

Meeting of the Board of Licensure for Professional
Engineers & Surveyors held April 22, 2005 at Bar
Center, 5121 Masthead, NE, Albuquerque, NM

Members Present: Dr. Rola Idriss, PE, Vice Chair
Charles Atwell, Public Member
Dr. Clifford E. Anderson, PE/PS
Gilbert Chavez, PS Chair
Patricio Guerrerortiz, PE
Fred Sanchez, PS
Stevan J. Schoen, Public Member
Subhas Shah, PE Chair
Salvador I. Vigil, PS

Members Absent: Severiano Sisneros, PE, Board Chair

Others Present: Elena Garcia, Executive Director
Candis Bourassa Licensing Manager
Edward Ytuarte, PE/PS, Complaint Manager
Hank Rosoff, PE, NMSPE
Tom Rollag

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Vice Chair Dr. Idriss convened the meeting at approximately 9:00 a.m. A roll call was taken, and it was noted that a quorum of the board was present.

2. APPROVAL OF THE AGENDA

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

VOTED: To approve the agenda as presented.

3 APPROVAL OF THE MINUTES

3.1 Approval of the November 10, 2004 Meeting Minutes. It was moved by Mr. Shah, seconded by Mr. Chavez, and unanimously,

VOTED: To approve the November 10, 2004 board meeting minutes.

3.2 Approval of the February 4, 2005 Meeting Minutes. It was moved by Mr. Atwell, seconded by Mr. Sanchez, and unanimously,

VOTED: To approve the February 4, 2005 board meeting minutes.

4. **CORRESPONDENCE/COMMUNICATIONS** – None

5. **COMMITTEE REPORTS**

Standing Committees:

5.1 Professional Engineering Committee – Mr. Shah, PE Chair, reported the PEC had reviewed an application from Mr. Arauz. He had appeared to explain why his Cuban transcript was evaluated by another evaluation group and not ABET/ECEI. He indicated ECEI had been unable to get official transcripts from Cuba. Upon review of the original transcripts in his possession, the committee granted Mr. Arauz's approval to sit for the FE examination. In the matter of the City of Albuquerque deciding which PE's were approved for landfill gas remediation projects, Mr. Shah indicated a letter was sent to the City expressing the Board's concerns. A committee including Dr. Anderson and Mr. Guerrerortiz will be working with representatives from the City of Albuquerque and other engineers. Mr. Anthony Montoya, an engineering intern, appeared before the committee. He wished to take the PE examination in October before he completes the four years of engineering experience. Since the new statues will be in effect in mid June or first of July, the Board will be able to promulgate rules on when PE candidates can take the exam. Mr. Montoya will need to wait until then to request the PE examination. The committee rendered a decision in the matter of Robert E. Bookwalter, and he will be notified of the Board's disciplinary action. Applications were approved for inactive and retired status. Applicants under the Model law or equivalency process were also approved. In addition about forty other new comity and examination applications were reviewed. Mr. Christoffer letter of appeal was denied until he presents proof of his education being equivalent to a four- year ABET program. Mr. Catanach was approved for the structural discipline he requested.

5.2 Professional Surveying Committee – Mr. Chavez, PS Chair, stated the rules committee should be aware of the statue wording which allows certain individuals to sit for the fundamentals of surveying (FS) exam. He indicated an engineering student with a minor in surveying must be a graduate to sit for the FS exam. The Committee again discussed whether names should be included during the review of complaints. The survey committee would like the full board to discuss this issue. He stated cases can be very hard to follow with names removed. Mrs. Mary Smith advised that the names must be struck out. The consensus is that the Board needs to know the names sometimes in order to keep the people straight. Mr. Shah stated that in the last meeting, Mary Smith's opinion was looked at and it has already been decided to leave it up to the separate committee's to decide for themselves on a case by case basis which cases should have names and which should not. Mr. Guerrerortiz agrees with Mr. Shah that is will be up to the committees to decide. Mrs. Garcia indicated that yesterday a complicated case was presented before the Surveying Committee. In the end, staff was instructed (Mrs. Smith was present) by the committee to strike out the names from over three inches of documents prior to presentation. This was a case with a large three ring binder of documentation. If staff is to bring each case for initial review to see if the committee wishes to leave names in or out it will delay the processing of cases considerably. Staff,

