

Meeting of the Professional Engineering Committee
of the Board of Licensure for Professional
Engineers & Professional Surveyors held 2:00 p.m.,
July 31, 2008 at the Board Office, 4001 Office
Court Drive, Suite 903, Santa Fe, NM

Members Present: John T. Romero, Sr., PE, PEC Chair
Dr. Rola Idriss, PE, PEC Vice-Chair
Patricio Guerrerortiz, PE
Subhas Shah, PE, Board Chair
Stevan Schoen, Esq., Public Member
Severiano Sisneros, PE, Board Secretary

Others Present: Edward Ytuarte, Executive Director, BLPEPS
Ericca Lopez, Executive Secretary, BLPEPS
Mary Smith, Assistant Attorney General, Board Council

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

Mr. Romero convened the meeting at 2:00 p.m. Roll call was taken and it was noted that a quorum of the Professional Engineers Committee was present.

2. **APPROVAL OF THE AGENDA**

MOTION by Mr. Schoen, **SECONDED** by Mr. Guerrerortiz, unanimously

VOTED: To approve the agenda as presented.

3. **APPROVAL OF THE MINUTES**

3.1 **June 12, 2008- MOTION** by Mr. Guerrerortiz, **SECONDED** by Mr. Shah, unanimously

VOTED: To approve the meeting minutes of June 12, 2007

4. **CORRESPONDENCE/ COMMUNICATIONS**

4.1 **NMSPE Certificate Presentation Ceremony-** Mr. Ytuarte stated that NMSPE would be conducting a Luncheon Certificate Presentation Ceremony on Monday, August 11, 2008.

5. **NEW BUSINESS**

- 5.1 **Rules and Regulations Committee Recommendations for changes to 61-23-14.1 Licensing Requirements** - Dr. Idriss stated that the Rules and Regulations Committee had reviewed suggested changes to Section 61-23-14.1 with regard to licensing requirement and was recommending that the Act reflect what is in the Administrative Code.

After much discussion, it was decided that the Rules and Regulations Committee should reconvene to instead consider wording that had been originally formatted in the 1999 edition of the Engineering and Surveying Practice Act.

Mr. Romero stated that he thought that the whole PEC should be involved in the process when the Rules and Regulations committee reviewed this again at its next meeting.

MOTION by Dr. Idriss, **SECONDED** by Mr. Guerrerortiz, and

VOTE: Unanimously to table this item for another meeting of the Rules and Regulations committee to then be presented at a later date.

- 5.2 **Fundamentals of Engineering Exam Requirement-** Under discussion, Mr. Sisneros questioned the need for the FE exam as a prerequisite requirement for the PE exam.

Dr Idriss stated that the FE exam covers the basics in engineering and the PE exam covers more of the design in different areas.

Mr. Ytuarte explained that if the FE exam was not part of the requirement, PE's in New Mexico would not be able to become licensed in any other state by comity/endorsement since currently all of the states require that the FE exam be passed as a requirement to sit for the PE.

Mr. Sisneros then stated that he brought up this item just as food for thought and it was something that the committee may consider sometime in the future.

- 5.3 **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-**

MOTION by Mr. Schoen, **SECONDED** by Mr. Guerrerortiz and **VOTED** unanimously to table this item for further discussion at the another meeting of the Rules and Regulations Committee.

6. **COMPLAINTS AND VIOLATIONS-Closed Session-**

MOTION by Mr. Guerrerortiz to go into closed session pursuant to NMSA 1978, Section 10-15-1(H) (1) to discuss only the case listed as 6.1 on the agenda, **SECONDED** by Mr. Shah.

VOTED: To convene in closed session pursuant to NMSA 1978, Section 10-15-1 (H) (1) to discuss only the case listed as 6.1 on the agenda [case 08-07-14]. A roll call vote was taken. Voting yes: Mr. Guerrerortiz, Mr. Sisneros, Mr. Shah, Mr. Schoen, Dr. Idriss and Mr. Romero. Mr. Romero declared that the committee was in closed session.

6A.1 **COMPLAINTS AND VIOLATIONS- Open Session**

Action on the Above Cases – Mr. Romero reconvened the meeting in open session and further stated that the discussions in closed session were limited to the case listed as item 6.1, case 08-07-14, on the agenda.

6.1 Case 08-07-14- MOTION by Mr. Guerrerortiz, **SECONDED** by Dr. Idriss,
Passed unanimously

VOTE: To issue an NCA, for practicing engineering in New Mexico without a license, pursuant to Section 23.1.

6A.1 Appointment of Hearing Officers (if required) for new cases- It was noted that if the respondent in the above case opts to request a hearing after an NCA is issued, the entire committee will hear the case.

7. **OLD BUSINESS**

Ms. Smith gave an update on the Daniel Armstrong case. She noted that the court had upheld the Board's decision. The only problem was that his attorney had gotten a stay on the fines and it had not been uplifted once the judge had made his decision, so she was going to file the motion to get the stay lifted.

Mr. Sisneros stated that he would like for the committee to consider grandfathering in some of the older engineers that have been practicing for many years and have never become licensed. Specifically the people who have engineering degrees but have worked in government entities that did not require that they become licensed. Mr. Sisneros suggested that the Board allow them a two year window in which they could come in and be licensed by grandfathering them as long as they had the engineering degree and over a certain number of years that the Board would set in experience. He suggested that he would like to see this as an issue that the committee would discuss in more detail.

8. **OTHER BUSINESS**

Nothing was discussed at this time.

9. **REVIEW OF APPLICATIONS & RENEWALS**

9.1 **Applications for Retirement and Inactive-**

MOTION by Mr. Guerrerortiz, **SECONDED** by Mr. Schoen,

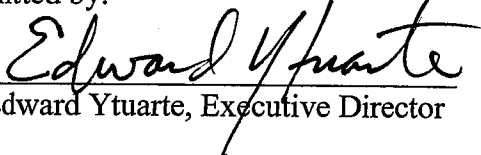
VOTED: Unanimously to accept the recommendations by staff to approve the applicants for inactive and retired status.

9.2 **Applications for FE, PE Exams and Endorsement-** Before beginning to review the applications, a case was brought before the committee of Mr. Albert Reed. Mr. Reed had previously submitted an application to the board for licensure by endorsement and had answered no to the conviction question. Upon review of his application staff had noted that Mr. Reed had previously been licensed in New Mexico and needed to apply for reinstatement and not endorsement. When Mr. Reed submitted his application for reinstatement he then answered yes to the conviction question. Staff then asked for Mr. Garcia to look into this matter. In the meantime Mr. Reed was approved for licensure by endorsement. Mr. Garcia then presented the case to the committee and an NCA was issued. Now because Mr. Reed withdrew the previous application, the committee was being asked to reconsider the new information and rescind the NCA. **MOTION** by Dr. Idriss, **SECONDED** by Mr. Guerrerortiz, and **VOTED** unanimously to rescind the motion for an NCA based on the new information that had been presented.

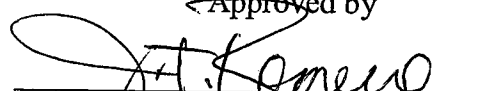
10. **ADJOURNMENT**

Mr. Romero adjourned the meeting at 4:05 p.m.

Submitted by:


Mr. Edward Ytuarte, Executive Director

Approved by


John T. Romero, PE, PEC Chair

November 6, 2008 Approved Date