

DRAFT

Meeting of the Professional Engineering Committee  
of the Board of Licensure for Professional  
Engineers & Professional Surveyors held July 20,  
2007 at the Board Office, 4001 Office Court Drive,  
Suite 903, Santa Fe, NM 87507-4962

## PROFESSIONAL ENGINEERING COMMITTEE WORKING MEETING

Members Present:     Patricio Guerrerortiz, PE, PEC chair  
                          Dr. Rola Idriss, PE  
                          Severiano Sisneros, PE  
                          Subhas Shah, PE  
                          Stevan Schoen

Others Present:       Elena Garcia, Executive Director, BLPEPS  
                          Candis Bourassa, Licensing Manager, BLPEPS

Guests                 Bill Leatherbury, The Group NMSPE  
                          Raymond Hensley, The Group NMSPE  
                          Michael Bitner, DS&A

Absent:                John Romero, Sr., PE Vice Chair

Mr. Shah convened the meeting at 9:30 a.m. {Mr. Guerrerortiz, Chair and Mr. Romero, Vice chair arrived after the meeting was due to convene. A roll call was taken, and it was noted that a quorum was present.

**1. Overall goal/direction for 07/08 including committee assignments** – Dr. Idriss pointed out some issues and votes coming to the full board that concern engineers that have had not been discussed at the PEC to determine what the surveyors are trying to achieve. The solution would be to allow the PEC committee time to discuss issues before the full board meeting. Mrs. Garcia explained that regarding the proposal to modify the Model Code of Conduct, Mr. Chavez proposed to the Board to reorganize it similar to the NCEES Model Code of Conduct. The Board asked staff to do this for the next board meeting. Ms. Bourassa formatted it, and Mrs. Garcia added a few changes, which she thought appropriate. The draft was distributed for comment to all board members prior to the Ruidoso full board meeting when it was scheduled on the agenda. Mr. Shah agrees items like this should go to the PEC first. Mr. Sisneros believes that items originating at the PSC agenda and then submitted to the full board leaves the PEC out of the discussion process. The minutes sent to all board members from the PSC meetings are not enough. To act as one body, discussion needs to be done in a PEC meeting prior to discussion at the full Board. Mr. Hensley stated he has seen this happen in the past with issues that needed to go to the rules committee because they affected both engineers and surveyors. Mr. Schoen believes this is a procedural problem and should be addressed. Mrs. Garcia suggested that if Board members call her when they receive the draft agendas and they notice items on the other committees or board agendas which they wish to discuss at the PEC she can include them. Dr. Idriss stated she does not see enough information on the agenda one-liner descriptions to judge

the importance of review first by the PEC. The PSC is pushing things through too fast by going directly to the full board. Mr. Sisneros believes if the committee chairs would communicate with each other on such issues even short teleconference meetings could be arranged when necessary. Mrs. Garcia stated that any time a quorum gathers it has to be advertised even if done by teleconferencing. Dr. Idriss suggests putting these issues on the PEC agenda the day before the full board meeting. It was noted that this may not be sufficient. Mr. Sisneros proposed having the committee meetings at a time other than right before the full board meeting. Mrs. Garcia indicated it is possible, but this would increase travel expenses since it would increase the number of trips for everybody. Mrs. Garcia agreed the back-to-back meetings can push items through very expeditiously. Mr. Sisneros and Dr. Idriss proposed that the PEC have more individual committee meetings and fewer full board meetings each year. Mr. Shah suggested a quorum of both the PEC & PSC should be present during full board meetings in order to represent both sides. Mrs. Garcia stated if the Board wishes to stay with two days back-to-back meetings, this can be resolved by administrative policy to not act on anything in full board that does not reach the PEC or applicable committees first. This could be an action item at the next meeting. Dr. Idriss noted the example of a letter being sent out to flood control managers stating engineers and architects could not decide if a location was within a flood zone. The issue is something that the PEC and PSC committees should have reviewed separately. Mr. Hensley had never heard of this being only allowed by surveyors. Mr. Sisneros's concern was the unlicensed flood plane managers telling professional licensees what they can and can not do. Mr. Hensley stated agendas are not published with sufficient time for the NMSPE to submit a written response. Dr. Idriss and Mr. Sisneros stated that Opinion 16 was never presented at a PEC meeting. Mr. Schoen suggested tabling unresolved full-board issues at Board meetings. Mr. Sisneros indicated perhaps the JESS committee could be charged with finding areas where there is a joint practice. Dr. Idriss would like to develop a list of PEC action items for future meetings. Mr. Hensley offered support with NMSPE members to attend meetings.

**2. 2009 Legislative priorities and review of results from 05 Sunset Act Changes (2-year PE Test allowance, PEC/PSC joint committee, ethics course, etc.). How are they working, improvement etc.** - Committee chair, Mr. Guerrerortiz arrived. Mr. Sisneros had asked for these items to be on the agenda. The big changes affecting engineering in the Sunset Act were the "2-year experience" PE test allowance and the joint committee. Mrs. Garcia reported that with every exam session more applicants take advantage of this opportunity. Dr. Idriss has received very positive reactions from engineering students. Mr. Hensley reported most of the engineering students are leaving New Mexico, but they are very much for the 2-year-exam option. Mrs. Garcia explained the process is being established to have the five references completed at testing if possible; applicants would only be required an experience update record at the completion of four years. If they cannot obtain all the PE references before testing, then when they update their experience to four years, they have to obtain the additional PE reference(s). If they have five references at the two year period, an additional reference is needed to substantiate the remaining engineering experience required. In relation to the PEC/PSC joint committee, Mr. Sisneros would like a procedure to assure that issues that affect both PEs and PSs are discussed both at the committees and at the full board. Dr. Idriss recalls the flood plane issue never being discussed at the PEC. Mr. Guerrerortiz pointed out the joint committee is there when the PEC and PSC disagree and they have had one meeting on supplemental surveying. Mrs. Garcia explains the joint committee members are there to decide