in this case, will go back and strike out all the references to the respondent's and complainants' names before presenting to the committee. This is what staff has done up to now, no change. Mr. Sanchez believes it is not protecting the public when a case cannot be understood due to the lack of name identification. He recalls Mary Smith said that after a case was presented the first time without the names, if it was found to be too confusing without them, they should be included. If not, they could stay removed. Mrs. Garcia reviewed the decision from the agenda during the last meeting, which says the committees should decide, but now it is again back to the full board because she believes the complaint procedures should be the same for both committees—it will be too difficult and probably not a good idea to process cases against licensees differently. The PSC yesterday decided that although the case was very complicated it should be handled just as we have been doing in the past. Mrs. Garcia also stated that it was during the initial review during the meeting in Las Cruces that the PEC wanted staff to include names prior to presenting the case. During the last meeting it was noted that staff is not able to work under a case-by-case basis because the initial review is the one where the names are deleted. Once an NCA is voted on, names are provided to the Board. The Board directed Mrs. Garcia to put the complaint procedures on both committees and the next full board's meeting agenda and to have Mary Smith make a presentation.

Mr. Chavez stated that the Survey Committee heard eleven complaints, tabled two of them, dismissed two, issued six NCAs, and scheduled one special meeting. Mr. Chavez was asked by the American Congress on Surveying and Mapping to attend the Registrations Board Forum meeting. Sixteen states were represented at the March meeting in Las Vegas, NV. Hawaii, Tennessee, Alabama and others are looking at the New Mexico Act and Minimum Standards as examples. Next, Mr. Chavez discussed an inquiry from a Mr. Jirik who had had been asked by a client to create a document that was an assembly of existing surveys and other documents into one "Perimeter of Record" to be filed with the county. It would still show relevant information from the surveys used. He requested feedback from the committee on him signing and stamping an assembly of other surveyors' work. Mr. Sanchez explained requests for single documents of multiply areas are common. The Board agrees that combined documents are used in surveying and engineering work. Mr. Guerrerortiz sees a need for clarification on just what the stamp represents and what the public assumes the stamp means.

A committee of Mr. Vigil, Mr. Sanchez, Mr. Guerrerortiz, and Mr. Atwell was created to address Mr. Jirik's request for clarification and an advisory opinion on the survey minimum standards and to address the problem in general regarding which documents should or should not be sealed and signed.

Other Committees:

- 5.3** Rules & Regulations Committee – Mr. Shah, PE, Nothing to report.
- 5.4** Arch/Eng./Landscape Arch JPC – A meeting was not called.
- 5.5** Professional Development Committee – Mr. Chavez, PS, Nothing to report.

5.5.1 Patrick Moore, PE – RE: Carryovers for non-required PDHs for New Licensees – Mrs. Garcia indicated Mr. Moore’s letter requested the Board to give him credit for 15 PDH hours as carryovers which he obtained during his first year of licensure even though he was exempt from having to obtain any hours. She explains that the rule states that only those hours over 30 should be carried over to the next cycle. For this reason the Board’s program does not track any hours as carryover hours that are not beyond 30. Mr. Guerrerortiz is in favor of giving new licensee any additional hours over the amount which they were required. Up to 15 hours earned during the exempt year would become a 15 hour carry over toward their first two year cycle. After a brief discussion, it was moved by Mr. Shah, second by Mr. Atwell, and unanimously

VOTED: To credit the PDH hours of Mr. Moore and new licensees during the exempt one year period and carry over up to 15 hours.

5.5.2 Medical Exemption Request – License PE 6694 – It was moved by Mr. Sanchez, seconded by Mr. Vigil, and unanimously,

VOTED: To grant a waiver of PDH hours to the licensee based on a medical exemption.

5.6 Examination Committee - Dr. Idriss, PE. Dr. Idriss reported all applications for the examination were reviewed by the PEC.

5.7 Fire Protection Committee – Organizational/schedule of Meetings, no report

5.8 Publications Committee - Mr. Guerrerortiz, PE, stated everyone has enjoyed the newsletter. Mr. Guerrerortiz is planning to contribute an Ethics article for next issue in August and Mr. Chavez will also submit an article. Subjects and ideas can be emailed to Mrs. Garcia. Mrs. Garcia extended a “thank you” to Hank Rosoff who contributed to the last issue and to Dr. Richard Rose who has already sent an article for the next issue. Mr. Guerrerortiz request all articles be submitted by mid June to be compiled in July.

