

Draft

Professional Engineering Committee of the
Board of Licensure for Professional
Engineers & Professional Surveyors held
August 2, 2007 at the Board Office, 4001
Office Court Drive, Suite 903, Santa Fe, NM
87507-4962

Members Present: John Romero, Sr., PE, PEC Vice Chair
Dr. Rola Idriss, PE
Severiano Sisneros, PE
Subhas Shah, PE

Members Absent: Patricio Guerrerortiz, PE, PEC chair
Stevan Schoen, Public Member

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

Guests: David Cooper, President NMPS
David L. Baker
Seth P. Olsen

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Mr. Romero convened the meeting at approximately 9:40 a.m. Roll call was taken, and it was noted that a quorum of the Professional Engineering Committee was present. Mr. Guerrerortiz had indicated he would not be able to attend.

2. APPROVAL OF THE AGENDA – Dr. Idriss moved, and motion was seconded by Mr. Shah and unanimously,

VOTED: To consider the agenda items as follows: after item 4.3 to go to item 4.17, 4.19, 5.1 and 5.2 then back to 4.4.

3. APPROVAL OF THE MINUTES

3.1 Approval of the June 14, 2007 – Motion by Mr. Shah, second by Dr. Idriss, and unanimously,

VOTED: To approve the minutes of 6/14/2007 with an addition on page 2 that Mr. Shah declined the position at nomination (item 4.1) and the vote.

4. NEW BUSINESS

4.1 David L. Baker – Education (Appeal PE exam) – Appointment 9:00 a.m. He did not appear.

4.2 Johnny T. De Vargas – Education [Distance Learning Engineering Degree] 9:30 a.m. Mr. De Vargas presents additional information on the engineering degree he completed via long distance learning. It was noted that the engineering technology program was ABET accredited. He petitioned the Board to approve him to sit the FE exam. It was moved by Mr. Romero, seconded by Dr. Idriss, and unanimously,

VOTED: To approve his application for the FE examination

4.3 Seth P. Olsen – [Appeal-Experience Requirement] – 9:40 a.m. Mr. Olsen wants to take the PE exam based on engineering experience obtained while pursuing his Bachelors and Masters degrees because they were awarded at the same time. After some discussion, it was moved by Dr. Idriss, seconded by Mr. Shah and unanimously,

VOTED: To require Mr. Olsen to complete the two years of engineering experience gained after the degrees before he is allowed to sit for the PE exam.

4.4 Jim D. Koontz, PE – Application to add the Architectural Engineering Discipline Designation [Appeal] to his listing in the Board's roster – It was moved by Dr. Idriss, seconded by Mr. Romero and unanimously,

VOTED: To deny the architectural discipline since candidate appears to only have roof design experience.

4.5 Xiaofang Huang – Education [Appeal since the engineering program she completed was lacking in non-engineering related courses] – It was moved by Dr. Idriss, seconded by Mr. Shah and unanimously,

VOTED: To accept the engineering program and allow Ms. Huang to take the PE exam based on the additional course work she submitted.

4.6 B.S + 30 Semester Hours – Implementation of Model Law Provision in NM Law by 2015? Mrs. Garcia explained the 30 hours would be required at the licensing level. An engineering degree would not be increased by 30 semester hrs. Mr. Sisneros strongly objects to pushing qualification for licensure past the ABET-accredited BS degree. NM does not have to accept it, and it will be interesting to see how many boards will implement. It was moved by Mr. Sisneros, seconded by Mr. Shah and unanimously,

VOTED: To table discussion.

Mr. Romero with the Committee's consensus indicates the following items 4.7 through 4.16 and 4.18 will be deferred to the next meeting:

- 4.7 Overall goal/direction for 07/08 including committee assignments
- 4.8 2009 legislative priorities and review of results from 05 Sunset Act Changes (2 years PE Test allowance, PEC/PSC joint committee, ethics course, etc.) How are they working, improvements etc.
- 4.9 PE Licensure Promotion/amnesty
- 4.10 Review of complaint process and roles of the PEC Board/Hearing Officers and Attorney General Office along with statuses
- 4.11 Redacting names from review of complaints
- 4.12 PE Ceremony w/NMSPE/NMSU/UNM
- 4.13 Direction/discussion on Engineering Technology Majors BSCET, etc.
- 4.14 When is a PE Stamp required, and how is the PEC going to enforce/promote, etc.?
- 4.15 Surveying Engineer
- 4.16 Notice of Right to Inspect Public Records
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- 4.18 Procurement Code – Qualifications-Based Selection- How it applies to Universities

