

Meeting of the Board of Licensure for Professional
Engineers & Professional Surveyors held January
13, 2006 at the Board Office, 4001 Office Court
Drive, Suite 903, Santa Fe, NM 87507-4962

Members Present Dr. Rola Idriss, PE, Board Chair
 Gilbert Chavez, PS, Board Vice Chair
 Patricio Guerrerortiz, PE, PEC chair
 Fred Sanchez, PS, PSC Chair
 Severiano Sisneros, PE
 John Romero, Sr., PE
 Salvador Vigil, PS
 Charles Atwell, Public Member
 Stevan J Schoen, Public Member, PEC Vice Chair

Members Absent Subhas Shah, PE
Others Present Elena Garcia, Executive Director
 Candis Bourassa, Licensing Manager
 Karen Schuckman, ASPRS
 Tom Rollag
 Earl F. Burkholder, NMSU Dept. of Surveying
 Daniel J. Paulsen, Pacific Western Technology
 Hank Rosoff, NMSPE
 Glen Thurow, NMPS

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 Board was present. Guests introduced themselves.

2. APPROVAL OF THE AGENDA

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

VOTED: To approve the agenda as presented.

3. APPROVAL OF THE MINUTES

3.1 Approval of the November 3, 2005 Minutes – Motion for approval by Mr. Sanchez, second by Mr. Chavez, and unanimously,

VOTED: To approve the minutes as presented

3.2 Approval of the December 13, 2005 Meeting – Mr. Sisneros gives Mrs. Garcia a written clarification to be added to the record for his abstaining on the vote under *Old Business 5.1.1 Engineering/Survey rules* indicated he agreed with the ethics course and benefits, but did not agree with the direction of the discussion and felt ethics courses should be in place to protect engineering and surveying professionals from those individuals with no ethics. Mr. Sanchez pointed out the end of the meeting lacked a vote to approve all the action to the Administrative Code and Mrs. Garcia added that reference changes have been made to make the document consistent. Mr. Sanchez moved that the minutes be approved as corrected, seconded by Mr. Atwell, and unanimously,

VOTED: To approve the minutes as corrected.

4. NEW BUSINESS

4.1. Karen Schuckman, President, ASPRS-RE: Licensing Photogrammetrists – Ms. Schuckman was invited by Dan Paulsen to come speak to the Board regarding photogrammetry and the licensing of photogrammetrists in other states as professional surveyors. She gave a brief introduction on her background and indicated she had reviewed the minutes of the last meeting of the photogrammetry task force. She indicated ASPRS has worked with NCEES on modifications to the Model Rules. She indicated Florida, South Carolina, North Carolina, and Virginia and Alaska license photogrammetrists as professional land surveyors. Washington and Alaska are addressing the testing issues. In her reviewing the minutes, she believes the question from the task force was whether photogrammetry is a service or product, regulated by engineering or surveying. Additional questions were: who is overseeing photogrammetrist and do these licensed surveyors have the expertise that qualifies them to sign off on documents that include photogrammetry. Work that reflect skills on flight plans that include air born GPS surveys, radar, analog/digital aerial cameras, aerial triangulation adjustments, and understanding the capabilities/calibration of the digital instrumentation and accuracy assessments of a finished survey. These are critical skills for photogrammetrists not necessarily acquired by current licensed surveyors. For about 10 years, NCEES has been working with ASPRS on modifications of the Model Rules. States differ on the use of NCEES's Model Law. The Model Rules are based on education, examination and experience. ASPRS is for professional licensure for photogrammetrist and other forms of survey that require expertise in areas other than boundary survey. Within the next year, ASPRS will submit enough examination questions for NCEES to consider a new survey exam.

Mr. Sanchez stated that as chair of two committees on photogrammetry, he acknowledges that the time is coming for survey licensure adjustments, but currently in New Mexico the public demand cannot be documented that would require changes. He observes the public will have to recognize skill variations for surveyors as they do for engineers.

Ms. Schuckman believes photogrammetrists desire this recognition, the licensing, and the liability that comes with it. ASPRS will continue working on an exam that state may be able to utilize for licensing.

Mr. Sanchez upon completion of the presentation thanked Ms. Schuckman for providing an informative presentation but indicated that he does not believe that new information that would indicate the need for New Mexico to license photogrammetrists as professional surveyors has been presented. He asked that the task force be notified that there will be no more meetings. He will submit his final report for the full board meeting on February 3, 2006 in writing since he will not be able to attend the meeting.

5. CORRESPONDENCE/COMMUNICATIONS

5.1 NCEES

5.1.1 Using the Fundamentals of Engineering (FE) Examination to Assess Academic Programs – Mrs. Garcia indicated the publication is a good reference document and one that the Board encourages universities to utilize. NCEES transmits copies of this publication to all schools with engineering programs.

