

Meeting of the Professional Engineering Committee
of the Board of Licensure for Professional Engineers
& Professional Surveyors held November 3, 2005 at
Goddard Hall #200, S. Horseshoe Dr., NMSU, Las
Cruces, NM

Members Present: Patricio Guerrerortiz, PEC chair
Dr. Rola Idriss, PE
Severiano Sisneros, PE (arriving late)
Subhas Shah, PE (arriving late)
John Romero, Sr., PE

Members Absent: Stevan J Schoen, Public Member, PEC Vice Chair

Others Present: Elena Garcia, Executive Director (attended the PSC in the morning and
joined the PEC later during the meeting)
Candis Bourassa, Licensing Manager
Jeremy Del Valle, Investigator
Mary Wells, PE, NMSPE

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Dr. Idriss convened the meeting at approximately 9:15 a.m. Roll call was taken, and it was noted that a quorum of the Committee was not present. Guests introduced themselves.

2. APPROVAL OF THE AGENDA

The agenda was reviewed and accepted as presented.

3. APPROVAL OF THE MINUTES

3.1 Approval of the August 4, 2005 Minutes – It was moved by Mr. Shah, seconded by Dr. Idriss and unanimously,

VOTED: To approve the minutes of the August 4, 2005 meeting.

4. NEW BUSINESS

4.1 Ryan E. Beach – Appointment RE: Reconsideration of the Board’s Decision Regarding Experience - 9:00 a.m. Mr. Beach requested a reconsideration of his application. He specifically requested that applicants with engineering technology

degrees be allowed to take the PE before the required six years of post-baccalaureate experience. It was noted that in other states these applicants have gone to other states where they are allowed to take the PE examination with less years of experience. Board has sympathy for Mr. Beach's situation; however this is current law. The Board will reconsider the statutory requirement at a future time. The Board is now considering rules that will allow an applicant to sit for the PE earlier and then complete the six year of experience required after graduation before becoming licensed.

4.2 Timothy W. Farmer, RE: Reconsideration of Board's Decision of Eligible Experience – 9:15 a.m. Mr. Farmer requested that the Board reconsider his application to sit for the PE examination by considering experience prior to graduation. He is employed by the State Engineers office and holds a 2005 degree in civil engineer from NMSU. He took the FE test prior to graduation. As he was going part time to school, he acquired eight years experience under a PE working full time. He asked the Board to consider counting some of this experience. The Board recognizes that again the four-year postgraduate experience does handicap some applicants working during school, but allowing the PE examination at two years experience is being reviewed. These applicants would qualify for licensure after completing the four years or six years post-baccalaureate experience depending on the type of degree will possibly change in the near future. Mr. Farmer asked to be notified if there is a change to the law.

4.3 Approval of Proposed Changes to the Rules and Standards for Scheduling Public Hearings – Mr. Guerrerortiz explained these were presented for approval to proceed to rules hearing. After discussion on what specifically the board needs to review in section 16.39.3.8 (page 27 in full board meeting) there was a motion by Mr. Shah to approve the new wording and prepare this section for a rules hearing. The motion was seconded by Mr. Sisneros and unanimously,

VOTED: To approve the motion.

For the record, Mr. Guerrerortiz announced Mr. Sisneros has arrived

5. **OLD BUSINESS** – None presented

6. **COMMUNICATIONS**

6.1 Wesley Dean Lackey – RE: EI Certification – Similar to the situation presented by Mr. Beach, Mr. Lackey's letter requested the approval of two years of engineering experience prior to graduation to be eligible for EIT certification. Again, the current statutes do not give credit for pre-graduation experience.

6.2 Jonathan D. Niski, EI – RE: Eligible Experience – In his letter, Mr. Niski requested approval to take the PE exam before completing four-years of post-graduation

engineering experience. He has worked ten years for an engineering firm and part of this was while attending UNM and prior to receiving his degree in 2004 in civil engineering. Again the board is considering two years post-graduation experience for the PE and licensure after completing the 4 years of experience.

