

DRAFT

Meeting of the **Professional Engineering Committee** of the Board of Licensure for Professional Engineers & Professional Surveyors held at 9:00 a.m., December 14, 2007 at Workers compensation Administration Building, 2410 Centre Ave., SE, Albuquerque, NM.

Members Present: Patricio Guerrerortiz, PE, PEC Chair
John Romero, Sr., PE, PEC Vice Chair
Severiano Sisneros, PE
Stevan J. Schoen, Public Member
Subhas Shah, PE

Members Absent: Dr. Rola Idriss, PE

Others Present: Elena Garcia, Executive Director
Perry Valdez, Licensing Specialist
Ed Ytuarte, Complaint Manager, PEPS

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Mr. Guerrerortiz convened the meeting. A roll call was taken, and it was noted that a quorum of the Board was present. Dr. Idriss was unable to attend due to weather conditions.

2. APPROVAL OF THE AGENDA – Motion by Mr. Shah, second by Mr. Romero and unanimously

VOTED: To approve the agenda as presented.

3. COMPLAINTS & VIOLATIONS Closed Session – Mr. Shah indicated he has recused himself from any consideration of case 07-07-35. It was moved by Mr. Sisneros, seconded by Mr. Shah and

VOTED: To convene in closed or executive session pursuant to NMSA 1978, Section 10-15-1 (H) (1) to discuss only those cases listed as 3.1.1 and 3.1.2 on the agenda [cases 07-07-35 and case 08-07-05]. A roll call vote was taken. Voting yes: Mr. Guerrerortiz, Mr. Sisneros, Mr. Shah, Mr. Schoen and Mr. Romero. Motion carried unanimously.

[S. Shah recusing himself from case 07-07-35 and leaving the room during discussion of this specific case in closed session]

3. COMPLAINTS & VIOLATIONS Open Session – Action on the Above Cases – Mr. Guerrerortiz reconvened the meeting in open session and further stated that the discussions in closed session were limited to those cases listed as items 3.1.1 and 3.1.2, cases 07-07-35 and 08-07-05 on the agenda.

3.1.1 Case 07-07-35, It was moved by Mr. Sisneros, seconded by Mr. Schoen and **VOTED** to: Issue an NCA; NCA to be held in abeyance in order to give respondent an opportunity to consider an Informal Settlement Agreement which includes a letter of cease and desist from the practice of engineering and notification that respondent not refer to himself as an engineer intern. [Voting Yes: Mr. Sisneros, Mr. Schoen, Mr. Guerrerortiz. Voting No: Mr. Romero. Recused himself: S. Shah.]

3.1.2 Case 08-07-05, It was moved by Mr. Sisneros, seconded by Mr. Schoen and unanimously,

VOTED to: Issue an NCA; NCA to be held in abeyance in order to give respondent an opportunity to consider an Informal Settlement Agreement which includes a letter of cease and desist from the practice of engineering.

The Committee asked Mrs. Garcia to request from Board Counsel Mary Smith a procedural flowchart of this new process for PRE-NCA Settlement Agreements.

3.A. COMPLAINTS AND VIOLATIONS – OPEN SESSION

3.A Appointment of Hearing Officers – It was noted that if the respondents in the above cases opt to request a hearing after an NCA is issued, the entire committee will hear the cases.

4. REVIEW OF APPLICATIONS

4.1 Applications for Retired Status and Inactive Status – referred to next meeting due to time constraints.

4.2 Review of Applications for licensure and additional discipline (2) – It was moved by Mr. Romero, seconded by Mr. Guerrerortiz and unanimously, **VOTED:** to delegate the review to Mr. Guerrerortiz and Mr. Sisneros.

5. ADJOURNMENT – Having no further business, it was moved by Mr. Romero, seconded by Mr. Guerrerortiz and unanimously, **VOTED:** to adjourn the meeting

Submitted by:

Approved by:

Elena Garcia, Executive Director

Mr. Patricio Guerrerortiz, PEC Chair

Approval Date