5.1.2 Information on Washington Accord Programs - NCEES & ABET Correspondence [Including ABET Correspondence to NCEES of December 13, 2005] Mrs. Garcia summarized the correspondence indicating that there have been disagreements between Boards, NCEES and ABET on the comparability of the educational systems and accreditation systems in the countries covered under the Washington Accord. Many boards are finding out that evaluations of foreign transcripts from some countries included in the Washington Accord are being evaluated by ECEI/ABET as not equivalent to a US ABET-accredited degree. The contract ABET had with NCEES was to review the Washington Accord countries and visit them so that Board felt comfortable in accepting degrees from countries included in the Washington Accord without having to have applicants submit individual evaluations. ABET is saying they cannot visit every program of each university, but they do the best they can. She indicated that currently we do not require individual transcript evaluations and would like to know if the Board wants to consider this in light of the new information. She indicated Canada is probably the only exception and there is probably no need to require individual evaluations from Canadian candidates. After some discussion, it was moved by Mr. Guerrerortiz, seconded by Mr. Sisneros and unanimously,

VOTED: To require all foreign applicants including Canadian candidates to obtain transcript evaluations.

5.1.3 Appointment of Associate & Emeritus Members – Mrs. Garcia reported that Lewis Poe, PE; Kenneth R. White, PE, Dr. Quentin Ford, PE and Charles Cala, PS continue to be emeritus members of NCEES having been nominated by the Board and approved by NCEES. She and Jeremy Del Valle are associate members also having gone through the same process. If the board wishes these individuals to continue with such membership with NCEES, it does not need to do anything. They will continue as such until the Board removes them from this status. Mrs. Garcia further stated that membership affords them the opportunity to serve on NCEES national committees if appointed by the NCEES president-elect. The Board discussed having more current Board members serving on these national committees. It was noted that members serving on committees should report to the Board on their activities.

5.1.4 Committee Assignments for 2006-2007 Administrative Year – Mrs. Garcia reminded all members that NCEES needs the forms completed and submitted by January 20, 2006 from any Board members wishing to serve on a national committee.

Mr. Sanchez reported he was elected Chair of the Board's Photogrammetry Task Force. He indicated he was going to terminate it because he did not believe there was anything new coming up. He is still chair and he does not see a reason for another meeting; therefore, he asked if it is appropriate to terminate it. Chair Idriss indicated it was appropriate if it was alright with all other members. The members of the task force were identified. None of the members of the task force (board members) objected. Mrs. Garcia suggested that he can submit his final report during the next full meeting for consideration by the Board.

6. DIRECTOR'S REPORT

- 6.1 FY 06 Financial Status Report –October & November – Pages 67 -79. Mrs. Garcia presented the financial reports for October and November. She indicated the vouchers for October and November can be approved together. The October unreserved cash balance is at \$355, 456. For November it is at \$247,136. The Boards use of funds from the cash reserve has increased through the years as legislators and budget analysts gave their consent. Mrs. Garcia indicated she had attended the House Finance & Appropriation Sub-committee hearing to testify on the Board's FY07 budget request. As previously discussed she anticipates that by the end of 2007, the fund balance will stabilize at 50% of the budget. This is due to the fee increases—renewal fees to be implemented in November 2006. The budget statuses report for October and November were also discussed.

6.1.1 Personnel Services/Salaries, & Other Budget Categories – Evaluation of Need to Increase Budget – Mrs. Garcia presented a forecast financial report prepared by Patricia Bordenave, CFO which indicated that the salary and benefits category will need to be adjusted by \$7,824 through June 2006. She indicated that the deficit is due to the budget being submitted in September 2004 with salary calculations for an entry level position. However, hiring can not always be at entry level and therefore the salary budget needs to be adjusted during the current budgetary year since unless there are savings from one of the seven employees leaving that year, the salaries are set in stone. The legislature only adds the cost of living increase that are approved each year for state employees. Historically, it has always been a challenge for her to keep highly trained with great people skills and hard- working employees since after about two or three years without raises leave the agency to higher and better positions. In a small agency as is the Board with only seven positions it is almost impossible to advance in any career ladder. The loss of trained personnel puts extra burdens and stress on everyone. There have been times when she must spend a lot of time just training. There is a way to increase an employee's salary utilizing an "in-band" salary increase. She has submitted one such recommendation, however due to the deficit in personnel services it was not approved. Recommendations for raises are rejected by DFA and SPO if there is no funding. The budget analyst recommended that we wait until after the legislature to submit a Budget Adjustment Request (an increase to the budget). Ms. Bourassa points out everyone in licensing are the lowest paid in the office. Salaries are far below even 50% of the high and low of their pay band. Mr. Sanchez sympathizes with the situation and asked how the Board can help. Mr. Romero describes how the State Police went straight to the Governor with their budget for salaries. Mr. Romero suggested a proposal be presented to the Governor if DFA and SPO are rejecting the transfer of needed salary funds and appropriate raises. Mrs. Garcia explained the rules provide for an In-band pay increase up to 10% without reclassification. Mr. Romero believes the Governor may be of assistance in changing this as he did for the State Police. Mrs. Garcia recommended the Board approve a \$16,000 increase to the personnel/benefits category. Mr. Sanchez suggested a \$20,000 salary budget increase through June 2006 be set up instead of a \$16,000. Ms. Garcia indicated she would like a committee of the board to take a look at the personnel salaries, etc. A salary review committee was formed with Mr. Romero, Mr. Atwell, Mr. Sanchez, and Mr. Vigil. They will review current salaries, job descriptions, and work with Mrs. Garcia's exempt status salary increase. They will provide support to Mrs. Garcia in presentation of changes to DFA and SPO. Mr. Sisneros discussed the possibility of using Professional Services budget to hire an engineer to review the engineering applications prior to Board review. Mrs. Garcia indicated the last time this was tried there was a conflict of opinion with the Committee overriding

