

DRAFT

Meeting of the Professional Engineering
Committee of the Board of Licensure for
Professional Engineers & Surveyors held
April 21, 2005 at Bar Center, 5121
Masthead, NE, Albuquerque.

Members Present: Subhas Shah, PE Chair
Dr. Clifford E. Anderson, PE/PS
Patricio Guerrerortiz, PE
Dr. Rola Idriss, PE
Stevan Schoen, Public Member

Members Absent: Severiano Sisneros, PE, Board Chair

Others Present: Elena Garcia, Executive Director
Candis Bourassa, Manager
Jeremy Del Valle, Investigator
Mary Smith, Assistant Attorney General
Hank Rosoff, NMSPE
Anthony L. Montoya, Jr. EI
Rafael Arau-Perez

1. **CONVENE/ROLL CALL/INTRODUCTION OF GUESTS**

Chair Shah convened the meeting at approximately 9:30 a.m. A roll call was taken and guests were introduced.

2. **APPROVAL OF THE AGENDA**

It was moved by Dr. Anderson, seconded by Mr. Guerrerortiz and unanimously,

VOTED: To approve the agenda as presented.

3. **APPROVAL OF THE MINUTES**

3.1 Minutes of the November 10, 2004 Meeting – It was moved by Mr. Guerrerortiz, second by Dr. Rola Idriss and unanimously,

VOTED: To approve the minutes of the November 10, 2004 meeting with the numbering corrections in items 6, 7A, and 8.

3.2 Minutes of the February 3-4, 2005 Meeting - It was moved by Dr Anderson, second by Mr. Guerrerortiz and unanimously

VOTED: To approve the minutes of the February 3-4, 2005 meeting with correction to of footer date from 2/3/04 to 2/3-4/05.

4. **NEW BUSINESS**

4.1 **Rafael Arauz-Perez – FE Applicant** – 9:15 a.m. Appointment – Mr. Arauz, a native of Cuba, was previously denied by the Board to sit for the Fundamentals of Engineering examination. The PEC had requested an educational evaluation from ECEI. Mr. Arauz stated that he had submitted his request to ECEI and they were unable to acquire documents out of Cuba in order to complete an evaluation. He then went to WES and FCSA for an evaluation that was submitted to the board. Mr. Arauz presented to Board members his original Cuban transcripts for

review. Mrs. Garcia stated she has now received a letter from ECEI explaining that due to the political situation with Cuba, ECEI was unable to complete Mr. Arauz's evaluation. After a brief discussion, it was the decision of the Committee that with the WES & FCSA evaluations and the original documents Mr. Arauz has now presented, his application will be reconsidered during the review of applications. Staff will notify Mr. Arauz of the decision.

4.2 **Accommodating Texas Board FE Candidates to Take Exam in New Mexico** – The Committee agreed that accommodating specific Texas' candidates who may have missed registration deadline in Texas but who must complete the FE prior to graduation is appropriate.

4.3 **Complaint Procedures** – Mary Smith, Counsel to the Board, had advised the Board that complaints should be reviewed without knowing who the licensees are. This is so that the focus is strictly on the facts of the investigation to determine if there is a need to take action against the licensee. Ms. Smith is available for any questions or concerns the Board may have.

5. **OLD BUSINESS**

5.1 **City of Albuquerque – City Process for Qualifying PEs for Landfill Gas Remediation** – Board Letter – Mr. Shah explained that a letter of concern over the City's guidelines has been sent and the Board should proceed with a committee to work with the City of Albuquerque to change the process they are now using. Dr. Anderson and Mr. Guerrerortiz volunteered to join Mr. Shah, staff and representatives from engineering companies to address the issues with representatives from the City of Albuquerque.

6. **COMMUNICATIONS**

6.1 **Anthony L. Montoya, Jr., Engineer Intern, RE: timeline for taking PE Exam** – Mr. Montoya addressed the Committee. He is an engineering intern from NM Tech, a 2002 graduate who holds a Masters degree from NMSU. Mr. Montoya was seeking clarification on taking the PE examination before completing the required experience requirement. It was noted that the Masters of engineering may count in lieu of one year of experience. It was also noted that the new legislation recently passed would allow the Board to promulgate rules which would allow a candidate for a PE license to be able to sit for the examination prior to completion of the total number of years of experience. Once the new legislation becomes effective in late June, the board will begin the process of amending its rules.

