

Meeting of the Professional Engineering
Committee of the Board of Licensure for
Professional Engineers & Professional
Surveyors held at 9:00 p.m., August 3, 2006
at the Board Office, 4001 Office Court
Drive, Suite 903, Santa Fe, NM 87507-4962

Members Present Subhas Shah, PE, PEC Chair
 Severiano Sisneros, PE
 Patricio Guerrerortiz, PE
 John Romero, Sr., PE, PEC Vice Chair
 Dr. Rola Idriss, PE

Others Present: Elena Garcia, Executive Director, BLPEPS
 Candis Bourassa, Licensing Manager, BLPEPS
 Ed Ytuarte, Complaint Manager, BLPEPS
 Mary Smith, Assistant Attorney General, Board Counsel

Members Absent Stevan Schoen, Public Member

Guest Scott Verhines, PE, NMSPE

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Mr. Shah convened the meeting at 9:00 a.m. Roll call was taken, and it was noted that a quorum of the Professional Engineering Committee was present.

2. APPROVAL OF THE AGENDA – Motion by Mr. Guerrerortiz 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 by Mr. Romero, second by Mr. Guerrerortiz and unanimously,

VOTED: To approve the minutes.

3.2 June 8, 2006 minutes - Motion by Mr. Guerrerortiz second by Mr. Romero and unanimously,

VOTED: To approve minutes.

4. NEW BUSINESS

4.1 Scott A. Verhines, PE, NMSPE president – Address Cooperative Efforts – During the last quarter, NMSPE has worked on three initiatives. First being to have a high quality ethics program, second, to promote engineering licensure through the high schools, colleges and private industries, and finally to celebrate new engineers with congratulatory events.

On the first issue, they will offer ethics programs in various locations across the state including outline communities. Number one request has been to bring programs to their locations. The kick off was in Albuquerque with 200 attendees. Dr. Fleddermann from the UNM was in charge. Two separate programs have been prepared to vary between years. Depending on feed back from attendees, new themes will be added. Ethics classes will be offered about once a month. The DOT has asked for a possible in-house class. Mr. Guerrerortiz agreed this would be good because engineers in public service can be pressured to violate codes due to perhaps engineering isolation and politics. Broadening ethics to include elected officials and engineers could be very beneficial. Mr. Sisneros suggested reach the association of counties & municipalities by attending their meetings as new officials come into office. He appreciated the “*Code of Ethics for Engineers*” from the NMSPE class and would like to see it printed in engineering materials as the newsletter, webpage, certificates, cards and outreach materials. Mr. Verhines stated correspondence courses online will be developed from videotaped programs. This will add considerable convenience to engineers who would otherwise have to travel and miss work. The board would appreciate Mr. Verhines returning to exchange information through the year. The NMSPE Board of Directors meet about every other month and Mr. Verhines extended an invitation for Board representatives to attend their meetings.

The second topic is the promotion of engineering licensure through educational institutions and public organizations. Mr. Verhines is meeting with the deans of the two engineering schools, Dean Castillo of NMSU and Dean Cecchi of UNM. This outreach will explore ways to support each other. He invites any board member to join them Tuesday 8/8/06 in Albuquerque. He has heard from professors that some professors are actively expressing that licensure is not needed. NCEES has a speaker’s kit they hope to use. Dr. Idriss knows they have been using this kit at NMSU. Mr. Verhines suggests at a future Board meeting this kit be demonstrated. Mrs. Garcia indicated the speaker’s kits are widely available. The universities have them and sometime back she had requested that the different chapters of NMSPE be sent a copy. NCEES also has a section on their website for engineers to volunteer to be a promoter of licensure as speakers using these kits. Mr. Guerrerortiz pointed out one of the impediments to licensure is the industrial **exemption**. Industries have a strong lobby.

The final cooperative effort is to celebrate new engineers with congratulatory events. During the legislature this year, they would like to have some kind of

recognition of the PE and FE successful candidates. He feels not enough has been done in the past to celebrate the accomplishments of this group. He asked for ideas and that board officers and any members participate in a short press conference possibly with the governor in attendance. Mr. Sisneros suggested using the education week during the legislature when the universities will also be there. At the NMSPE conference, Mr. Sisneros felt engineering was celebrated and this is what they should do an event for graduates. It was suggested that perhaps a copy of the license could be given to engineers at a luncheon or at an event in a special location.

In addition, Mr. Verhines announced it is New Mexico's turn to host the regional professional engineer's association meeting of the seven states including Louisiana, Texas, Colorado, Oklahoma, Arizona and others. This year it will be during the balloon festival on October 5-7. Most of the program will be on Friday and on Saturday. They will bus people out and have a tent at the field. Meeting themes include the technical side of water and energy and in addition the future of engineering with regard to computer technology and software. He personally invites the board to participate and be part of the agenda. Mr. Romero asked if the state engineer was going to be invited since water is on the agenda. Mr. Verhines responded in the affirmative.

