

Meeting of the Professional Engineering Committee
of the Board of Licensure for Professional
Engineers & Professional Surveyors held 2:00 p.m.,
November 6, 2008 at New Mexico State University,
Goddard Annex, Room 148

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

Members Absent: Steven Schoen, Esq., Public Member

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

Guests: Mark Dubbin, Las Cruces Fire Department
Eric Enriquez, Las Cruces Fire Department
Travis Brown, Las Cruces Fire Department

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. Attending Guests were also introduced.

2. APPROVAL OF THE AGENDA

MOTION by Mr. Shah, **SECONDED** by Dr. Idriss, and unanimously

VOTED: To approve the agenda as presented.

3. APPROVAL OF THE MINUTES

3.1 July 31, 2008- MOTION by Mr. Guerrerortiz, **SECONDED** by Mr. Shah, and unanimously

VOTED: To approve the meeting minutes of July 31, 2008

4. CORRESPONDENCE/ COMMUNICATIONS

- 4.1 Armstrong Stipulated Order-** Ms. Smith brought the committee up to date on the Daniel Armstrong case. She noted that the Judge had affirmed the Board's Decision and Order. Ms. Smith stated that the funds for the fines will now be released to the Board.

Ms. Smith also stated that Mr. Armstrong is requesting that the suspension of his license be back dated. Mr. Armstrong submitted an affidavit stating that he had not practiced engineering since the date the Decision and Order was issued.

After some discussion a **MOTION** was made by Mr. Guerrerortiz, **SECONDED** by Dr. Idriss, and unanimously

VOTED: To reject Mr. Armstrong's request to back date the license suspension.

Ms. Smith stated that the suspension will begin thirty days from October 31, 2008 and end one year after that.

- 4.2 NCA Dismissal Letter-** Mr. Ytuarte explained that a letter from Jocelyn Torres from the Attorney General's Office stated that an NCA being processed by their office was lost due to the statutes of limitations running out. Mr. Ytuarte explained to the committee that he met with Ms. Torres and Eric Miller and expressed concern that the Board might lose other pending cases because of similar situations.

Mr. Guerrerortiz suggested that the Committee write a letter to the Attorney General's office expressing their concern and dissatisfaction. All of the other members were in agreement.

Mr. Ytuarte explained that staff has created a list to help keep track of time limitations on NCA cases that are at the Attorney General's Office. Mr. John Romero states that he will draft a letter to Ms. Torres and send it to Mr. Ytuarte for his review prior to being mailed.

5. NEW BUSINESS

- 5.1 Rules of Conduct for Engineering in the Design of Fire Alarm Systems-** Mr. Romero stated that there was a meeting concerning this issue a couple of months ago and all of the information was contained in their booklets.. Mr. Guerrerortiz explained that he had a concern that it states 'shop drawings shall be prepared by the engineer of record along with a NICET level 3 technician certified in fire alarm systems'. He believes that it should only read the engineer of record. Dr. Idriss states that the language had been changed at the meeting. Dr. Idriss stated that the language should read 'shall be prepared and stamped by the engineer of record'. Mr. Sisneros stated that he would like to see where NICET technicians get their certification from. Ms. Smith stated that it is a good idea that the board does know where and if the certification exists if we are going to use it in the rule.

5.2 Rules for Engineering in the Design of Fire Suppression Systems- Language change is needed as in previous discussion. Mr. Ytuarte stated that the proper language will be added before the presentation at the Full Board meeting. Ms. Smith questioned where this information will be in the rules. Mr. Ytuarte explains that it will go into a new section under the Fire Protection Discipline.

5.3 Challenge of PE Licenses not having discipline designations- Mr. Ytuarte reported that Construction Industries Division (CID) has been rejecting work that is submitted by PE's that are not listed with a structural discipline. Mr. Ytuarte explained that staff has been helping these engineers by having them submit information to apply for the additional disciplines and turning them around as quickly as possible, when the proper information is provided.

Mr. Guerrerortiz stated that the Board is the only agency in the state of New Mexico that determines which qualifications an engineer or surveyor does or does not have.

Mr. Romero stated that he will prepare a letter reflecting the committee's direction that CID cease this activity and also send a copy of the letter to the governor's office.

6. COMPLAINTS AND VIOLATIONS-Closed Session-

None at this time.

6A.1 COMPLAINTS AND VIOLATIONS- Open Session

None necessary at this time.

7. OLD BUSINESS

7.1 Advisory Opinions Changed to Rules- Mr. Ytuarte explained that in October 2007, the Rules and Regulations Committee had sent back to the PEC for clarification on what advisory opinions should be changed to rules. Mr. Ytuarte explained that Ms. Smith has stated that if the board would like to enforce any of them they would have to be made into rules. After some discussion, it was decided that Mr. Ytuarte would bring a couple at a time to the Rules and Regulation committee to be reviewed with more research to determine if they should be changed to rules.

7.2 Pending/ Past Rules before the Rules and Regulations Committee – Mr. Ytuarte explained that the Rules and Regulations committee had recommended changes to the Code of Conduct. He also stated that it will come up again at the

7.3 Full Board meeting on Friday morning and from there they may decide that it should go to a rules hearing.

Mr. Ytuarte also asked for clarification of the recommendation to review/study the deletion of the industrial exemption section. Mr. Sisneros stated that he would

like for this to continue. It was decided by the committee to be referred back to the Rules and Regulations Committee and PEC for further consideration.

8. OTHER BUSINESS

None at this time.

9. REVIEW OF APPLICATIONS & RENEWALS

9.1 Applications for Retirement and Inactive- MOTION by Mr. Guerrerortiz, **SECONDED** by Mr. Sisneros, and unanimously

VOTED: To accept the recommendations by staff to approve the applicants for retired status.

MOTION by Mr. Guerrerortiz, **SECONDED** by Mr. Sisneros, and unanimously

VOTED: To accept the recommendations by staff to approve the applicants for inactive status.

9.2 Applications for Endorsement/ Additional Discipline-MOTION by Mr. Guerrerortiz, **SECONDED** by Mr. Sisneros, and unanimously

VOTED: To ratify the list of engineers being admitted by exam and endorsement, as well as the FE certifications.

All other applications were reviewed on an individual basis.

10. ADJOURNMENT

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

VOTED: To adjourn the meeting. Mr. Romero adjourned the meeting at 4:45 p.m.

Submitted by:

s/ Edward Ytuarte

Mr. Edward Ytuarte, Executive Director

Approved by:

s/ John T. Romero, PE

John T. Romero, PE, PEC Chair

January 8, 2009

Approved Date