

Meeting of the Board of Licensure for
Professional Engineers & Professional
Surveyors held March 2, 2006 at 9:00 a.m.,
Auditorium, UNM Conference Center, 1634
University Blvd. NE, Albuquerque, NM

Members Present Fred Sanchez, PS, PSC Chair
 Patricio Guerrerortiz, PE, PEC chair arriving at end
 Severiano Sisneros, PE
 Subhas Shah, PE,
 John Romero, Sr., PE
 Salvador Vigil, PS
 Charles Atwell, Public Member
 Stevan J Schoen, Public Member, PEC Vice Chair

Others Present Elena Garcia, Executive Director
 Candis Bourassa, Licensing Manager
 Mary Smith, Assistant Attorney General, Board Counsel
 Hank Rosoff, NMSPE
 H. John Baumgartel III, M & E Engineering
 Richard Rose
 Heather Himmelberger
 Raymond Hensley, NMSPE
 Tom Brandt
 Severiano R. Sisneros Sr.
 Peter Newsted,
 Richard Dourte,

Members Absent: Gilbert Chavez
 Dr. Rola Idriss, Board Chair

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

Mr. Sanchez 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. Shah, second by Mr. Atwell and unanimously,

VOTED: To approve the agenda as presented

3. **RULES HEARING** – *Title 16.39.1.1; 16.39.1.3; 16.39.1.8; 16.39.1.12; 16.39.1.14; 16.39.1.16; 16.39.1.17; 16.39.2.1; 16.39.2.3; 16.39.2.8; 16.39.3.1; 16.39.3.3; 16.39.3.8 [including a new rule which would establish specialty sub-*

disciplines of engineering]; 16.39.3.9; 16.39.3.10; 16.39.3.11; 16.39.3.12; 16.39.3.13; 16.39.4; 16.39.5.1; 16.39.5.3; 16.39.5.8; 16.39.5.9; 16.39.5.10; 16.39.5.11; 16.39.7.1; 16.39.7.2; 16.39.7.3; 16.39.7.9; 16.39.8.1; 16.39.8.2; 16.39.8.3; and 16.39.8.6 NMAC [including a new rule that would establish professional responsibilities for professional engineers practicing fire protection engineering.]

Public Hearing Rules are read by Mr. Sanchez. Meeting is conducted in accordance with the Uniform Licensing Act [section 61-1-1 et. seq. NMSA 1978]

Eight exhibits are presented by Mrs. Garcia: [See attached accepted exhibits]

Title 16, Chapter 39, Part 1 Organization and Administration – no testimony

Title 16, Chapter 39, Part 2 Occupational & Professional Licensing Engineering & Surveying Practitioners Professional Development – no testimony

Title 16, Chapter 39, Part 3 Occupational & Professional Licensing Engineering and Surveying practitioners Engineering –Certificates of Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee & Endorsements

16.39.3.8 – Engineering Disciplines: Mr. Baumgartel as a member of the fire protection sub-committee, speaks in favor of adding the fire protection discipline. Mr. Rose speaks in favor of the new addition of specialty sub-disciplines.

16.39.3.9 - Application – Engineering Intern and Professional Engineer – Mr. Rose address 16.39.3.9.E against the change to allow the PE examination with two years post-baccalaureate experience rather than four for engineering degree and six for technology degree.

Title 16, Chapter 39, Part 4 Occupational & Professional Licensing Engineering & Surveying Practitioners Incidental Practice – no testimony

Title 16, Chapter 39, Part 5 Occupational & Professional Licensing Surveying Practitioners Surveying – Applications, Examinations, Practice of Surveying, Seal of Licensee – no testimony

Title 16, Chapter 39, Part 7 Misc. – Procedures for Revocation, Suspension, imposition of Fines, Reissuance of Certificates & Disciplinary Action

Title 16, Chapter 39, Part 8 Engineering and Surveying Practitioners Code of Professional Conduct – Engineering and Surveying

16.39.8.6 – Objective: - Mr. Baumgartel strongly believes Fire Protection is a multi-disciplinary thinking and adds value to a project when defined as a specific discipline. He supports this addition of a definition for fire protection. Raymond Hensley speaks representing Hensley Engineering. As another member on the fire protection committee, he believes these new rules will protect the public and children in schools. As a representative of the NMSPE these new rules were

discussed and as a whole they supported these changes. Mr. Schoen thanks all the members who gave their time on the fire protection committee. Mr. Shah asks if letters relative to these rules change were distributed, and Mrs. Garcia responds the correspondence was mailed to the board members.