Mr. Sisneros suggested the board arrange a delegate to attend the NMSPE board of directors meetings. Mr. Shah indicated that he believes that anyone who wants to go from the Board should be able to go. Mr. Guerrerortiz indicated that it makes more sense for the Board to delegate specific members. Mr. Romero asked that it be an action item on the next agenda. Mr. Verhines indicated that it would be nice to have a regular representative from the Board of Licensure at their meetings as a liaison between both entities. Mr. Sisneros indicated that for example, if there is a topic of discussion on education, it would make sense for Dr. Idriss to attend.

Mr. Sisneros indicated that he would like to go to the October 5-7, 2006 Board meeting. No formal action was taken.

5. **OLD BUSINESS** Mrs. Smith has received an amended motion from Mr. Armstrong and she has drafted action to dismiss his motion. Mr. Shah is the presiding officer/hearing officer for the date now set for August 29, 2006. Armstrong has requested a continuance.

Mr. Sisneros asked about the correct action when there is concern about state departments. For example, the Environmental Department policies were part of a board discussion. Ms. Smith clarifies a complaint can charge only against a specific engineer and that would be the head of the department. Mr. Sisneros asked about an example where contractors may do engineering survey instead of hiring a surveyor. Ms. Smith responded that the board member can file a complaint and recuse himself. Section 61-23-24 allows action against a

professional engineer and Section 61-23-23.1 allows action against unlicensed persons. The action taken would depend on if the person were licensed or unlicensed. She advises in dealing with state agencies the concerns should be discussed between department and the board before any kind of action is taken. For example, Mrs. Garcia would address the concerns in a letter signed by Mr. Shah and invite them to the PEC meeting for discussion.

6. COMMUNICATIONS

6.1 Kirk Ashton RE: Questions on Acceptable Engineering Experience & Supervision- Page 13, letter from Mr. Ashton, EIT - inquiring if acceptable work experience can be acquired through his own company of support services for PEs. The board decided that given the specifics in his letter as supported by PEs, his experience would count. Mrs. Garcia will answer his letter that his engineering experience is acceptable with a caution not to advertise engineering services as an EIT.

7. CLOSED SESSION (Complaints and Violations) – It was moved by Mr. Romero, second by a Mr. Guerrerortiz and

VOTED: To convene in closed session pursuant to NMSA 1978, Section 10-15-1 (H) (#1) to discuss only those cases listed in 7.1 through 7.3 of the agenda. A roll call vote was taken. Voting yes: Mr. Guerrerortiz, Mr. Sisneros, Mr. Shah, Mr. Romero, and Dr. Idriss. Motion carried unanimously.

7. A. OPEN SESSION – Action on cases on the agenda – Mr. Shah reconvened the meeting in open session and further stated that the discussions in closed session were limited to those cases listed as 7.1 through 7.3 on the agenda. [*All charges, unless dismissed as unfounded, trivial, resolved by reprimand, or settled informally shall be heard in accordance with the provisions of the ULA, 61-23-27.11(D), NMSA 1978*].

7.1 Cases 05-05-08 – Motion by Mr. Romero that due to recusal of Mr. Guerrerortiz and Mr. Sisneros a quorum is not met and the case discussion will be delayed, second by Dr. Idriss and unanimously,

VOTED: To delay discussion.

7.2 Cases 06-05-50 – It was moved by Mr. Guerrerortiz for a continuance until more information was acquired about the credentials of the individual responsible for the plans, second by Mr. Romero, and unanimously,

VOTED: To approve motion

7.3 Cases 05-04-15 – Motion by Mr. Guerrerortiz to revoke the license for practice outside engineering expertise, second by Mr. Romero

VOTED: To approve motion

8. REVIEW OF APPLICATIONS

8.1 Applications for Retired Status & Inactive Status – Motion by Mr. Sisneros to approve nine applicants, second by Mr. Romero and unanimously,

VOTED: To approve motion.

8.2 Applications to Reactivate License from Inactive Status – none

8.3 Applications with “MLE” Council Records and “Substantial Equivalency. Motion by Mr. Sisneros to approve 40 applicants, second by Mr. Romero and unanimously,

VOTED: To approve motion

8.4 Review of New Comity and Examination Applications – 75 applications reviewed and decisions noted in individual applications

8.4.1 Jacob Baranas- Exam Applicant - Mrs. Garcia explains ECEI was slow on his evaluation, but it finally arrived.

9. ADJOURNMENT – Having no further business, Mr. Shah adjourned the meeting.

Submitted by:

Approved by

Elena Garcia, Executive Director

Mr. Subhas Shah, PE, PEC Chair

Approval Date