

DRAFT

Meeting of Board of Licensure for
Professional Engineers & Professional
Surveyors held 9:00 a.m., April 5, 2007 at
the Board Office, 4001 Office Court Drive,
Suite 903, Santa Fe, NM 87507-4962

Members Present: Patricio Guerrerortiz, PE, Board Chair
 Gilbert Chavez, PS, Board Vice-Chair, by teleconference
 Charles Atwell, Public Member
 Salvador Vigil, PS
 Fred Sanchez, PS
 Severiano Sisneros, PE, by teleconference

Others Present: Elena Garcia, Executive Director, BoLPEPS

Guest: Scott Verhines, NMSPE President

Members Absent: John Romero, Sr., PE
 Subhas Shah, PE
 Stevan Schoen, Public Member
 Dr. Rola Idriss, PE

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Mr. Guerrerortiz convened the meeting at 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 – Motion by Mr. Sanchez second by Mr. Vigil, and unanimously,

VOTED: To approve the agenda as presented.

3. NEW BUSINESS

3.1 Board Resolution Requesting NCEES to Delete Engineering Surveys from the Model Law for Presentation at WZ April Meeting. Mr. Sanchez explained that in 2004-2005 the engineering survey definition that was in the Engineering and Surveying Practice Act (hereafter “Act”) was removed to stop unlicensed surveying activities. About 35 years ago, when 156 semester hours of credits were required in the formal training to obtain a civil engineering license, the curricula had a lot of surveying courses. Then in the late 70’, 80’ and all through the 90’, mostly the industry was telling the colleges they needed more engineers. Today nationally, the curricula that they were able to research averaged 125 to 128 hours of formal training. What was eliminated from the engineering curricula

was surveying. The definition no longer really applies. There are two distinct professions and both require licensure. Mr. Sanchez stated he first presented this about 25 years ago. In 2004-2005 the of engineering surveys definition was removed from the "Act" and he believes it is going to help the surveying schools as NMSU to get more students and eventually both professions will come together and be almost identical. The technology in surveying has really taken off and now a four-year degree is required where before surveying could be a learned profession outside of schools. In the NCEES "Exchange" newsletter, the last three or four issues, seem to depict NCEES as encouraging education, examination, and experience for all practitioners as part of their mission to protect the public. He has written a "Case" for removing "engineering surveys" from the NCEES Model Law. He also asked to be appointed to the national committee that deals with these issues but did not get the appointment. Mr. Chavez does have an appointment to a national committee of NCEES. Mr. Sanchez and Mr. Chavez agreed to sign and co-sign Model Law changes and NCEES told them it would be better if presented as an action of the state board. They told Mr. Chavez it should be presented in a resolution format of about one page. Mr. Sanchez wrote the Resolution and on the last paragraph of the last page it states the Resolution is supported by the observations or the "Case" attached to the Resolution. Mr. Guerrerortiz asked if those participating by phone have copies of the Resolution and all responded in the affirmative.

Mr. Guerrerortiz stated he had comments regarding the language of the Resolution itself. Not because he does not agree with the concept, but because he thinks it is targeting civil engineers more than anybody else when it affects other disciplines. Mr. Guerrerortiz would like clarification on paragraph four also.

WHEREAS, the NCEES Model law, as currently written, fails in this duty in one very important aspect, specifically, by inclusion of the term "engineering surveys" in the definition of the practice of engineering which states "all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects but exclude the surveying of real property for the establishment of land boundaries, right-of way, easements, and the dependent of independent surveys or resurvey of public land survey system"; and

It was noted that this paragraph perhaps should say that the Model Law fails in its duty to protect the public. Mr. Sanchez stated that the paragraph is in the Model Law as is written and he suggests reading the case first. Mr. Sanchez summarizes the case, stating he has taken the most important points in the case and prepared the Resolution. Mr. Atwell points out that NCEES will debate it and the important thing is to get it presented for their review. Mr. Sanchez thinks it will be assigned to a committee and that there is where the action will take place. Mrs. Garcia suggested the Board ask for support from the Western Zone by having it endorsed, possibly, by the Western Zone as a WZ Resolution. Mr. Guerrerortiz would like to take out the last paragraph or move it to the "whereas" as a justification of support. Mr. Atwell does not think we need the last paragraph,

which makes reference to the listed observations or “case”. Mr. Sanchez stated he is trying to say there is more to the Resolution than the whereas.

Mr. Guerrerortiz indicated that he suggests this because in the end what will matter is what is in the Resolution. Mrs. Garcia indicated that she believes the Resolution becomes the actual motion at the NCEES meetings.

Mr. Chavez asked for permission to distribute printouts among the membership and talk one on one with other people from other states so that they have a good idea of the background without having to attach anything to the resolution.

Mr. Atwell made a **MOTION** to adopt the Resolution as presented and present it at the NCEES WZ meeting. Mr. Sanchez seconded the motion. He indicated he is concerned that all the research that was done for the Resolution is not included. Mr. Guerrerortiz stated that the Board can bring the Resolution and that there will be four delegates at the meeting who can present the “Case” during the discussions in support of the Resolution.

Mr. Sisneros stated his concern is mainly what is in paragraph five because the supporting documentation speaks well of the future of surveying and engineering, but he feels paragraph five contradicts what is in the “Case.” He is not sure that the Resolution will do anything or even make it out of committee, his main concern when looking at the public as a whole; is that he feels the Board is leaving a gap in engineering surveying. He can not see where the board is developing engineers or surveyors to fill this gap. Paragraph five which states: *“Whereas, it is recognized that surveying is a separate and distinct profession from engineering and is an increasingly complex body of knowledge, the application of which requires ever increasing levels of education, experience and examination; and the required competency to provide service to the public in the area of expertise; and...”* This paragraph separates the profession and makes that gap even greater. Somewhere in there, there has to be an avenue for individuals to be able to practice that. He would feel more comfortable as a board member if he knew how that gap was going to be filled. Mrs. Garcia asked if he was referring to the gap in the model law after taking out “engineering survey” and whether the gap he is referring to is the gap that was filled in the NM law with the definition of “supplemental surveying.” He indicated that the gap he is referring to is that we are saying that the engineer can not do construction surveying and that the surveyor must do it; however, a surveyor may not have more knowledge of construction surveying than the engineer did or vice versus.

Mr. Sanchez indicated that knowing how to do surveying is not the issue, being licensed to do surveying is the issue. He believes the law is very clear in the definition of surveying regarding construction surveying.

Mr. Chavez stated that there are many dual licensees, engineers who have surveying licenses. There is no reason why other engineers who wish to practice

surveying should not get a separate surveying license. Mr. Guerrerortiz states that in the future engineers may get specialties in surveying engineering. Emphasizing the different professions is not what we do here, as much as to emphasize distinct areas of expertise. But, he is willing to go ahead with the Resolution. He further indicated as a friendly amendment to the motion to change “curriculum” to “curricula” and on the 2nd page, 2nd line “civil” should be deleted and replaced with “licensed.” The first and second accepted the friendly amendment and unanimously,

VOTED: To pass the motion to approve the Resolution as presented with the two changes noted.

Mr. Sisneros wished to explain his vote. He stated that he wishes the Board as it continues to work in the future to instead of moving for the separation of engineering and surveying, he would challenge the surveyors to develop disciplines within the surveying profession, and this is what the Board should be taking to NCEES.

4. **ADJOURNMENT** – Having no further business, Mr. Guerrerortiz adjourn the meeting

Submitted by:

Approved by

Elena Garcia, Executive Director

Mr. Patricio Guerrerortiz, Board Chair

Approval Date