many of the reviewer's decisions. Mrs. Garcia indicated she will provide some information on the costs of hiring someone.

It was moved by Mr. Sanchez, seconded by Mr. Sisneros and unanimously

VOTED: To approve the financial reports and vouchers for October and November.

6.1.2 Consideration of Reimbursement of Expenses for Individuals (not on the Board) Volunteering to Serve on Committees – Mrs. Garcia indicated Professor Burkholder had inquired whether the Board would reimburse him for his expenses in serving on the Photogrammetry Task Force. Mrs. Garcia indicated that many professionals have volunteered throughout the years and have never requested or have been paid for participating and providing their expertise on these special committees of the board. She indicated that their input has been very valuable since many times their expertise can only be obtained through this process. Mr. Sanchez & Mr. Sisneros supported the idea of being able to reimburse volunteers for their expenses. Mr. Guerrerortiz recommended this be a line item on the next budget request. Mrs. Garcia indicated that perhaps the Professional Services category can be utilized. It was moved by Mr. Sanchez, seconded by Mr. Sisneros and unanimously,

VOTED: to proceed to work toward requesting funding under Professional Services on a as-needed basis for those professionals who volunteer to work with the board and who are duly appointed by the Board or a committee chair.

6.2 Examination Report 10/05 Session – Ratification of National Scores.

6.2.1 FE & PE national Pass Rates - It was noted that the passing scores continue to be low. Dr. Idriss described how they adjust the test by a cut score and indicated the test committees have all the control. Mr. Sisneros believes giving the PE candidates the opportunity to sit for the PE after two of the four years of required experience will be beneficial in the evaluation of statistics. If the good students are failing and other states are having similar problems this data could be presented to the PE development committee. He suggested this be an item for the June meeting of the Western and Central zones meeting.

7. **OTHER**

7.1 Setting of Rules Hearing for March 2, 2006 at 10:00 a.m. in Albuquerque on the Title 16, Chapter 39, Part 1,2,3,4,5,7 and 8. The Board agrees on March 2 but changes the time to 9 a.m.

Approval of proposed rule changes by PSC and PEC set for hearing March 2, 2006. It was moved by Mr. Sisneros, seconded by Mr. Atwell and unanimously,

VOTED: for approval of rules changes as provided in the meeting notebooks with the exception of the Incidental Practice of Architectural and Engineering since this rule must be agreed to by the joint practice committee working for this Board and the Architects Board.

Mr. Sanchez reported he has written an advisory opinion memo for the PSC regarding unlicensed practice of surveying by engineers. He distributed copies to all members. He would like the Board's approval to send his memo to all public works departments and authorities that approve plans. Mrs. Garcia informed the Board that the engineer involved in this opinion has already asked to be included on an agenda of the PEC. It was noted that Mr. Sanchez should modify his memo to reflect that it has been issued by the PSC of the Board instead of the full board and that Board Counsel, Mary Smith, be copied on the opinion memo.

Mr. Chavez indicated zone members are requesting information from him on the Western Zone meeting. Mrs. Garcia says she will get information emailed out to all Boards.

Mr. Sisneros reported he attended the State Personnel Board meeting in Santa Fe in December. He addressed the State Personnel Board and conveyed the Board's appreciation for the work they are doing and will continue to do on job titles.

Mr. Guerrerortiz reported he will be attending an NCEES committee meeting on January 27-28, 2006 regarding council affairs and will report to the Board.

Mr. Chavez reported he will be attending the NCEES exam committee meeting on January 26-28, 2006 and will provide a report.

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

VOTED: To adjourn the meeting

Submitted by:

Approved by:

Elena Garcia, Executive Director

Dr. Idriss, PE, Board Chair

Approval Date