

Members Present: Severiano Sisneros, PE, Board Chair
Subhas Shah, PE Chair
Dr. Clifford E. Anderson, PE/PS
Patricio Guerrerortiz, PE

Members Absent: Rola Idriss, PE, Vice Chair
Stevan Schoen, Public Member

Others Present: Elena Garcia, Executive Director
Candis Bourassa, Licensing Manager
Hank Rosoff, NMSPE
Sara Avallone, MRGCD
Jeanette Bustamente, MRGCD
Marcia Pincus, City of Albuquerque, PE

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Chair Shah convened the meeting at approximately 10:30 a.m. A roll call was taken and guests introduced.

2. APPROVAL OF THE AGENDA

It was moved by Mr. Sisneros, 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 – Mrs. Garcia ask that approval be deferred. It was moved by Mr. Anderson, seconded by Mr. Sisneros and unanimously,

VOTED: To defer approval until next meeting.

4. NEW BUSINESS

4.1 Thomas Golo, PE Applicant – 9: 15a.m. Appointment - Mr. Golo addressed the board requesting licensure by comity as a licensed electrical engineer from the Philippines. Mr. Golo explained his BSEE in the Philippines mainly covered power design with a minor in electronics. He has worked with PNM since 2000, has 12 years of experience, and has been an electrical instructor. Mrs Garcia indicated the FE can be waived if the board approves the twelve years of engineering experience, however ECEI found deficiencies in the education. The board reviewed Mr. Golo’s education, testing, and New Mexico’s current law for foreign applicants. For comity, the board would need the Philippines’ standards of licensure to compare to New Mexico’s requirements. Mr. Guerrerortiz, Mr. Anderson and Mr. Shah pointed out that the courses appear to be equivalent. Mr. Guerrerortiz moved that Mr. Golo take the PE exam and that the FE be waived. Mr. Anderson seconded the motion and added that Mr. Golo can provide missing documentation from the Philippines to be considered for comity. The Board unanimously,

VOTED: To accept the education , wave the FE exam and allow Mr. Golo to sit for the PE exam.

4.2 Interim Guidelines for Development Within City Designated Landfill Buffer Zones – “Certification” List of “approved” Engineers - City of Albuquerque – Marcia Pincus, PE – 9:30 a.m.- Ms. Pincus distributed the City of Albuquerque’s “Interim Guidelines for Development Within City Designated Landfill Buffer Zones” and current “List of Consultants Dealing with Landfill Gas Issues.” Mrs. Garcia provided background information stating this issue was brought to the board’s attention by a PE who was not on the City of Albuquerque’s approved list of consultants. The Board requested additional information from the City. Ms. Pincus was here to address the matter on behalf of the City. It is understood by the PE that the Board is the only authorized entity in the state that can say who is qualified to practice engineering. Ms. Pincus indicated that Albuquerque’s policy to request resumes from PEs to review landfill gas experience. She is familiar with the licensee’s concerns. She continued to explain that engineers in order to be placed on the City’s list of approved engineers must submit resumes to her for review. If the resumes do not show experience in landfill gas experience or landfill design, as was the case with the licensee who wrote to the board, the engineers are not included on the City’s list provided to the public for this type of work. Ms. Pincus stated that finding landfill gas was a surprise considering New Mexico’s climate. They also know that the gas migrates outside the landfill affecting residences in proximity to landfills. This is a new problem which other governmental entities as well have to address. The City’s new program guidelines were developed in 2000; but the City is still in a learning curve. She explains that although she reviews resumes and creates the list, any engineer who has landfill gas remediation experience can submit their resumes. They do not believe, however, that applicants doing only readings on methane wells have the skills to do remediation. Design of a landfill is a complicated science.

