

DRAFT

Meeting of the Board of Licensure for
Professional Engineers and Professional
Surveyors held at 9:00 p.m., June 9, 2006 at
the Hawthorne Suites, 107 Sierra Blanca
Dr., Ruidoso, NM.

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

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

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

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

Mr. Chavez as Vice Chair 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. Sisneros, second by Mr. Romero and unanimously,

VOTED: To approve the agenda as presented.

3. **APPROVAL OF THE MINUTES** – Approval of the 5/12/06 minutes was deferred to the next meeting.

4. **COMMITTEE REPORTS**

4.1 Professional Engineering Committee- Patricio Guerrerortiz, PE, Chair reported the new officers for 7/1/06 – 6/30/07 are Chair, Mr. Shah and Vice Chair, Mr. Romero. Five cases were reviewed. A hearing date was requested for case 04-04-08. For case 05-05-41, a warning letter is to be issued for use of the term “engineering” in the business name. On case 06-05-49, an NCA is to be issued. Case 05-05-08 was postponed due to lack of a quorum. In case 06-05-51[A] & 06-05-51[B] a warning letter is to be issued that no unlicensed engineers can be used on engineering proposals. Applications were also reviewed.

4.2 Professional Surveying Committee- Fred Sanchez, PS, Chair reported that his written report of the 4/20/06 meeting has been included in the meeting books. Mr. Sanchez briefly summarized his report. He indicated Mr. Pinson of the Central Valley Electric Cooperative made a presentation to the PSC earlier requesting the PSC's opinion be re-evaluated after his presentation. This item will be included on the next board meeting's agenda. It is noted Mr. Sanchez was not present via teleconference during this presentation. The ratification of the PS and NM2HR exam scores was completed. The new officers for 7/1/06 – 6/30/07 are Chair, Mr. Atwell and Vice Chair, Mr. Vigil. A letter from a surveyor whose company has equipment that does not meet the new accuracy standards was reviewed. The board can do nothing to change this, but they can advise him standards must be met. A second letter submitted to the board addressed water rights surveys. The surveyor requested an opinion regarding surface survey area on un-transferred original water rights. The answer varies depending on the area irrigated within the last 4 years. Nine cases were covered with 3 NCAs issued, 3 dismissed, 2 reviewed for compliance with one rescheduled to be heard, one rejected, and one Order to Show Cause why the Board should not revoke the license for noncompliance.

5. NEW BUSINESS

5.1 NCEES Annual meeting September 13-16, 2006 – Mrs. Garcia asked who is planning on attending this conference. Every board member present hopes to attend. Mr. Sanchez explained he hopes to attend, but he may not be able due to medical reasons. He however plans to attend Santa Fe and Albuquerque meetings staying close to medical attention at this stage. Mr. Sanchez requested that members continue his efforts in eliminating engineering surveys from the model law. He reiterated that engineers no longer get the equivalent survey training they did in the past. Mr. Chavez suggested that at the next board meeting a time be set for Alaska attendees to get together and discuss action items on the agenda.

5.1.1 NCEES Funded Delegate New Chair person – It was moved by Mr. Romero, seconded by Mr. Vigil and unanimously,

VOTED: for the Board chair, vice chair, or secretary be the funded delegate.

5.1.2 FY 07 Open Meeting Resolution – It was moved by Mr. Romero, seconded by Mr. Guerrerortiz and unanimously,

VOTED: to approve the open meeting resolution on file (same as the FY06) as the one used for FY 07.

5.2 Election of Officers – Chair, Vice Chair, Secretary - Term is July 1, 2006 through June 30, 2007. Nominations for Chair were opened, Mr. Romero nominated Mr. Guerrerortiz, Mr. Sanchez seconded the nomination. No other nominations were presented and the Board unanimously,

VOTED: To elect Mr. Guerrerortiz as Board Chair by acclamation.

Nominations for Vice-Chair were opened and Mr. Sanchez nominated Mr. Chavez. The nomination was seconded by Mr. Atwell. No other nominations were presented and the Board unanimously,

VOTED: To elect Mr. Chavez as Board Vice Chair.

Nominations for Secretary were opened and Mr. Shah nominated Mr. Atwell. The nomination was seconded by Mr. Vigil. No other nominations were presented and the Board unanimously,

VOTED: To elect Mr. Atwell Board Secretary by acclamation.

5.3 Board Meeting Schedule for FY – It was moved by Mr. Romero, seconded by Mr. Shah and unanimously,

VOTED: To approve the meeting schedule for FY 07 and that when possible during two-day meetings outside Albuquerque and Santa Fe, the start time be at 8:00 a.m. on the 2nd day since everyone is on site.