4.17 Advisory Opinion No. 16 – Re: Supplemental Surveying –. The topic of engineering surveys was discussed. It was noted that after the Western Zone delegates at the WZ meeting did not pass the Board's resolution to delete "engineering surveys" from the language in the Model Law, it had been the decision of the full Board that it would be presented at the annual NCEES meeting. Mr. Shah asked why it was taken to the national meeting if the WZ did not pass it; he inquired if the PSC gained support since the WZ meeting. Mrs. Garcia stated that the Board had determined to carry it to the annual meeting as a New Mexico resolution if it did not get the support of the WZ as a WZ resolution. There was concern that the initial resolution presented at the WZ was revised for presentation at the annual meeting. Mrs. Garcia explained that the initial resolution was revised because additional information, information from ASCE, was included as background information. This information had been emailed to all board members. [On page 13 of the full board meeting books section, the "Case" using additional justification from ASCE's documents was also included.] From this the resolution was amended, so the fourth whereas stated: "Whereas, over 40 years ago..." was not on the resolution voted by the full board. Mr. Sisneros was concerned that additional language was added to the resolution that was not included in the resolution that was presented at the special meeting. Language can not be added to a motion after it has been voted on. He is concerned that the Board keeps pushing something that does not have national support and the PSC Advisory Opinion No. 16 adds the following sentence which is of concern: "*Topographic surveys used in the design and construction of engineering and architectural projects are considered surveying services offered*

to the public.” It was moved by Mr. Sisneros, seconded by Dr. Idriss and unanimously,

VOTED: The PEC request the last sentence be removed from PSC Advisory Opinion 16 or the PEC will not support Opinion 16.

4.19 Procedures for Agenda Items on Committees & Board Agendas – Dr. Idriss is concerned that items dealing with PEC issues go to the full board without first being considered within the PEC committee. Mr. Shah suggested that if an item reaches the full board and it is a PEC matter, it should be redirected back to the PEC by request of any member. Mrs. Garcia indicated that tentative PEC, PSC and full board agendas are sent to all board members, and anyone may ask for changes. It was moved by Dr. Idriss, seconded by Mr. Shah and unanimously,

VOTED: Anything that concerns the PEC should first be reviewed by the PEC before it goes to the full board. If there is an item on the full board without review first by the PEC, it must go back to the PEC.

It was noted that the same should apply for PSC matters.

5. OLD BUSINESS

5.1 Motion/Resolution to be Presented at 2007 Annual Meeting Requesting Deletion of Engineering Surveys from the Model Law [July 23, 2007 letter], Official Motion Form, and “Case for Removing ‘Engineering Surveys’ from the NCEES Model Law” –Mrs. Garcia reviewed the process that resulted in the submittal of the Board’s resolution to NCEES for presentation at the annual meeting later this month. Dr. Idriss stated she cannot support the seventh “whereas” were it states engineering curriculums no longer teach or test in surveying. She believes that in order to represent the Official Motion Form at the annual meeting, it should have been first discussed by the PEC. Mrs. Garcia explained that the action requested in the revised resolution [the “therefore”] to delete “engineering surveys” from the language in the Model Law was what was requested in the original resolution that was approved by the full Board. Mr. Romero stated the additions in the “Whereas” in the new Resolution in the Motion Form are not what the initial resolution said. Mrs. Garcia agreed and stated it was sent with the understanding that the full board had approved the required action, and it did not even occur to her that the background information would have changed the requested action. It was noted that while the action being requested was approved by the full Board in the initial resolution, the Board did not approve the revisions or the transmittal letter signed by Board Chairman Chavez. Mr. Sisneros stated that he is concerned that the Board approval was rushed to the extent that a special meeting of the Board had to be called. He felt there had been insufficient consideration, and he had voted against it. He

questioned the correctness of the statements stated as facts in the letter. Dr. Idriss wants procedures to be followed before a letter representing the entire Board, and is of the opinion that calling special meetings are not fair to take care of such important issues. It was moved by Mr. Sisneros, seconded by Mr. Romero and unanimously,

VOTED: To request Board Chair, Mr. Chavez, rescind the July 23, 2007 letter to NCEES since it was not approved by the full board, or the PEC will submit a letter of non-endorsement.