Mr. Guerrerortiz believes the practice of only accepting work from PEs on the City’s list and not from other licensed Professional Engineers is not appropriate. Mr. Shah asked if only resumes are reviewed. Mrs. Pincus responded in the affirmative and explained the list is only provided for private projects of individual developers, and it is not an exclusive list. Mr. Guerrerortiz stated only the board has the power to develop a list of qualified engineers. For public projects, the City of Albuquerque has the right to develop criteria for proposals for their own projects, but not for private projects. Mrs. Pincus stated the list worked because there is not a Board’s sub-discipline in landfill. She emphasized it is not an exclusive list, and the City would not have a problem with the board creating a list. Dr. Anderson also agreed the City of Albuquerque cannot exclude engineers from private projects. The board’s stance is that private projects must be open to all professional engineers. Mr. Guerrerortiz suggested the City of Albuquerque change their policy to designing a set of guidelines/criteria for designing in areas with potential for landfill gas. Ms. Pincus explained she reviews the landfill engineer’s work to see if the engineer has put the recommendations in their report on the plans. Mr. Shah asks who created the Albuquerque guidelines for qualified engineers. Mrs. Pincus responded they were created by the manager of the environmental services division, not a PE, but they are very general. The board agrees the City of Albuquerque cannot say “these are the qualified PEs”, but the city could, as suggested earlier, develop design criteria for individual engineers to judge for themselves whether they are competent to do the work. Mr. Sisneros added that the board wants to assist the City of Albuquerque to open this area of practice to any engineer and still maintain public safety. Dr. Anderson believes the board will handle the complaints should they arise if the standards are set. It is the charge of the board to qualify engineers. He suggested legal counsel be requested. He is concerned over the process of shutting the door for some engineers who may be qualified to do this type of work. Mrs. Garcia asks if there are not any national standards for landfill gas remediation. Mrs. Pincus indicated she did canvas other areas and found some to incorporate, but ordinance was their goal. Mrs. Pincus stated they follow this process in assuring engineers provide the required work to safeguard the public’s welfare. Mr. Guerrerortiz made a motion to write a letter to the City of Albuquerque stating the use of a City list is

unacceptable and the board would like to further discuss coming up with criteria so they can comply with their engineering needs. The motion was second by Mr. Sisneros and unanimously,

VOTED: To write letter to the City of Albuquerque

4.3 NCEES News Release RE: NCARB's Architecture as It Differs from Engineering.

Jon D. Nelson, NCEES President's letter to NCARB's President - Mrs. Garcia brought to the board's attention a news release from NCEES expressing concern over a National Council of Architectural Registration Boards (NCARB) which portrays architects as the only professionals with the authority to design buildings for human habitation. NCEES' letter to NCARB expressing their disagreement with this position was also reviewed. It was noted that in New Mexico the joint practice committee has resolved inter-professional problems by publishing the Hand book for Building Officials which includes the rules on incidental practice and stating either an engineer or architect can be the prime professional on a project. Dr. Anderson commented that he found NCARB's position quite distorted from current laws. He feels it may be useful for NCEES and other organizations to become proactive in this regard.

4.4 Dan Romero, PE – RE: Inquiry on the Texas Comity Law & How It Affects NM

Licensees – Mrs. Garcia apprised the Committee on Texas reciprocal or comity license requirements from Texas Law, Section 133.11. Item (2) of the law provides for a reciprocal agreement if Texas finds that the laws between the states are comparable. This process would eliminate a lot of paperwork associated with the application process necessary for board review by the comity provision. There was a concern from one of our licensees that Texas may not be approving NM licensees if New Mexico was not on their reciprocal list. When she spoke to one of Texas staff members they indicated this was not the idea at all it was to set up an expedited process by setting up reciprocal agreement with states. This does not mean that a licensee in another state cannot apply via the standard application process for comity license. Mrs. Garcia indicated that New Mexico may not be able to sign on to a reciprocal agreement because New Mexico requirements have been more stringent during some years that Texas' requirements have been. Prior to 1990 she believes Texas did not require exams so NM requirements were more stringent and some Texas licensees may not qualify for a license in NM if they did not complete the PE exam. Texas still does not have an approved list of jurisdictions for reciprocal agreements yet. Dr. Anderson suggested the Boards could come to an agreement possibly by setting specific date when the laws were comparable. No further action was taken.

4.5 Endorsement Provision in NM – Dr. Cliff Anderson – In the past standards for licensure in other states have not met the NM standards at the time of the applicant's initial licensure, however it is interesting how they may meet today's standards in New Mexico. This is due to NM changing the licensing requirements, e.g. waiving the FE with twelve years of experience after graduation, this was not possible in previous years, but it may have been possible in other state. Dr. Anderson suggested that perhaps the law instead of saying for comity applications, "...at the time of initial licensure," it should say if licensee met NM requirements "...at any time during his registration in another state." Mr. Shah suggested this be sent to the rules committee. Mr. Anderson moves the rules committee look at this problem second by Mr. Guerrerortiz and unanimously,

