

MINUTES OF

Meeting of the Professional Engineering Committee  
of the Board of Licensure for Professional  
Engineers & Professional Surveyors held 2:00 p.m.,  
April 16, 2009 at Workers Compensation  
Administration Building, 2410 Centre Ave,  
Albuquerque, NM

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

Members Absent: Dr. Rola Idriss, PE, PEC Vice-Chair

Others Present: Edward Ytuarte, Executive Director, BLPEPS  
Ericca Lopez, Executive Secretary, BLPEPS  
Roman Garcia, Investigator, BLPEPS  
Perry Valdez, Licensing Manager, BLPEPS

Guests: Marty Price  
Mike Plunkett, PE  
Severiano Sisneros, Jr.

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

Mr. Romero convened the meeting at 2:10 p.m. Roll call was taken and it was noted that a quorum of the Professional Engineers Committee was present. Mr. Plunkett and Mr. Price introduced themselves to the committee. Mr. Sisneros introduced his father Mr. Severiano Sisneros, Jr. to the committee.

**2. APPROVAL OF THE AGENDA**

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

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

### 3. APPROVAL OF THE MINUTES

- 3.1 **January 8, 2009 - MOTION** by Mr. Shah, **SECONDED** by Mr. Guerrerortiz and unanimously

**VOTED:** To approve the meeting minutes of January 8, 2009.

### 4. NEW BUSINESS

- 4.1 **Mike Plunkett- Application for Additional Discipline-** Mr. Marty Price introduced himself to the committee and presented a short overview of the company that Mr. Plunkett is currently working for.

Mr. Mike Plunkett then introduced himself to the committee and stated that he would like for them to reconsider his application for additional discipline. He gave some more information on his schooling and his experience. Mr. Valdez then informed the committee that new information had come in regarding his schooling and was being provided to them in the meeting booklets.

After a short review of the information the committee asked Mr. Plunkett if he could have an official transcript posting the new information sent in to the board office from his university. Mr. Plunkett stated that he could do that and would. **MOTION** by Mr. Guerrerortiz, **SECONDED** by Mr. Shah, and unanimously

**VOTED:** To process Mr. Plunkett's application once his official transcript is received from an ABET accredited university.

- 4.2 **Informal Agreements/ Stipulated Agreement Process/ Authority to Stream Line-** Mr. Ytuarte explained that this item is for informational purposes. The prosecuting attorney for the board would like to save time by having the board consider issuing NCAs with proposed early resolutions in which the committee would work out the details of the early resolution when they issue an NCA that may not need to go to a hearing.

The committee all agreed that this was a good idea and basically what they were already doing. All informal agreements or stipulated agreements are to be approved by the committee.

- 4.3 **Speaker Inquiry for June 26, 2009-** Mr. Ytuarte explained that Half Moon had requested that the PEC take part in a presentation at a June seminar. He was informed that the date had been changed to October 28<sup>th</sup>.

Mr. Guerrerortiz stated a concern that doing something like this would mean that the board is endorsing their program. Mr. Ytuarte stated that he feels that the board could issue a disclaimer stating that the board is simply making a presentation and does not endorse this or any other course. Mr. Guerrerortiz and Mr. Schoen state that they would like to participate. Mr. Sisneros stated that he would also like to participate if it would not create a conflict of interest.

- 4.4 Speaker Inquiry for NMSPE Annual Conference- June 19, 2009-** This item was also discussed with the above item.

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

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

**VOTED:** To convene in closed session pursuant to NMSA 1978, Section 10-15-1 (H) (1) to discuss only the cases listed as 5.1 through 5.7 on the agenda. A roll call vote was taken.

Mr. Romero declared that the committee was in closed session.

**5A.1 COMPLAINTS AND VIOLATIONS- Open Session**

**MOTION** by Mr. Guerrerortiz to go back into open session and further noted that during closed session only cases listed as items 5.1 through 5.7 were discussed, **SECONDED** by Mr. Romero

Mr. Romero declared that the meeting was now back in open session.