6.2 **Leigh Fricks, NCEES – Model Law Structural Engineer** – Mrs. Garcia explained NCEES will now make available a new Council Record, the "Model Law Structural Engineer" (MLSE). For boards that license "structural engineers" this will be of great benefit. The model rules for licensure as a structural engineer are more stringent than the Board rules for listing of the engineering structural discipline in the board's roster.

7. **CLOSED SESSION (Complaints and Violations)** – It was moved by Mr. Guerrerortiz, seconded by Dr. Idriss and,

VOTED: To go into closed session pursuant to NMSA 1978, Section 10-15-1 (H) (1) & (7) to discuss only those cases listed in this section of the agenda. Under (H)(1) review Case 04-03-14 and under (H) (7) review case 05-04-11. A roll call vote was taken. **VOTING YES:** Mr. Guerrerortiz, Mr. Shah, Mr. Schoen, Dr. Idriss, and Dr. Anderson. Motion carried unanimously.

7A. **OPEN SESSION** – Chair Shah convened the meeting in open session. He indicated only those cases listed as items 7.1 through 7.2 as listed on the agenda were discussed pursuant to the closing of the meeting.

7.1 Case 04-03-14 It was moved by Dr. Idriss, seconded by Dr. Anderson and unanimously,

VOTED: In the matter of case 04-03-14, the Board finds the respondent violated the rules of conduct as cited in the NCA Articles 9.1 and 9.2 and according to the Engineering and Surveying Practice Act Section 61.23.21 (B), the Board imposed a \$2,000 fine, plus cost of disciplinary proceedings to be paid within 30 days, a 2 years probation, and a 20 hours Board-approved ethics course to be completed within one year. Conditions include: fine to be timely paid and ethics course to be timely completed; If within the 2 year period of probation, the board is in receipt of any complaint, not stemming from this case, that results in adverse action being taken by the Board, the licensee must appear before the Board to explain why his license to practice engineering should not be revoked.

7.2 Case 05-04-11 Administratively closed case; Board concurred on dismissal of case.

8. Review of Applications

8.1 Application for Inactive Status: - Gary A. Fils, PE 11324; Gregory Q. Haase, PE 11038; Virginia M. Lorenz, PE 6774

It was moved by Dr. Anderson, second by Dr. Idriss and unanimously,

VOTED: To approve the applications [from the above listed licensees] and grant Inactive Status.

8.2 Applications for Retired Status: - Douglas J. Allen, PE 6702; Frank C. Lisle, PE 6048; Thomas R. Rush, PE 7382; Robert G. Smith, Jr., PE 5205.

It was moved by Dr Anderson, second by Dr. Idriss that unanimously,

VOTED: To approve the applications [from the above listed licensees] and grant Retired Status.

8.3 Applications for Licensure from “Model Law Engineers” – It was moved by Dr. Idriss, second by Dr Anderson and unanimously

VOTED: To ratify the approval of the applications by comity/endorsement; A list being made a part of the Board’s records.

8.4 Review of New Comity and Examination Applications – The board considered over forty applications for licensure by comity and by examination. A copy of the board’s actions are noted in the board’s files.

8.4.1 Virgil F. Christoffer – Letter of Appeal – After consideration of Mr. Christoffer’s letter, it was moved by Dr Anderson , seconded by Mr. Guerrerortiz and unanimously,

VOTED: to reaffirm the Board’s previous decision. Mr. Christoffer has not provided information to demonstrate that his education is equivalent to an ABET-accredited, four-year engineering technology program. Mr. Christoffer can reapply with sufficient information to demonstrate to the Board that his engineering degree has ABET equivalency or is from an ABET accredited engineering program.

8.4.2 Francis G. Catanach, PE 1555 (change Civil to Structural) – After consideration of Mr. Catanach’s application for the structural discipline, it was moved by Dr. Anderson, seconded by Mr. Guerrerortiz and unanimously,

VOTED: to change the civil discipline to the structural discipline in the Board's roster listing for Mr. Catanach.

8.4.3 Lonny Eugene Phelps – Letter of Appeal –After consideration of Mr. Phelps correspondence and documentation, it was moved by Mr. Guerrerortiz, seconded by Dr. Anderson and unanimously,

VOTED: to reaffirm the Board's previous decision. Applicant has not supplied information to demonstrate that his education was equivalent to an ABET-accredited, four-year degree program.

9. **ADJOURNMENT** – Having no further business, it was moved by Mr. Guerrerortiz, seconded by Mr. Anderson and unanimously,

VOTED: To adjourn the meeting.

Submitted by:

Approved by:

Elena Garcia, Executive Director

Subhas Shah, PE, PEC Chair

Approval Date