Mr. Sanchez asks for any discussion of the letters or additional testimony. Mr. Dourte asks when 16.39.2.8.D the four hours of ethics will go into effect. Mr. Sanchez explains the ethics will be required in the next renewal period. Ms. Himmelberger addresses the board as a professional engineer opposing the testing after two years rather than four as it is not testing the full four years of experience. Mr. Hensley explains the problem of testing and waiting 6 months to get the results has caused an extension into the fifth year before licensure.

4. **ADOPTION OF RULES** – Motion by Mr. Atwell to adopt all rules (*Title 16.39.1.1; 16.39.1.3; 16.39.1.8; 16.39.1.12; 16.39.1.14; 16.39.1.16; 16.39.1.17; 16.39.2.1; 16.39.2.3; 16.39.2.8; 16.39.3.1; 16.39.3.3; 16.39.3.8 [including a new rule which would establish specialty sub-disciplines of engineering]; 16.39.3.9; 16.39.3.10; 16.39.3.11; 16.39.3.12; 16.39.3.13; 16.39.4; 16.39.5.1; 16.39.5.3; 16.39.5.8; 16.39.5.9; 16.39.5.10; 16.39.5.11; 16.39.7.1; 16.39.7.2; 16.39.7.3; 16.39.7.9; 16.39.8.1; 16.39.8.2; 16.39.8.3; and 16.39.8.6 NMAC [including a new rule that would establish professional responsibilities for professional engineers practicing fire protection engineering.]*) as presented, second by Mr. Romero and discussion opened by Mr. Sanchez. Mr. Rosoff suggests the four-hour ethics requirements being changed to two hour for the single year. Mr. Schoen explains compliance goes by the end of the period that starts when the rule goes into effect. Mr. Rosoff then addresses the testing at two years covers engineering skills and not years of practice. Mr. Sanchez adds consideration was given to the fact that less is forgotten closer to graduation. Mr. Sisneros sees where getting graduate engineers into the system of licensure earlier will help them pursue it to the four-year licensure. Mr. Sanchez recalls concern from the last NCEES meeting that the majority, possibly as high as 80%, of graduate engineers on the national level were not licensed. Mrs. Smith advises the ethics effective date can be separated out differently on the motion and as a motion and second are on the table all audience participation is inappropriate. Mr. Shah adds he was more in favor of volunteer ethics. Mr. Sanchez strongly supports mandatory ethics. A roll call votes is taken and Mr. Guerrerortiz does not vote due to just arriving.

VOTED: approval, Mr. Romero, Mr. Sanchez, Mr. Vigil, Mr. Sisneros, Mr. Shah, Mr. Schoen, Mr. Atwell, unanimous

Motion by Mr. Shah that the ethics requirement be set for this year to 2 hours for 2006 renewals, second by Mr. Romero and unanimously,

VOTED: Motion approved

Mr. Sanchez directs staff to prepare final rules in appropriate form. Each adopted rule will supersede the current rule and will become effective 30 days after being filed with the state Records Center and Archives. Upon approval by State Records Center and Archives, the new rules will be published in the New Mexico Register as required by law. Copies of the new rules will be provided to all licensees and any person who submitted oral or written comments will be given notice of the actions of the Board if address information is available.

5. **CHANGE THE DATE OF THE JUNE 15-16, 2006 BOARD MEETING TO JUNE 8-9, 2006** – Mrs. Garcia explains due to availability on accommodations a date change would be better. Motion by Mr. Guerrerortiz to change date of meeting, second by Mr. Vigil and unanimously,

VOTED: Board meeting date changed to June 8-9, 2006

6. **ADJOURNMENT** – Having no further business, Mr. Sanchez adjourns the meeting

Submitted by:

Approved by

Elena Garcia, Executive Director

Mr. Fred Sanchez, PSC Chair

_____ Approval Date