

Meeting of the Board of Licensure for Professional  
Engineers & Professional Surveyors held 9:00 a.m.  
August 1, 2008 at the Board Office, 4001 Office Court  
Drive, Suite 903, Santa Fe, NM.

Members Present      Subhas Shah, PE, Board Chair  
Charles Atwell, Public Member, Board Vice Chair  
John T. Romero, Sr., PE, PEC Chair  
Salvador Vigil, PS, PSC Chair  
Fred Sanchez, PS  
Gilbert Chavez, PS  
Dr. Rola Idriss, PE  
Patricio Guerrerortiz, PE

Members Absent      Severiano Sisneros, PE, Board Secretary  
Stevan Schoen, Esq., Public Member

Others Present      Edward Ytuarte, Executive Director, BLPEPS  
Ericca Lopez, Executive Secretary, BLPES

Guests              Leigh Fricks, NCEES Council Records Program

**1.      CONVENE/ROLL CALL/INTRODUCTION OF GUESTS**

Mr. Shah convened the meeting at 9:00 a.m. Roll call was taken and it was noted that a quorum of the board was present. Ms. Fricks from the NCEES stood up and introduced herself.

**2.      APPROVAL OF THE AGENDA**

**MOTION** was made by Mr. Atwell, **SECOND** by Mr. Vigil, and unanimously

**VOTED:** To approve the agenda.

**3.      APPROVAL OF THE MINUTES**

**3.1      June 13, 2008 Minutes – MOTION** by Mr. Atwell to approve the minutes as presented, **SECOND** by Mr. Romero, and unanimously

**VOTED:** To approve the minutes as presented.

#### 4. CORRESPONDENCE/ COMMUNICATIONS

- 4.1 **Leigh Fricks, NCEES- Re: Requiring a Council Record for all Comity Applications-** Ms. Fricks introduced herself to the board as the manager of the Council Records Program for NCEES. Ms. Fricks informed the Board that NCEES was working on developing an international registration program in which currently Canada, New Zealand and Ireland participate in. She also informed the Board that currently six states, Puerto Rico, New Mexico, Kentucky, Delaware, Massachusetts and one other, were requiring a council record when applying by endorsement.

A question was asked of Ms. Fricks regarding council records that require evaluation of foreign degrees asking how long it generally takes for a foreign degree to be evaluated. Ms. Fricks responded by saying that generally it takes about six weeks but sometimes longer due to the fact that it was harder to receive copies of transcripts from some foreign countries. The discussion developed into a short question and answer session and then Ms. Fricks was thanked for her informative presentation.

#### 5. COMMITTEE REPORTS

- 5.1 **Professional Engineering Committee-** Mr. Romero reported that Mr. Ytuarte and Mr. Shah would be attending the certificate presentation ceremony that was to be held in August by NMSPE in Albuquerque. Mr. Romero also noted that the committee had reviewed some rules changes that were proposed by the Rules and Regulations committee, and had decided that the committee would meet as a whole to work on these proposed changes. He reported that the committee had one case, Case number 08-07-14 in which they decided to issue an NCA for practicing without a license. He reported that Ms. Smith had updated them on the Armstrong case. He also reported that the committee had reviewed and approved all applications that had gone before them.
- 5.2 **Professional Surveying Committee-** Mr. Vigil reported that the committee would be attending the NMPS annual meeting. He also reported that Mr. John Martinez from the Administrative Law Division came to the give them a presentation on electronic seals. The committee also reviewed some of the motions that were going to be presented at the NCEES annual meeting. Mr. Vigil also stated that the committee had reviewed some changes that were being presented for licensure by endorsement and qualifications for the PS exam that were now on their way to the Rules and Regulations committee. Mr. Vigil reported that the committee had reviewed two cases, case number 08-07-22 , an NCA was issued for this case and case number 08-07-24, a letter of warning was going to be sent to the surveyor. Mr. Vigil also noted that Ms. Smith had given them an update on the George Marquez appeal. He also reported that the committee had a concern that no PSC committee members were named to chair any committee and the fact that very few committees had a member of the PSC included in them. Mr. Vigil stated that they had approved one applicant for retirement and had reviewed 8 applications.

- 5.3 **Executive Committee-** Mr. Romero reported that he, Mr. Atwell, Mr. Vigil, and Mr. Ytuarte had met at the board office on July 17, 2008. Mr. Romero reported that the main business of the committee was to study upgrades for staff positions and to consider fee increases. Mr. Romero reported that fees had to be increased not only for position upgrades but to provide for two more employees in the future that the director feels are needed. Mr. Romero reported that the fee increases that the committee had come up with were being submitted for their review and would be voted on later on the agenda. He strongly recommended that the other members consider what is proposed.
- 5.4 **Rules and Regulations Committee-** Dr. Idriss reported that the committee had met on July 11, 2008 in Albuquerque to review section 61.23.14.1. (Licensure Requirements). Dr. Idriss stated that when the Act was changed in 2003, the education requirement was dropped. A draft version was reviewed the previous day at the PEC meeting. Dr. Idriss reported that the issue was sent back to the Rules and Regulation Committee.
- 5.5 **Fire Protection Committee-** Mr. Guerrerortiz stated that the committee had met in October 2007. He stated that the revisions had never been submitted for review and had been presented at the PEC meeting the day before. There were some concerns that some comments had never been incorporated into the revisions that were submitted for review. At this point the PEC had also tabled these revisions and they were going to be reviewed by the committee as a whole when they meet to review the necessary changes to the Rules.

