

DRAFT

Meeting of the Board of Licensure for  
Professional Engineers & Professional  
Surveyors held February 3, 2006 at 9:00  
a.m., Enchantment Room 1, Albuquerque  
Convention Center, 401 2<sup>nd</sup> NW, West  
Complex, Lower Level, Albuquerque, NM

Members Present: Dr. Rola Idriss, PE, Board Chair  
Gilbert Chavez, PS, Board Vice Chair  
Patricio Guerrerortiz, PE  
Severiano Sisneros, PE  
Subhas Shah, PE,  
John Romero, Sr., PE  
Salvador Vigil, PS  
Charles Atwell, Public Member  
Stevan J Schoen, Public Member

Others Present : Elena Garcia, Executive Director  
Candis Bourassa, Licensing Manager  
Perry Valdez, Licensing Specialist  
Ed Ytuarte, Complaint Manager  
Mary Smith, Assistant Attorney General, Board Counsel  
Hank Rosoff, NMSPE  
Leign Fricks, NCEES

Members Absent: Fred Sanchez, PS

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

Dr. Idriss convened the meeting at approximately 9:00 a.m. Roll call was taken, and it was noted that a quorum of the Board was present

**2. APPROVAL OF THE AGENDA**

It was moved by Mr. Atwell, second by Mr. Romero and unanimously,

**VOTED:** To approve the agenda as presented

**3. APPROVAL OF THE MINUTES**

3.1 Approval of the January 13, 2006 Minutes – It was moved by Mr. Chavez, seconded by Mr. Atwell. It was noted by Mr. Shah that the minutes depicted him as being present which he had not been. It was moved by Mr. Chavez, seconded by Mr. Atwell and unanimously,

**VOTED:** To approve the minutes of 01/13/06 meeting as corrected

**4. NEW BUSINESS**

4.1 Appointment – Leigh Fricks, Manager, Records Verification Program, NCEES on Council Record & Possibility of Requiring a Council Record for Comity Licensure - Ms. Fricks and thanked the Board for having her make a presentation. She indicated boards across the country have expressed an interest in requiring a council record. She will be covering the advantages of this to all comity applicants. She provided a presentation booklet to each member. It was noted that NCEES requires more information than is required in NM, since the Council Record was created to meet the most stringent requirements of a member board. The first part of the Council Record covers personal history, education, examination information, and work experience. It includes official transcripts from all universities (foreign with evaluation), references, all examination verifications, and references from five licensed PEs. When questioned she indicated not all PE's need to be supervisors or people the applicant works with. NCEES requires experience to be documented from graduation on or prior to college if they did go straight to college from high school. An engineer with NCEES reviews the employment forms for credibility of experience. An annual update of the experience record and one new reference is required. Mr. Fricks indicated the cover sheet of the Council Record is only updated for changes in MLE status such as a board discipline action, etc. The list of states where an individual is licensed is also updated. If the Board were to require a Council Record for comity applicants, the application fee would be \$150 for engineers licensed for over one year or a discounted fee of \$100 for engineers licensed less than one year as a one-time fee. There would be no charge to the NM Board if the NCEES record were required. Usually, there is also an applicant \$60 transmittal fee. Should a licensee later want his NCEES record sent to another state, a transmittal fee would be charged. If the Council Record lapses with NCEES, licensees can reactivate it. The record is kept until the licensee passes on. Right now Kentucky has adopted the NCEES record requirement. Of course, a record is no guarantee of approval as each state's statutes and rules have to be met.

Mrs. Garcia indicated that there were advantages and disadvantages to requiring a Council Record. She indicated the Board licensed 444 PE's by comity and 71 applicants by examination in the last year. Model Law Engineers (MLE) made up 75% of the 444 which were approved by staff and 25% required board review. With the current proposal these 25% would need to obtain a NCEES record. Ms. Fricks indicated other states note advantages in shortening staff processing time and benefits in the consistency of the records format. The most valuable benefit to a licensee is that old references, transcripts, etc. will be preserved by NCEES and he/she would not have to submit basically the same verifying documentations to all Boards where licensure is sought. Also, there have been some Boards that have destroyed critical licensee records such as the only foreign transcripts they had, etc. The Committee indicated that the specific committees and not the entire

Board should act upon this matter. Mrs. Garcia will put it on the agenda for the PSC and PEC in April.

## **5. CORRESPONDENCE/COMMUNICATIONS**

5.1 Proposed Amendments to the NCEES Constitution & Bylaws – For information. The proposed amendments are to be presented during the 2006 NCEES Annual meeting.

5.2 Puerto Rico Resolution (Reciprocal Certification) Forward by NCEES – Puerto Rico's resolution requires a reciprocal agreement with any state. The Board discussion concluded New Mexico does not have any reciprocal agreements with any state, and licensees from Puerto Rico would need to meet comity/endorsement criteria to obtain a license in NM. Mr. Schoen defines reciprocity being equal and mutual acceptance between both states and comity is not necessarily approved by another state.