Motion by Mr. Guerrerortiz for the June meeting to change location on an annual basis, second by Mr. Atwell. In discussion, Mr. Romero suggested there be one floater location meeting of the Santa Fe meetings. Mr. Chavez recaps the meeting schedule coming up with only the November meeting in Las Cruces and the June meeting in Ruidoso as practical to change. Discussion ends and motion fails to pass. Mr. Chavez suggested a one-day workshop like the one last year in Taos. It was moved by Mr. Romero, seconded by Mr. Shah and unanimously,

VOTED: for a workshop meeting in July. The date is set for July 14th in Angel Fire, Red River or Albuquerque.

No other changes were made for the existing meeting locations.

6. **DIRECTOR'S REPORT** – Mr. Sanchez disconnects from teleconference at this time

6.1 Staff Activities Report – Mrs. Garcia reported the Board's IT person on contract has written a program to transport the NM 2 hr test questions to an access-based program capable of generating an exam in accordance with the test specifications. She indicated she volunteered to work with the Western Zone people & NCEES in the development of guidelines and timetables for hosting of the zone meeting. Hopefully, her experience from this year's meeting will help future meeting planners. Mr. Vigil asked if there is a recommendation for recognition for the staff and Mrs. Garcia for doing such a great job in hosting the Western & Central Zone meeting. Mr. Chavez stated that the Board has tried to submit Mrs. Garcia's name for a national council award, but so far she has declined. Mr. Chavez asked how the raises are going for the staff. Mrs. Garcia explained for this fiscal year the licensing clerk (supervised by Candis) received a raise putting his salary above hers even though she is still his supervisor. Position

questionnaires are to be reviewed by SPO to find out if positions are correctly classified. By July 1,st Mrs. Garcia plans to have more time to get back with SPO through Ms. Rosen, SPO Analyst. Mr. Chavez asked if a direct request from the board might speed things up. Mrs. Garcia suggested the committee of Mr. Romero, Mr. Vigil and Mr. Atwell first meet on June 14 at 10:00 a.m. They will also address Mrs. Garcia's exempt position increase and bring it directly to the board for approval. It is suggested that the board also send a letter to Attorney General Madrid in recognition of the fine work Mrs. Smith has done.

6.1.1 Examination Information for August Exams, Mrs. Garcia has included ELSES exam deadline dates for the October session in the meeting packet.

6.1.2 New Rules/Effective Dates/Title 16. Chapter 39/Title 12, Chapter 8 – Mrs. Garcia informed the Board that Title 16 was filed with State Records Center and Archives on May 25th. The rules booklets are also being printed and will be available by around the 12th of June. Staff will be distributing them to all licensees prior to the effective date of July 1, 2006. On the minimum standards for surveying, Mrs. Garcia reported she encountered problems with the format. She has been asked to move all definitions to certain places and therefore many of the referenced citations will need to change. SRC also requested the board to incorporate the manual of surveying instruction in the filing with the rules. Mrs. Garcia is working on how this can be handled. She indicated perhaps the effective date will need to change to August 1st instead of July 1st. Mrs. Smith believes archives is noting that the BLM manual is a requirement for surveyors to follow, so it should be included in the minimum standards for surveying rather than just referred to. Mrs. Garcia indicated that last year this was solved by only publishing a link to the BLM web site. This will not work this year.

6.2 Increase Examination Fees – Mr. Romero moved, seconded by Mr. Vigil and unanimously,

VOTED: that the fees as determined by the Board and committees are approved.

6.3 Financial Report – April 2006 – Mrs. Garcia summarized the April 2006 financial report. She indicated the projected revenues have been exceeded by \$21,991.91. The budget status report and balance sheet were reviewed as well as the expenditures report. It was moved by Mr. Chavez, seconded by Mr. Romero and unanimously,

VOTED: To approve the vouchers pain in April.

7. COMPLAINTS & VIOLATIONS

7.1 Case No. 04-04-08 Daniel Armstrong, PE [Update- 2nd Judicial District Matter] Mrs. Garcia explained that it was decided by the PEC to go ahead and set this case for hearing.

8. **ADJOURNMENT** – Having no further business, it was moved by Mr. Chavez, second by Mr. Atwell and unanimously,

VOTED: To adjourn the meeting

Submitted by:

Approved by

Elena Garcia, Executive Director

Mr. Chavez, Board Vice Chair

Approval Date