6. **NEW BUSINESS**

- 6.1 **Executive Committee Recommended Fee Increases-** Recommendations were presented as follows:
- 6.1. a **Renewal Fee Increase for PE and PS Licensees-** Increase fee from \$130 to \$180
  - 6.1.b **Stop paying for NCEES for Administration of Fundamentals Exams-** Stop supplementing this fee.
  - 6.1.c **Fee Increase for Administration of PE and PS Examination Applications-** Increase from \$100 to \$150
  - 6.1.d **Fee Increase for Administration of PE and PS Endorsement Applications-** Increase from \$150 to \$200
  - 6.1.e **Fee Increase for Administration of Reinstatement and Additional Discipline Applications-** Increase from \$150 to \$200

**MOTION** was made by Dr. Idriss, **SECONDED** by Mr. Atwell, and unanimously,

**VOTED:** To approve the fee increases as presented by the Executive Committee and make them effective immediately.

- 6.2 **Rules and Regulations Committee Recommendations for changes to 61.23.14.1 Licensure as a Professional Engineer Requirement-** This item was sent back to the

Rules and Regulations Committee and then to be reviewed by the PEC as whole to make changes and would be brought back for review by the full board when completed.

- 6.3 **Rules and Regulations Committee Recommendations for Proposed Rules for Engineering in the Design of Fire Suppression Systems and Proposed Rules for engineering in the design of Fire Alarm Systems**- This item was sent back to the Rules and Regulations Committee and then to be reviewed by the PEC as whole to make changes and would be brought back for review by the full board when completed.

7. **OLD BUSINESS**

- 7.1 **Changes/ Approval to FY 09 Meeting Schedule-** Mr. Ytuarte informed the board that due to unavailability of a meeting area for the June meeting, the meeting would need to be changed from June 11-12, 2008 to June 4-5, 2008. **MOTION** by Mr. Sanchez, **SECONDED** by Mr. Romero, and unanimously,

**VOTED:** To change the June meeting date as proposed by staff

- 7.2 **NCEES Annual Meeting-** Mr. Ytuarte explained that all accommodations for the board have been taken care of. He also explained to them that there are no accommodations to get to the hotel from the airport. Mr. Ytuarte asked if they would like for him to make arrangements for them and it was decided that they each would make their own arrangements.

8. **DIRECTORS REPORT**

- 8.1 **Staff Activities Report-** Mr. Ytuarte reported that the staff has been very busy and that he has prepared for them a short review of what is happening. He reported that he is working on in-pay band pay raises for staff. Mr. Ytuarte also reported that position upgrades also are being worked on. He reported that staff is working very aggressively on records retention and records archiving. Staff is working aggressively on getting online renewals and making website updates on a more regular basis. Mr. Ytuarte states that the Audit Report and the Budget Proposal deadlines are fast approaching and are being worked on at this time. **MOTION** by Mr. Atwell, **SECONDED** by Mr. Vigil, passed unanimously,

**VOTED:** To accept the Staff Report as presented by Mr. Ytuarte.

- 8.2 **Examination Reports April 2008 Session- Ratification of National Scores- FE, FS and PE and PS national pass rates-** This item was placed for informational purposes to the Board members.

9. **OTHER BUSINESS**

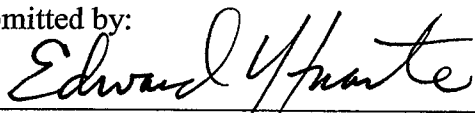
Mr. Chavez stated that he strongly objected to the committee appointments and that he realized that a lot of thought had gone into creating these committees; that with the exception of the Joint Practice Committee that all of the committees were being chaired by a member of the Engineering Committee. Mr. Chavez stated that this board was created for the protection of the public and not for the protection of the engineer. Mr. Chavez stated that he had not been invited to be a part of any committee, and he also wanted to make it known that it was not that he did not want to participate or that he does not participate. Mr. Guerrerortiz, Mr. Vigil and Mr. Sanchez also wanted to make known the same thing. Mr. Shah stated that when the committees were being created that they were trying to avoid having a quorum.

Certificates of appreciation were awarded to the outgoing Board Chairman, Mr. Chavez, outgoing PEC Chair, Mr. Guerrerortiz, and outgoing PSC Chair, Mr. Atwell.


10. **ADJOURNMENT**

Mr. Shah adjourned the meeting at 11:20 a.m.

Submitted by:

  
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Mr. Edward Ytuarte, Executive Director

Approved by:

  
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Mr. Subhas Shah, PE, Board Chair

November 7, 2008 Approved Date