## **6. COMMITTEE REPORTS**

6.1 Professional Engineering Committee – Mr. Guerrerortiz, PE Chair reported the following completed during the PEC meeting: Case 04-04-16 was dismissed as complaint but matter continues to be monitored by the Board with the state agency; case 04-04-20 & 05-04-08 the PEC decided to hold this case in abeyance until the civil matter is decided; case 05-04-15 the decision was to issue a Notice of Contemplated Action with possibility of settlement. The PEC reviewed applications for comity, exams, retired, and inactive statuses. Members of the engineering community addressed the PEC about the opinion issued to them by the professional survey committee on the definition of supplemental survey work. The subject was referred to the Joint Standing Committee currently composed of Fred Sanchez, Charles Atwell, Stevan Schoen and himself. Mrs. Garcia inquired as to the opinion of the surveying committee of this referral. Mr. Chavez stated that during the last review of the Engineering Practice Act there were many public hearings and dialogue on this matter. He recalls the meeting at the Rio Grande Conservancy boardroom when Mr. Raymond Hensley and Mr. Hank Rosoff representing NMSPE were present; and they had no problem with the language. The PSC has decided it was a surveying issue.

Mr. Rosoff stated there was no problem with the language in the Act, but they have a problem with the way that language is being interpreted now by the PSC. He added that they agree that the PSC can determine what is surveying, but not necessarily, what is not engineering. He believes there is an overlap for the joint committee to review. Mr. Romero pointed out that the speakers at the PEC meeting had agreed they should have been more active at that time. Mr. Vigil asked why the speakers to the PEC were not appearing before the full board. Mr.

Rosoff explained they had already spoken to the PSC and Mr. Sanchez was not present today. Mr. Rosoff pointed out that the exact case, as Mr. Brasher's, was discussed during the rules hearings and it had been decided that topographic measurements taken within an existing surveyed property would be appropriate. The underlying document needs defining as to what documents an engineer can take topography. Mr. Vigil revealed that in Mr. Brasher's case brought to the PSC he had tried to verify a couple of monuments with no regard to where the actual boundary was; and encroachment was involved. It was moved by Mr. Romero, seconded by Mr. Atwell and unanimously,

**VOTED:** that this problem will continue to arise without clarification and the matter should go to the Joint Engineering and Surveying Committee and then action taken in the full board.

6.2 Professional Surveying Committee – Mr. Atwell, Vice Chair reported the PSC reviewed six cases. Decisions were as follows: case 05-04-02 stipulated agreement accepted; case 04-04-42 to be decided when called to order from current recess on 2/13/06 at 1:00 p.m. in the Board office; case 05-05-04 NCA to be issued, case 05-05-07 NCA to be issued; case 05-04-05 update given; Case 05-05-02 dismissed as unfounded. The PSC then reviewed seven applications and all were approved except one.

6.2 Photogrammetry Task Force – Mr. Sanchez, Chair (Written Report) was made available to the Board previously. Mrs. Garcia summarized that Mr. Sanchez's recommendation was that now is not the right time to proceed with changes to the statutes regarding photogrammetry. It was noted Mr. Rollag continue to feel that the task force had not addressed the fundamental issues he had listed. His correspondence indicated he considered Mr. Sanchez report to be a premature judgment. Mr. Burkholder echoed Mr. Rollag's concerns. Mrs. Garcia indicated Mr. Sandin another member of the task force who is an engineer by education is in agreement with Mr. Sanchez that at this time NM is not in a position to license photogrammetrists. Mr. Atwell advocates keeping the task force to proceed with getting ready for this new technology and the rules changes involved. Mr. Guerrerortiz pointed out the relation of photogrammetry between engineering and surveying skills but not meeting the requirements of either for licensure. He supports a continuation of the task force and forming a licensing specialty separate from engineers and surveyors or create specialty requirements within surveying for photogrammetry. Mr. Vigil, as an attendant at a task force meeting, understood that right now there are no educational requirements for this. One suggestion was that photogrammetrists address the legislature for licensure by some other board. Mr. Chavez stated he recalls that the first task force on GIS and photogrammetry final report sometime in November 2005 was that there was a lack of education and testing in this area; public demand was also lacking. He agrees with Mr. Atwell, Mr. Vigil, and Mr.

Guerrerortiz in that the issue will soon need to be addressed. It was moved by Mr. Atwell, seconded by Mr. Guerrerortiz and unanimously,

**VOTED:** to continue the task force. Also to make a recommendation as to the national level education and testing requirements.

It was commented that NM might adopt in the future an option for specialty discipline under engineering or surveying. Mr. Vigil was appointed to the Committee. Mr. Sisneros may also volunteer to join the task force.

**7. DIRECTORS REPORT**

7.1 Staff Activities Report (Written Report since the last meeting) – Mrs. Garcia presented a written report on staff activities. She indicated staff had processed 3172 renewals. The following numbers are expired licenses at 12/31/2005: 33 PS; 4 PE/PS and 583 PEs. 171 licenses lapsed as of 12/31/05 (12 months have passed since they expired). She indicated staff has been especially busy since in addition to the regular meetings, six additional meeting & hearings have been conducted during the reporting period.

7.2 FY 07 Budget — Mrs. Garcia presented the FY 07 legislative committee recommendation which was what the Board had requested, \$573,800. Representative Larry Larranaga was very helpful in educating other committee members on the work of the board.

**8. OTHER**

**9. ADJOURNMENT** – Having no further business, it was moved by Mr. Schoen, second by Mr. Romero and unanimously,

**VOTED:** To adjourn the meeting

Submitted by:

Approved by

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Elena Garcia, Executive Director

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Dr. Idriss, Board Chair

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Approval Date