on ambiguities so the JESS can clarify the issues and send to the appropriate committee. From the record, the April 6, 2006 meeting on supplemental survey decided exclusivity on the matter to the PSC. Mr. Hensley stated he has people who want to take the Board of Licensure to court because of the PSC advisory opinion. Some members of the NMSPE have been accused and taken to task because of this opinion. The NMSPE knew when the joint practice committee was formed; it will need to be very cognizant of the surveying agendas. From experience, Mr. Sisneros stated he has seen many good construction surveyors both with engineering or surveying degrees, and bad ones also. Mr. Hensley stated county managers are being disciplined or called on their maintenance crews doing blacktop. Mr. Sisneros sees this as another example of why surveying needs sub-disciplines. In particular, there needs to be a construction staking discipline. Mrs. Garcia indicated the PSC is not in support of sub-disciplines for surveying and the civil engineer to qualify for a surveying license would have to have at least 18 hours in surveying. The engineering curriculums in general are not offering that much right now. Dr. Idriss believes that two are required at NMSU. Mr. Sisneros pointed out that exclusivity of all surveying to professional surveyors does not protect the public since there are many qualified to do various types of surveying and suggested grandfathering might be considered. Mr. Guerrerortiz stated engineers and surveyors grandfathered in the past could never qualify by today's requirements. Mr. Sisneros agreed boundary survey does belong to the licensed surveyors but areas like construction surveying need to be separated out. Mr. Schoen pointed out the process of sending these matters to the Joint Committee is done by presenting the problem material and presenting a separate resolution that can cover the specific thing the PEC does not agree with. Mr. Hensley will send a letter on PSC Opinion 16 and will be asking the board to consider changes to the last sentence which is creating the problems. Mr. Guerrerortiz indicated a change of subject to the impact of ethics and how, though starting out slow, the engineers have embraced the need for it. Mr. Sisneros stated there is a need for those doing unethical practices and the need to learn and promote good ethics. Mr. Guerrerortiz stated good engineers can at times make foolish mistakes in the use of their licenses.

**3. PE Licensure Promotion/amnesty** – Mr. Sisneros believes there is too much engineering being done without a license. He sees architects practicing engineering. He believes there should be greater efforts made to get graduate engineers to go on and get licensed. An example would be a graduate engineer working for the government for numerous years to be allowed to obtain a license. The industrial exemption also should be removed. Dr. Idriss believes if engineers do not need a license in their employment, they will drop it. Mr. Hensley stated the NMSPE is working on a statutory change and believes there will be support among governmental engineers.

**4. Review of the complaint process and roles of the PEC Board/Hearing Officers and Attorney General Office along with statutes.** - Mr. Sisneros stated there have been times when he has felt like their hands were tied and would like to discuss this later.

**5. Redacting names from review of complaints** – Will discuss this later

**6. PE Ceremony w/NMSPE/NMSU/UNM** - Mr. Sisneros would like to get some plans made and work with these entities to develop a ceremony.

**7. Direction/discussion on Engineering Technology Majors BSCET, etc** – Mr. Sisneros would like a statutory change made to not include them. Mrs. Garcia reported that some years back, the Board tried to remove engineering technology degrees from the eligible degrees for licensure, but was unsuccessful. NMSU who has an ABET-accredited program showed up to voice a strong protest.

**8. When is a PE Stamp required, and how is the PEC going to enforce/promote, etc?** - Mr. Sisneros has seen different opinions and would like further discussion later time. Mrs. Garcia indicated there is the published Handbook that is distributed to all licensees and building officials.

**9. Surveying Engineer** – This is something the PSC would like to eliminate and the PEC would like to further discuss at a later meeting.

**10. Response to Michael J. Bitner. RE: Practice of Engineering & Use of the Term “Project Engineer”** – Mrs. Garcia handed out the letters he submitted. She has prepared a draft letter to Mr. Bitner stating the statutes of when a professional engineer is required and that Dr. Kuchanur is within the law because he is being supervised by a licensed engineer. The title of “Project Engineer” on solicitations to the public cannot be used until he has obtained a license. Mr. Bitner explained “Project Engineer” had been used on Dr. Kuchanur’s visa application and billing category. Mrs. Garcia will issue a letter stating Mr. Kuchanur can work as an engineering intern under the supervision of a licensed engineer. Mr. Guerrerortiz clarified that his business card can say he works in engineering as a group but not that he is one. Mr. Schoen believes the public would still assume him an engineer with any form of the word and suggests using “water recourses management.” Mr. Bitner stated the term “engineer” is still used in many fields. Mr. Guerrerortiz responded it is something the board is trying to correct. Mr. Schoen pointed out the use of “Project Engineer” by an unlicensed individual is unlawful and can be prosecuted by the board.

**11. Review of Engineering Experience (Updated) from individuals who passed the PE exam with less than four years Experience** - 10 files were reviewed and decision noted in the files.

**12. Adjournment** – To continue discussion, the PEC will continue having these type of non-action meetings to discuss issues. Mr. Hensley will obtain input from the NMPSPE on today’s meeting. Every other month, the NMSPE has a Saturday board meeting at the Bar Association and he would like board members to attend. Mr. Sisneros would like to attend and work together on changes.

Submitted by:

Approved by

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Elena Garcia, Executive Director

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Patricio Guerrerortiz, PE, Board Chair

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Approval Date

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