

Meeting of the Board of Licensure for
Professional Engineers & Professional
Surveyors held at of the held at 9:00 a.m.,
August 4, 2006 at the Board Office, 4001
Office Court Drive, Suite 903, Santa Fe, NM
87507-4962

Members Present: Patricio Guerrerortiz, PE, Board Chair
Severiano Sisneros, PE
Subhas Shah, PE, PEC chair
John Romero, Sr., PE, PEC Vice Chair
Gilbert Chavez, PS, Board Vice Chair
Salvador Vigil, PS, PSC Vice Chair
Fred Sanchez, PS
Charles Atwell, Public Member, PSC Chair

Others Present: Elena Garcia, Executive Director, BLPEPS
Candis Bourassa, Licensing Manager, BLPEPS

Members Absent Dr. Rola Idriss, PE
Stevan Schoen, Public Member

1. **CONVENE/ROLL CALL/INTRODUCTION OF GUESTS** - Mr. Guerrerortiz convened the meeting at 9:00 a.m. Roll call was taken, and it was noted that a quorum was present.

2. **APPROVAL OF THE AGENDA** - Motion by Mr. Shah, second by Mr. Romero and unanimously,

VOTED: To approve the agenda as presented.

3. **APPROVAL OF THE MINUTES**

3.1 May 12, 2006 Minutes – Motion for approval by Mr. Atwell, second by Mr. Vigil and unanimously,

VOTED: Approval of the May 12, 2006 minutes

3.2 June 9, 2006 Minutes- Motion for approval by Mr. Sanchez, second by Mr. Atwell, and unanimously,

VOTED: Approval of the June 9, 2006 minutes

3A **CORRESPONDENCE**

3A.1 Betsy Browne – NCEES Executive Director – Commendations for Organizations of the Meeting; Mrs. Garcia shared “thank you” letter for the Santa Fe 2006 Central and Western Zone meeting success.

4. **COMMITTEE REPORTS** - Review of Committee Membership & New Appointments – On page 15, Mrs. Garcia has prepared a list of membership and charge for each board committee. It would help if the chair of each would send Mrs. Garcia and Mr. Guerrerortiz the dates of intended meetings. The status of the following nine (9) committees is reviewed:
 1. Consumer Information Committee – Mr. Guerrerortiz chairs this committee and relies on Mrs. Garcia’s help. Mr. Vigil and Mr. Sisneros volunteered to join the committee. The newsletter is published twice a year in February and around August. Mr. Guerrerortiz encourages distribution outside just the membership as some industry associations and others have contact with engineers and surveyors. Mrs. Garcia indicated that legislators and universities get copies. Mr. Sisneros suggested distribution to the Association of Counties and Mr. Chavez added perhaps lenders and title companies.
 2. Fire Protection Committee – Chaired by Mr. Schoen, will remain with 11 members.
 3. Joint Practices Committee – Mr. Sisneros and Mr. Guerrerortiz. They are currently addressing issues with the Architect’s Board and Landscape Architect’s Board. It is important to establish a working relationship between boards. The Committee holds two meetings per year. Mrs. Garcia indicated a current meeting is set up to look at the revisions to the Handbook for Building Officials. A compromise was made to not change the language under the role of the architect for fire protection. The publication of the handbook will proceed to incorporate all the surveying changes to the Engineering and Surveying Practice Act.
 4. Licensure Promotion Committee – Chair Mr. Chavez, Mr. Shah, Mr. Sisneros and Mr. Romero. Mr. Vigil would like to join this committee as he and Mr. Sanchez have attended ACEC meetings, and Mr. Vigil is active with the SIC for NMSU. These are avenues for promotion of licensure. A charge to this committee is to work closely with the NMSPE and NMPS, and businesses such as the Los Alamos Lab and others that do not have a lot of contact with the public. Work on the industrial exemption could also be done. New ideas can be explored such as a one time grandfathering of candidates with degrees and 20 years of experience. It is understood legislative changes may be required.
 5. Executive Committee – Chair Mr. Sisneros, Mr. Atwell, and Mr. Guerrerortiz. Mr. Guerrerortiz is changed to chair and Mr. Sisneros and Mr. Atwell remain on the committee to review budgets, planning and contracts.

6. Rules and Regulations Committee – Chair Mr. Shah, Mr. Chavez and Mr. Schoen. Mr. Sanchez, Mr. Romero, and Mr. Vigil volunteer to join the membership of this committee. Mrs. Garcia has provided a list of areas of charge for the committee to review. Mr. Chavez has also done some investigating on who is doing and who can do legal descriptions.