- 5.1 09-09-06- MOTION** by Mr. Guerrerortiz, **SECONDED** by Mr. Schoen, and unanimously,

**VOTED:** To issue an NCA with instructions to the prosecutor for a stipulated agreement, with terms of one year suspension to run for this and case number 09-09-06, \$1,000 fine for 09-09-06 and four hour ethics course to apply for both 09-09-06 and 09-09-07.

- 5.2 09-09-07- MOTION** by Mr. Guerrerortiz, **SECONDED** by Mr. Schoen and unanimously,

**VOTED:** To issue an NCA with instructions to the prosecutor for a stipulated agreement, with terms of one year suspension to run for this and case number 09-

09-07-06, \$1,000 fine for 09-09-07 and four hour ethics course to apply for both 09-09-06 and 09-09-07.

- 5.3 07-07-26- MOTION** by Mr. Guerrerortiz, **SECONDED** by Mr. Sisneros, and unanimously

**VOTED:** To dismiss this case due to lack of prosecution.

- 5.4 06-05-49- MOTION** by Mr. Shah, **SECONDED** by Mr. Guerrerortiz, and unanimously

**VOTED:** To table.

- 5.5 08-07-15- MOTION** by Mr. Guerrerortiz, **SECONDED** by Mr. Schoen, and unanimously

**VOTED:** To dismiss due to lack of jurisdiction.

- 5.6 04-03-05- MOTION** by Mr. Guerrerortiz, **SECONDED** by Mr. Schoen, and unanimously

**VOTED:** To close due to the statute of limitations having run.

- 5.7 08-07-13- MOTION** by Mr. Schoen, **SECONDED** by Mr. Guerrerortiz, and unanimously

**VOTED:** To dismiss the NCA that had been issued and allow the applicant to reapply.

**5A.1 Appointment of Hearing Officers (if required)-**

The committee was appointed to hear Case 09-09-06 and Case 09-09-07.

**6. OLD BUSINESS**

- 6.1 Fire Protection/ Fire Alarm Public Hearing-** Mr. Ytuarte explained that staff is trying to get all of the information prepared so that the date can be set for the fire protection hearing. The committee decided that July 10th or sometime during the second week of July would work best for all of the PEC members.

- 6.2 Western Zone Conference- Banff- (B+30)-** Mr. Ytuarte states that he will have more information for the committee for discussion purposes during the May meeting.

7. **OTHER BUSINESS**

7.1 **Special Meeting in May to Present Complaints-** Mr. Ytuarte requested a meeting for May 15<sup>th</sup> in Santa Fe at 9:00 am to review cases that are back logged. A meeting is to be tentatively scheduled.

8. **REVIEW OF APPLICATIONS AND RENEWALS**

8.1 **Review of Applications-** Applications were reviewed on an individual basis.

8.2 **New MLE and EI Report-** Mr. Valdez presented a list to the committee and Informed them that there had been one hundred eighty five new licensees between December 30, 2008 and April 15, 2009. One hundred thirty five were Model Law Engineers. He also informed the committee that during the same time frame the board had certified eighteen new Engineer Interns.

8.3 **Approval of Retired / Inactive Status Applications-** Mr. Valdez stated that a list of applicants for inactive status was being presented for their consideration. He noted that Mr. Raul Parra had also applied for his license to be put in inactive status. **MOTION** by Mr. Guerrerortiz, **SECONDED** by Mr. Shah, and unanimously

**VOTED:** To approve the retired/inactive list as presented with the exception of Mr. Parra's application which is pending further information with regards to his conviction.

8. **ADJOURNMENT**

Mr. Romero Declared the meeting was adjourned at 4:25 p.m.

Submitted by:

s/ Edward Ytuarte, Executive Director  
Mr. Edward Ytuarte, Executive Director

Approved by

s/ John T. Romero, PE  
John T. Romero, PE, PEC Chair

June 11, 2009 Approved Date