VOTED: To refer this to the Rules and Regulations Committee

4.6 Use of the term "Engineer" - Mrs. Garcia included the Board's policy in the meeting binder as it was created in 1993. It states that a person with a degree in engineering can use the term "engineer" if referring to himself/herself as an engineer by education, provided it is not used in an offer to provide engineering services to the public. Mr. Rosoff has received a

good example from a PE working at WIPP both on and off federal property. Non-degreed individuals are using the term "Engineer" and signing drawings. In the past the board has allowed the use for internal manpower documents but not as a job title. Dr. Anderson questioned their actions apparently relying on some kind of exemption and sees this going past the limited educational use. Mr. Guerrerortiz believes too many are calling themselves "Engineers" and the board will have to do something about this increasing problem. Mrs. Garcia indicated the 1993 change to the Act somewhat limited the Board's ability to regulate the title. Mr. Shah suggested this item go to the rules committee. Mr. Guerrerortiz made a motion to send this issue to the rules committee. The motion was second by Dr. Anderson and the Committee unanimously,

VOTED: to have Rules and Regulations Committee review the problem.

RECESS: Mr. Guerrerortiz moved to recess until Friday after the board meeting. The motion was seconded by Mr. Sisneros and the committee unanimously,

VOTED: To recess until Friday, 2/4/05.

CONVENE Friday, February 4, 2005 – Chair Shah **convened** the meeting with all members except Dr. Idriss and Dr. Anderson present.

6. Old Business

6.1 Policy Advisory on Municipalities Generating List of "approved" Engineers – Item reviewed earlier on the agenda.

6.2 On-Line Engineering degrees – F.Y.I. – Mrs. Garcia reported that this subject will be on the agenda during the NCEES Kansas City meeting of the Board Presidents and Administrators meeting. Mr. Guerrerortiz stated there may be future accreditations offered for on-line degrees, but can see problems associated with labs and exams. This is something the board may have to look into in the future.

Mrs. Garcia left the meeting to attend a budget hearing before the Legislature.

7. COMMUNICATION – No action taken

8. CLOSED SESSION (Complaints and Violations) – It was moved by Mr. Sisneros, seconded by Mr. Guerrerortiz and,

VOTED: To go into closed session pursuant to NMSA 1978, Section 10-15-1 (H) (1) to discuss only those cases listed in this section of the agenda. **VOTING YES** Mr. Sisneros, Mr. Shah, Mr. Guerrerortiz, and Mr. Schoen

8A. OPEN SESSION – Chair Shah convened the meeting in open session. He indicated only those cases listed as items 8.1 through 8.6 as listed on the agenda were discussed.

8.1 Case 04-04-05 – Motion by Mr. Sisneros, to send a cautionary letter that future action may be taken against them if they continue to use "engineer" as part of their company title, second by Mr. Guerrerortiz and motion passed unanimously.

8.2 Case 04-04-21 – Motion by Mr. Guerrerortiz to issue a letter to the complainant that there is not enough evidence to consider the case and the board will accept additional evidence for 60 days before it closes the case, seconded by Mr. Sisneros and motion passed unanimously.

8.3 Case 04-04-41 – The case has been resolved. No further action was taken.

Report on the following Administrative Closed Cases – no further action was taken. The committee accepted the cases as being administratively closed.

8.4 Case 04-04-03

8.5 Case 04-04-04; -23;-24-26; -27; -28; 30; -32; -33; -35; -38; -39

8.6 Case 04-04-14

9. Review of Applications

9.1 Application for Inactive Status: 23 Recommendations; 6 Non-recommendations

9.2 Applications for Retired Status: 31 Recommendations

9.3 Applications with “MLE” Council Records and “Substantial Equivalency” – 137

9.4 Review of New Comity and Examination Applications – (approx.65)

Motion was made by Mr. Guerrerortiz that application reviewed earlier under section 9.1; 9.2, 9.3 and 9.4 by the committee as noted in the appropriate lists be approved. Motion was seconded by Mr. Sisneros. The committee unanimously,

VOTED: To accept committee’s review decisions on all

9.4.1 Boris Ratner, PE Applicant-RE: Foreign Credentials (Update) - The committee concurred that the independent translation is acceptable as required by the Committee; however, Mr. Ratner must take both the FE and PE examinations.

9.4.2 Preliminary Review (2) – Mr. Andrushko & Mr. Herrera: The board decided both lacked the education requirements to sit for the FE application/examination.

10. ADJOURNMENT – Having no further business, it was moved by Mr.Sisneros, seconded by Mr. Guerrerortiz and unanimously,

VOTED: To adjourn the meeting.

Submitted by:

Approved by:

Executive Director

Subhas Shah, PE, PEC Chair

Approval Date

Elena Garcia, Executive Director