7. Examination Committee – Chair Dr. Idriss, Mr. Chavez, and Mr. Sisneros volunteers to join the committee. Mr. Guerrerortiz would like to add to the charges of the committee the coordination with NCEES on model law, specialty exams, ethics and board- related subjects.

8. Landfill Gas Committee - Chair Mr. Shah, Mr. Guerrerortiz and industry members. This is a task force.

9. Photogrammetry Task Force - (created 8/05) Chair Mr. Sanchez, Mr. Atwell, Mr. Chavez, Mr. Shah, Mr. Vigil and industry members

Mr. Chavez opens discussion on the availability of hiring services to assist committees with clerical work. Mrs. Garcia says this work may be outsourced under professional services.

Motion by Mr. Chavez to accept committee appointments, second by Mr. Romero and unanimously,

VOTED: To approve motion.

4.1 Professional Engineering Committee- Mr. Shah, PE Chair – Mr. Scott Verhines, president of NMSPE, addressed the committee on their three main initiatives for this year. They were first, a high quality ethics program; second, promotion of engineering licensure by working closely with universities and the legislature and congratulatory events for new engineers that the board could also participate; and finally, celebration of licensure. Mr. Verhines wants to expand the ethics program to various locations throughout the state and later go online. He invited board members to attend the August 12th NMSPE meeting and regional meeting of October 5-7, 2006. From an applicant letter, there was discussion on counting working credits when an EIT is running his own support services company for engineers. The committee decided direct engineering supervision was not necessary and the work itself as described by the Engineer Intern and PEs associated with him would determine if the experience qualifies. Three cases were reviewed. More information was required on case 05-05-50 and due to recusal; a quorum was not met for Case 05-05-08. On case 06-05-15, a license was revoked. Applications were then reviewed and decisions noted in the applicant folders.

4.2 Professional Surveying Committee- Mr. Atwell, Chair – Under new business, Mr. Conley asked for an extension to acquire the ethics class that the

stipulated agreement required and a 60 day extension was granted. There was discussion if the City of Santa Fe can set requirements for survey plats and Mrs. Garcia will draft a letter to advise them of the Board's position and advisory opinion of November 2001 stating non-professionals cannot make surveying decisions. Brokering of surveying services was discussed. First American Title Company has contacted surveyors to pool them to work for the title company. It was decided to issue a letter to the NMPS advising surveyors that this might be in violation due to advertising attached to the plat itself. The committee took up discussion on height modernization for the vertical control and Mr. Chavez is going to collect more vertical control information for the November meeting. Professor Burkholder would like to make a presentation. Mr. Chavez adds there is an RFP out for GIS services and there is a question whether this was overlapping into survey work. This will be investigated. Separate licensure required by municipalities and counties to file plats was discussed and there will be more discussion later. As an example, Mr. Vigil passed out a permit by the city of Espanola financial department. It requires he get a separate business license for the city even if the business is established outside the city. This could be expanded for engineers. This could raise cost for statewide work. The issue is something the legislature and attorney general may have to address. Meetings to discuss concerns with the association of counties are suggested. The board will try to get more legal opinion for further discussion by the full board at the next meeting. In covering old business, the committee got an update by Glen Thurow on the geomatics program at CNM Community College. They have a 31-hour program in surveying for an associate's degree. It includes plane and construction survey and photogrammetry. Ninety-five percent of the credits transfer toward a four-year program. Mr. Thurow encourages businesses to send their technicians to the program. In closed session, seven cases were covered. Three NCA's were issued, two cases were granted extensions, one case had complied with his order and was retiring, and in the final case the board stood on its original decision to Central Valley Electric Cooperative that a licensed surveyor is required for right of ways. A draft letter has been approved to be send to David M. Storey, PE, City Engineer Roswell, to clarify their responsibility to use professional surveyors when required according to the refined definitions of engineering surveys.

4.3 Fire Protection Committee – Mrs. Garcia has drafted a letter to Bettie Cordova and Paul Linville. It includes proposed rules for Public Safety and Law Enforcement New Mexico Public Regulations Commission from the fire protection committee. Public rule-making hearing is coming up soon. Paul Linville from the fire marshals office has indicated he has asked to proceed with a proposal to hire a fire protection engineer. He asked for assistance with the classification with SPO including our requirements for a fire protection engineer.

4.4 Publication Committee – Mrs. Garcia explained the newsletter will be done in a couple of weeks. She encourages members to submit articles for the issue by August 15.