7. **CLOSED SESSION (Complaints and Violations)** – It was moved by Mr. Sisneros, second by Mr. Shah and

VOTED: To convene in closed or executive session pursuant to NMSA 1978, Section 10-15-1 (H) (1) to discuss only those cases listed in 7.1 through 7.7 of the agenda. A roll call vote was taken. Voting yes, Mr. Guerrerortiz, Dr. Idriss, Mr. Sisneros, Mr. Shah, and Mr. Romero. Motion carried unanimously.

7. A. **OPEN SESSION** – Action on the Above Cases – Dr. Idriss reconvened the meeting in open session and further stated that the discussions in closed session were limited to those cases listed as items 7.1 through 7.7 on the agenda.

7.1 Case 04-04-16 – Update only.

7.2 Case 04-04-08 – Daniel R. Armstrong (Last meeting many motions were denied- following are new motions)

Respondent Daniel Armstrong’s Motion to Dismiss for Failure to Allow a Jury Trial

Response in Opposition to Motion to Dismiss for Failure to Allow a Jury Trial
It was moved by Mr. Shah, seconded by Dr. Idriss and unanimously,

VOTED: To deny the motion.

Respondent Daniel Armstrong’s Motion to Dismiss for Failure to Provide Due Process. It was moved by Mr. Shah, seconded by Dr. Idriss and unanimously,

VOTED: To deny the motion.

Respondent Daniel Armstrong’s Motion to Dismiss for Failure to Provide Notice
Response in Opposition to Motion to Dismiss for Failure to Provide Notice

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

VOTED: To deny the motion.

Joint Request – Stipulated Request for Continuance of Hearing.

The joint request for continuance of hearing to a future date was approved.

Review of Stipulated Agreement- It was moved by Mr. Romero, seconded by Dr. Idriss and unanimously,

VOTED: to reject the settlement agreement for case 04-04-08 and proceed with the scheduling of a hearing.

7.3 Case 04-04-20 – No Action at this time, will be considered at the next regular meeting.

7.4 Case 05-04-08 – No action at this time, will be considered at the next regular meeting after additional information could be acquired by Mr. Ytuarte

7.5 Case 05-04-13 Consent Item – It was moved by Mr. Sisneros, seconded by Mr. Shah and unanimously,

VOTED: to dismiss as unfounded since there has been voluntary compliance.

7.6 Case 05-04-15 – Update only, deferred to the next regular meeting for a report from Mr. Ytuarte.

7.7 Case 05-04-20 – Update only, deferred to the next regular meeting for a report from Mr. Ytuarte.

8. REVIEW OF APPLICATIONS

8.1 Applications for Retired Status from Donald T. Bush, PE 5795; David K. Hogan, PE 9767; Ralph F. Yetter, PE 5210. - Motion by Mr. Shah to approve retired status request, second by Dr. Idriss and unanimously,

VOTED: To approve retired applications

8.2 Applications for Inactive Status from Richard J. Smith Jr., PE 10560; Ronald M. Tucker, PE 12060; Michael L. Maxwell PE 6278 - Motion by Dr. Idriss to approve inactive status, second by Mr. Sisneros and unanimously,

VOTED: To approve inactive applications

8.3 Application to Return to Active Status – J. Anthony Garcia – Motion by to Mr. Shah to approve active status, second by Mr. Sisneros and unanimously,

VOTED: To approve active application

8.4 Applications for Licensure from “Model Law Engineers” and “Substantial Equivalency” (80) – Motion by Mr. Shah to approve the list of candidates licensed as MLE and those falling under the substantial equivalency category, second by Mr. Romero and unanimously,

VOTED: To approve the list of new licensees.

8.4 Review of New Comity and Examination Applications – Approximately 21– The Board considered the applications for licensure by comity and by examination. A copy of the Board’s action are noted in the individual applicant files/

9. **ADJOURNMENT** – Having no further business, it was moved by Mr. Sisneros, second by Dr. Idriss and unanimously,
VOTED: To adjourn the meeting.

Submitted by:

Approved by:

Approved Date:

Elena Garcia, Executive Director

Patricio Guerrerortiz, PE, Board Chair