It was moved by Mr. Sisneros, seconded by Dr. Idriss and unanimously,

VOTED: the Official Motion Form sent to NCEES was not approved by the full board. If not rescinded, the PEC will submit a letter of non-endorsement.

5.2 Proposed Modification to Code of Conduct – Mrs. Garcia presented amendments to the Code of Conduct as requested by the full Board, indicating that the full board wished not to delay the process of revising the Code and asked staff to bring amendments to the full board for approval to go to rules hearing at the next meeting. This item was first suggested by Mr. Chavez to the full board and staff was asked to prepare the amendments. Basically Mr. Chavez suggested the Board's Code of Conduct be reformatted similar to the NCEES model code. Ms. Bourassa took these two documents of almost exactly the same wording and formatted the Board's Code into the same organized groups as the model code. The substance of the Board's code was basically the same as the model code, but the format was different. The reformatted code [in strike-out and underlined format] was sent to all board members for comments prior to the meeting and certain changes were recommended by some Board members. Dr. Idriss indicated that when it was presented in full board at the last meeting, the PEC was not familiar with the changes. The PEC wanted an opportunity to review it in committee first. Mrs. Garcia explained the changes on the proposal before the Board and stated if the Board approved the changes, the proposed amendments may be presented for public hearing after a 30-day notice. The PEC felt the manner in which individual members have submitted their personal wording is very confusing. Dr. Idriss sees a lack of procedure for this project, and she feels it should have been first turned over to the Rules Committee by the full Board. The PEC wants to see three copies of documents again: (1) the original Code of Conduct, (2) the Model Code, and (3) the new document combining only these two. Mr. Romero suggested the individual board member changes be separated and reviewed for use in the new combined but unchanged document one at a time.

6. COMPLAINTS & VIOLATIONS Closed Session - It was moved by Mr. Sisneros, second by Dr. Idriss and

VOTED: To convene in closed session pursuant to NMSA 1978, Section 10-15-1 (H) (#1) to discuss only those cases listed in 6.1 through 6.5 of the agenda. A

roll call vote was taken. Voting yes; Dr. Idriss, Mr. Sisneros, Mr. Shah, and Mr. Romero, Motion carried unanimously

- 6A** **COMPLAINTS & VIOLATIONS Open Session** - Action on cases on the agenda – [*...All charges, unless dismissed as unfounded, trivial, resolved by reprimand, or settled informally shall be heard in accordance with the provisions of the ULA, 61-23-24(E), NMSA 1978*]. Mr. Romero moved to reconvene the meeting in open session stating that the discussions in closed session were limited to those cases listed as items 6.1 through 6.5. Mr. Romero seconded the motion and it was unanimously

VOTED: To resume the agenda in open session.

- 6.1 Case 04-04-08 Daniel Armstrong, PE [Appealed Board’s Decision & Order] – Status Only - Ms Smith still answering appeal actions
- 6.2 Case 07-07-30 – Action tabled
- 6.3 Case 07-07-31 – Action tabled
- 6.4 Case 07-07-32 - Action tabled
- 6.5 Case 07-07-35 deferred consideration until next meeting
- 6A Appointment of hearing officers (if required) for new cases – none required

7. REVIEW OF APPLICATIONS

- 7.1 Applications for Retired Status & Inactive Status - none
- 7.2 Applications with “MLE” Council Records and “Substantial Equivalency” – Dr. Idriss motioned for approval, second by Mr. Shah and unanimously,

VOTED: To approve 49 MLE or Equivalency applications

- 7.3 Review of New Comity and Examination Applications – Applications were reviewed and decisions noted in individual applications

8 ADJOURNMENT – Having no further business Mr. Romero adjourned the meeting

Submitted by:

Approved by

Elena Garcia, Executive Director

Patricio Guerrerortiz, PE, Board Chair

Approval Date