4.4.1 Newsletter Evaluation – Mr. Guerrerortiz wants to solicit feedback for improvement. Mr. Shah and some others would like to get a draft emailed to them.

5. NEW BUSINESS

5.1 NCEES Annual meeting September 13-16, 2006- Business before the Council – Attendees need to get together on the issues before meeting in Alaska. On the matter of voting issues addressed at the meeting, Mr. Romero motions that the attending delegation represents the whole board, second by Mr. Sanchez and unanimously,

VOTED: Motion is approved.

5.2 Policies on Ethics – Carry-overs of Ethics Training – In the allowed fifteen PDHs, carry-overs for ethics training shall not be for more than the next biennium. Motion by Mr. Sisneros to accept complete policy as written on page 25, second by Mr. Romero and unanimously,

VOTED: Motion is approved.

5.3 Applicants' Documentation Review - Mr. Guerrerortiz stated staff should be given authority to review many more straightforward applications. The PEC review could be reduced to only those with particular questions by the staff. It can be an administrative directive that all applicants meeting all the requirements be approved. A list, as done with retirees, can be done for board consent. Mrs. Garcia asked if this includes examination applicants because unlike comity applications, this Board would be the first one to review their credentials. With Comity applicants other engineers on other Board would have made the initial review. Mr. Sisneros stated there may be some exam applicants with specific questions that the board would need to review and there will still be some comity ones. Mr. Guerrerortiz has found the staff's judgment in line with what the board would do. Mr. Chavez motions the applicants review by staff be accepted with a list of applicants presented to the board for a consent vote, second by Mr. Shah. Mrs. Garcia notes mistakes can be made by both staff and board but there is a possibility for more errors this way. Mr. Guerrerortiz agreed, but the board has the power to correct any mistakes made by themselves or staff. Motion goes to vote and unanimously,

VOTED: To approve the motion to authorize staff to do more of the application reviews.

6. DIRECTOR'S REPORT

6.1 Staff Activities Report – Mrs. Garcia reported staff is busy as usual and administrative functions have been slowed down with the new accounting/human resource information system. She stated Mr. Sisneros contact information has been forwarded to the ABET visitation team to NMSU for which he has volunteered. She indicated staff supported another fire protection committee meeting. Activities in law enforcement continue. Mr. Sanchez has sent her twelve listings of architectural and planning firms that were advertising in the land-surveying category. These firms were contacted and it appears the yellow book took it upon themselves to list firms also under land surveyors. The firms have been very cooperative. Next week there is a disciplinary hearing in Ruidoso planned.

6.2 Financial Report – May and June 2006 Mrs. Garcia summarized the financial report and vouchers paid. The information was reviewed. A motion by Mr. Romero to approve the financial reports and vouchers paid, second by Mr. Shah and unanimously,

VOTED: To approve financial reports and May and June 2006 vouchers paid.

6A. EXECUTIVE SESSION – Mr. Vigil motion to “The Board will convene in closed or executive session pursuant to NMSA 1978, Section 10-15-1 (H)(2), second by Mr. Sanchez and voting “yes” are Mr. Vigil, Mr. Sanchez, Mr. Chavez, Mr. Sisneros, Mr. Atwell, Mr. Guerrerortiz, Mr. Shah, Mr. Romero

6A. 1. Classified Personnel Salaries Review – Status/Exempt Executive Director Salary

Mr. Guerrerortiz reconvened the meeting in open session and further stated that the discussions in closed session were limited to item 6A 1 of the agenda. Mr. Mr. Sisneros motion that Mr. Romero and Mr. Guerrerortiz to proceed with submission of documentation to the Governor for salary range change for Executive Director Mrs. Garcia, and submit updated reclassification for classified personnel to appropriate agencies. Motion second Mr. Vigil and unanimously,

VOTED: To approve the motion

Board asks Mrs. Garcia if they can assistance in the process to fill investigator position or provide temporary help. Mrs. Garcia explained that an order to fill the position has to be given to SPO to advertise it, and she has requested that already of the human resource staff.

7. COMPLAINTS & VIOLATIONS

7.1 Case No. 04-04-08 Daniel Armstrong, PE – Hearing by PEC on 8/29/06 Mr. Shah explained that the scheduled hearing was cancelled because there was conflict with Mr. Armstrong’s attorney’s schedule.

8. **ADJOURNMENT** – Having no further business, Mr. Guerrerortiz adjourned the meeting.

Submitted by:

Approved by

Elena Garcia, Executive Director

Mr. Guerrerortiz, Board Chair

Approval Date