5.9 Executive Committee – Mr. Sisneros, PE, nothing to report

6. **NEW BUSINESS** – none

7. **OLD BUSINESS**

7.1 Legislative Report – Mrs. Garcia indicated she had emailed a legislative final report to all members. The Board wished to present certificates of appreciation to both legislative sponsors. Mr. Sanchez stated many others who participated such as Glen Thurow and Hank Rosoff also deserve our thanks. Certificates were passed to be signed by all board members. Mrs. Garcia indicated that the new Engineering and Surveying Practice Act will be printed and copies will be sent to over 7,000 licensees by mid June.

7.2 2005 Western Zone Meeting – Mr. Guerrerortiz will attend the meeting in Alaska and extend an invitation for our Western Zone meeting 2006.

7.2.1 Invitation to New Mexico in 2006 - . Candis Bourassa has arranged materials on Santa Fe and New Mexico for Mr. Guerrerortiz to use for this presentation.

7.3 WZ Meeting in June 2006 in Santa Fe – Mrs. Garcia has visited many hotels and recommends La Fonda for June 1-3, 2006 WZ meeting. El Dorado was also good if the meeting dates could be changed. Other hotels suggested were the Santa Fe Hotel and Bishops Lodge. Mrs. Garcia indicated a budget must be prepared and submitted to the Western Zone Vice President by October 2005. NCEES provides the Western Zone with \$5,000 to begin the planning. Food and beverage is coming in at about \$16,000 including Thursday's reception, Friday's breakfast and breaks and a luncheon. Speakers and/or entertainment will be needed. Breakfast and an awards luncheon are usually provided on Saturday prior to adjournment of the meeting. Mr. Guerrerortiz is on the entertainment committee and he will need help with speakers and entertainment. Mrs. Garcia explained the spouses' registration fees will fund the spouse's hospitality room for Friday and Saturday.

7.4 Information from NCEES Board Presidents' & Administrators Assembly. Feb. 10-12, 2005 - Mrs. Garcia explained NCEES appears to indicate who should have the right to attend meetings and vote while the Boards' administrators believe member boards, as the paying membership, not NCEES, are the ones with the right to decide these privileges. This will be discussed at the Western Zone meeting and voted on at the annual meeting. Mrs. Garcia shared some hand outs that were distributed during the Assembly including an "Engineering Curricula" chart and a "Proposed NCEES Licensure Model" chart which would recognize engineering graduates more by using the title associate engineer. From the 2004 Annual Meeting, NCEES has proposed amendments to its Constitution and bylaws which were included in the meeting books page 27-29.

8. DIRECTOR'S REPORT

8.1 Staff Activity Report – Renewal licensees that had not renewed as last reported were at about 1000, and now it is down to just under 300. Examinations were administered last Friday and Saturday in Las Cruces, Albuquerque, and Socorro. The scores for the April 15-16 examinations in Las Cruces, Socorro and Albuquerque are expected to come in next month. Staff has been busy processing many applications for licensure and complaints as evident in the numbers being reviewed by the Board. Since the last board meeting, staff has processed over 115 new applications. Ericca Lopez was hired to fill the secretary/receptionist position.

8.2 FY 05 Financial Status Report – January and February - Mrs. Garcia presented the January and February monthly financial reports. Board members had questions on the vouchers payables list which were answered by Mrs. Garcia. Both lists of vouchers were reviewed and approved. The revenue through February was at

\$238,980.79 with \$39,619.21 yet to reach the anticipated amount. It was also noted the fund balance/unrestricted was at \$574,153.14. It was noted that since the Board has been budgeting part of the fund balance each year that the board needs to watch carefully this balance in order to adjust fees at the appropriate time. It was moved by Mr. Guerrerortiz, seconded by Mr. Shah, and unanimously,

VOTED: To approve the financial reports, including the expenditures & vouchers payable as submitted.

8.3 Audit Report for FY '04 - The Audit report was reviewed.

9. **CLOSED SESSION** [A closed session was not held.]

10. **OTHER - none**

11. **ADJOURNMENT** – It was moved by Mr. Guerrerortiz seconded by Mr. Atwell and unanimously,

VOTED: To adjourn the meeting.

Submitted by:

Approved by:

Executive Director

Severiano Sisneros, III, PE, Board Chair

Approval Date