

Meeting of the Professional Engineering
Committee of the Board of Licensure for
Professional Engineers & Professional
Surveyors held at 9:00 a.m., March 13, 2007
at the Hotel Encanto de Las Cruces, Las
Cruces, NM.

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Members Present: Subhas Shah, PE, Chair
John T. Romero, PE
Dr. Rola Idriss, PE
Severiano Sisneros, III, PE

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

David Bollschweiler, PE (Respondent)
Anderson Clipper, Assistant Attorney General, State Prosecutor
Various Witnesses at Different Times

1. CONVENE

It was established that a quorum of the Committee was present. Members not in attendance were: Patricio Guerreortiz, PE (due to legislative matters) and Stevan Schoen (due to conflict due to his legal practice).

2. HEARING IN THE MATTER OF DAVID BOLLSCHWEILER, PE

[transcription by court reporter]

Hearing carried over to the next day, March 14, 2007, at the Ramada Palms Hotel in Las Cruces at 9:00 a.m.

3. CLOSED SESSION (Complaints and Violations) [at approximately 12:15 p.m.]

It was moved by Mr. Sisneros, seconded by Mr. Romero to go into closed session pursuant to NMSA 1978, Section 10-15-1 (H)(#3) to discuss a Stipulated Agreement of Settlement as proposed by state prosecutor Anderson Clipper and David Bollschweiler, PE, Respondent in case 06-05-49. A roll call vote was taken by Ms. Garcia: Voting Yes: Mr. Shah, Mr. Romero, Dr. Idriss, Mr. Sisneros. Motion carried unanimously.

4. **OPEN SESSION** – Action on case on the agenda – Mr. Shah reconvened the meeting in open session and further stated that the discussions in closed session was limited to the proposed stipulated agreement of settlement. Mr. Shah indicated the Board would agree to the following Stipulated Settlement of Agreement:

“Respondent Bollschweiler admits that he violated the rules of professional responsibility and incidental practice rule as stated in the amended Notice of Contemplated Action.

1. Respondent Bollschweiler shall practice only in the civil engineering discipline. He will cease and desist his practice in areas other than civil engineering.
2. A probationary period of two years beginning the day of approval of this settlement agreement.
3. Peer review will be for two years during his probationary period. He will choose a peer reviewer subject to approval by the Professional Engineering Committee Chair, Subhas Shah, PE and Board Member Dr. Rola Idriss, PE. He will bear the cost of the peer reviewer.
4. Twelve professional development hours of engineering ethics shall be successfully completed by Respondent Bollschweiler during his two-year probationary period.
5. A fine of \$5,000.00 shall be assessed and Respondent Bollschweiler must pay the fine within thirty (30) days of receipt of the signed settlement agreement.
6. Respondent Bollschweiler shall pay the costs of the administrative proceedings within thirty (30) days of receipt of the final settlement agreement.”

4.1 Case 06-05-49 - It was moved by Mr. Romero, seconded by Dr. Idriss and unanimously,

VOTED: To approve a Stipulated Agreement of Settlement as stated by Mr. Shah.

State Prosecutor Anderson Clipper will prepare the Stipulated Settlement Agreement for review and approval by Chair Subhas Shah.

5. **ADJOURNMENT** – Having no further business, Mr. Shah adjourned the meeting.

Submitted by:

Approved by

Elena Garcia, Executive Director

Mr. Subhas Shah, PE, PEC Chair

Approval Date