriate committee for further study.

6.5 Rules and Regulations Committee – No report at this time.

6.6 Executive Committee – No report at this time.

6.7 Examination Committee – It was moved by Mr. Billingsley, seconded by Mr. Small, and unanimously,

VOTED: To delegate authority to the Examination Committee to review preparation course work from examinees that wish to take the exam immediately after their third fail.

Mrs. Garcia inquired whether the draft response presented regarding inquiries on the grading of the NCEES exams would be appropriate. NCEES no longer provides raw scores only converted scores. The Board continues to receive inquiries from examinees who do not understand the scores and scoring process. She indicated that staff also refers callers to the NCEES "Exam Scoring – Method" on NCEES's web site. It was the consensus that the draft response would be appropriate.

6.8 Fire Protection Engineering Committee – Mr. Smith asked if this committee could be put on hold until the Board appointments are finalized. There was agreement.

7. ADMINISTRATOR'S REPORT

7.1 Staff Activity Report – Mrs. Garcia reported that approximately 142 new licenses and 46 Intern Certificates were issued since the December meeting. Since the November meeting 2,843 license renewals were processed. As of January 28, 2003: 1) 40 PS licenses expired on 12/31/02; 2) 7 PEPS licenses expired on 12/31/02; 3) 571 PE licenses expired on 12/31/02, and 4) 195 licenses lapsed on 12/31/02. Only half the licensees were up for renewal this year and 667 more still need to renew. A total of 151 new applications were processed since the October meeting. Seven new cases were opened and staff continues to work with the AG's Office on an application for injunctive relief against a non-licensee and with a District Attorney on another. Staff processed the October 2002 examination results and sent enrollment forms for the upcoming April exam to all exam retakers. Mrs. Garcia reported that it appeared New Mexico was one of a few Boards that have combined electronic files for licensees who hold more than one license for efficiency and cost-effectiveness. New Mexico was one of five Boards in the Electronic Verifications Pilot Project. This project has now extended to 18 Boards. The purpose of the electronic verifications is to expedite the licensing process across the country for non-MLE applicants. Other accomplishments were noted on the written report.

7.2 Financial Status Report – Mrs. Garcia went over the revenues received to date, the balance sheet and the budget status reports. A summary of the vouchers paid was also reviewed. It was moved by Mr. Rockwell, seconded by Mr. Small and unanimously,
VOTED: To approve all vouchers paid to date.

7.3 Budget Hearing – House Appropriations - Mrs. Garcia reported that she and Chair Forstbauer attended the house appropriations committee budget hearing, and that the LFC recommendation, which was the Board's request had been approved.

7.4 ELSES Project – October 24-25, 2003 Examination Administration – The time table for the ELSES project was presented which included, the tasks necessary to transition the administration of exams to NCEES. [This project was included in the FY 04 budget request.]

7.5 Web Site Enhancements: New Look and License Search Project – Mrs. Garcia reported two new developments to the Board's web site in the works: 1) Roster Search – this is an online application that requires programming skills and a server set up to handle applications with directory structures and security access. The estimated time for the project is under 133 hours at \$70.00 per hour = \$9,310. Licenses can be searched by any of the fields included in the roster; 2) new look to the web page (primarily static information), re-design, simple graphics and re-organization of information. The estimated time is 40 hours at

\$60.00 per hour = \$2,400. 3) A list of disciplinary actions to be posted on the web site was also presented.

7.6 Bills affecting the Board and/or Practice of Engineering or Surveying – Mrs. Garcia commented on Senate Bill 265, which would transfer the Board under the umbrella agency, RLD and would delete the Board’s authority over its staff. SB 101 however was basically the same bill, but it only included the Boards already under RLD. SB 8 may affect Sandia Labs exempt status from the PE/PS Act since under the bill, Sandia would be able to provide services to other entities, other than solely to the federal government (see board’s correspondence from 1998). Mr. Forstbauer asked for a volunteer to monitor Senate Bill 8, Mr. Smith volunteered. Mr. Forstbauer discussed the need for Board Members to be registered lobbyists to answer questions regarding changes to the Act and asked for several volunteers in the event that he is unable to attend a hearing or meeting. Ms. Garcia would then be able to have options as far as who to call for help in any given situation. Members are to get with Ms. Garcia to complete the appropriate paperwork.

8. OLD BUSINESS

8.1 – Proposed Amendments to PEPS Act (Licensure Requirements and Civil Penalties) – Status Report – Mrs. Garcia reported that the proposal is still being reviewed by the Legislative Council Services.

8.2 – Resignations/Continuity of Board/Transition – Mr. Cala stated that he has been trying to get a meeting with Lieutenant Governor Denish and Lori Martinez, Boards and Commissions Director to present the Board’s view. Mr. Cala asked any members of the Board that may have access to anyone in the Governor’s office to please contact them to get appointments finalized since he is hesitant to approach issues that will take months and months to resolve in Committee, but do in fact need to be addressed as soon as possible.

9. CLOSED SESSION (Complaints and Violations) No closed session was held.

Status Reports:

- 9.1 Case 01-01-17 Douglas Smith, PS – PS Committee approved the ethics courses taken by Mr. Smith. Case was closed.
- 9.2 Case 02-01-03 Cipriano Martinez - Mary Smith has prepared a Petition to enforce compliance with the Board’s Order.
- 9.3 Case 02-01-07 Augustine C. Grace, PE – Was served a decision and order by the PE Committee.
- 9.4 Case 01-01-18 Timothy Oden, PS – Case is under review in District Court on appeal by licensee.
- 9.5 Cases 02-01-11; 02-02-11; 03-03-03 John Flores – The Attorney General’s Office is considering/preparing to file an injunction.

10. ADJOURNMENT

Date Approved

Ronald A. Forstbauer, PS, Board Chairman

Elena Garcia, Executive Director