

Meeting of the Board of Licensure for Professional  
Engineers & Professional Surveyors held 9:00 a.m.  
January 9, 2009 at Board Office, 4001 Office Court Dr.,  
Ste. 903, Santa Fe, NM

Members Present      Subhas Shah, PE, Board Chair  
Charles Atwell, Public Member, Board Vice Chair  
Severiano Sisneros, PE Board Secretary  
John T. Romero, Sr., PE, PEC Chair  
Salvador Vigil, PS, PSC Chair  
Fred Sanchez, PS  
Gilbert Chavez, PS  
Patricio Guerrerortiz, PE  
Stevan Schoen, Esq., Public Member

Members Absent      Dr. Rola Idriss, PE

Others Present      Edward Ytuarte, Executive Director, BLPEPS  
Ericca Lopez, Executive Secretary, BLPEPS  
Patricia Bordenave, CFO, HR, BLPEPS  
Perry Valdez, Licensing Clerk, BOLPEPS

Guests                Jim Macias, Auditor

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.

2.      **APPROVAL OF THE AGENDA**

**MOTION** was made by Mr. Guerrerortiz, **SECOND** by Mr. Vigil, and unanimously **VOTED**: To approve the agenda.

3.      **APPROVAL OF THE MINUTES**

3.1      **November 7, 2008** – **MOTION** by Mr. Sanchez, **SECOND** by Mr. Romero, and unanimously **VOTED**: To approve the November 7, 2008 minutes as presented.

4.      **CORRESPONDENCE/ COMMUNICATIONS**

4.1      **Audit Report Process/ Fund Balance/ Q&A- Jim Macias** - Mr. Ytuarte explained to the board that the auditors had completed the audit and that Mr. Vigil, as board member representing the board, Ms. Bordenave and Edward Ytuarte attended the exit audit. He noted that the board had received a good report by the auditor and that the audit had been turned over to the State Auditor as required. The state auditor had not yet released the results of the board's audit as of the board's scheduled meeting.

Ms. Bordenave gave the board a short review of how the auditors were chosen and because the audit was not yet released by the State Auditor, it was decided that Mr. Macias would only give a review of the process of performing the audit. Mr. Jim Macias was introduced to the board members.

Mr. Macias explained that each year the State Auditor decides which agencies the State Auditor's Office will audit and which will be done through independent public accountants that are approved by the State Auditor.

Once the proposal is accepted by the state auditor, an engagement letter, list of items that will be required by the auditors and a date as to when the agency will have these items prepared to review is sent to the state auditor. The audit report needs to be turned in to the State Auditor by December 15<sup>th</sup>. If the report will not be there in time it is required that both the auditor and the agency inform the state auditor's office and notify them of the reasons.

Mr. Macias explained that once all of the information is prepared by the agency for review, they then come out to the agency for approximately three days and review the information and collect any data they may need. The reports are then completed and the auditor then meets with at least one board member, the chief financial officer and the executive director to go over their findings prior to the submission of the report to the State Auditor.

The report is then submitted to the State Auditor for technical review and approval. If there are any changes to be made, the State Auditor notifies the auditor and the agency in writing to make the corrections. When the changes are resubmitted it is then ready for final print.

At this point the auditors are then able to print the needed copies for the agencies and they are allowed to be presented to the board. Then a letter is sent to the board and the independent auditor notifying them that the report has been approved. Ten days from the date of the letter the report will become public record, or if a board wishes to waive that time period they may do so by sending a written letter to the State Auditor and the report will become public once the auditor approves the letter.

Mr. Macias's report includes the following: balance sheet that includes assets, liabilities and equity, and income statement that includes revenue, expenditures and fund balance. A budget statement that includes budgeted amounts, actual amounts received and expenditures actually expended over or under budget.

Also required are a statement of financial position and a statement of activities. Mr. Macias also went on to explain about Budget Adjustment Requests. He stated that a BAR could only be approved if it was approved by the Legislative Finance Committee and the Department of Financial Control. He also stated that each agency had to have enough money to cover at least one year of expenses just in case there was ever a shortfall.

**4.2 BAR Process- Patty Bordenave** - This topic was covered by Mr. Macias in his presentation to the board members.

- 4.3 Western Zone Attendance** – Because of what is budgeted for travel, Mr. Ytuarte asked which board members intended on going to the Western Zone meeting. Mr. Ytuarte also stated that Mr. Chavez and Mr. Shah’s travel expenses would be covered by NCEES. Mr. Chavez is an officer of NCEES and Mr. Shah is the board appointed delegate since he is the chairman of the board.

Everyone present stated that they were intending to go. It was discussed that if there was not enough money budgeted for everyone to go and a BAR could not be done, then the board would discuss and decide who they would like to go and represent them.

- 4.4 Appointment of Associate and Emeritus Members to NCEES** - Mr. Ytuarte explained that NCEES had sent a notification to the board with a list of current associate and emeritus members. They requested that the board add or remove members if necessary.

Mr. Ytuarte explained that he had Ms. Lopez place some calls to the people currently on the list to see if they were still interested in serving. Mr. Poe and Mr. Cala expressed that they no longer wanted to be emeritus members.

He also explained that the previous executive director was still listed as an associate member. Mr. Ytuarte recommended eliminating the previous executive director’s name from the list and recommended that he and Mr. Roman Garcia, as investigator be nominated to be associate members.

A **MOTION** was made by Mr. Sanchez, **SECOND** by Mr. Romero, and unanimously **VOTED**: To nominate Mr. Ytuarte and Mr. Garcia as associate members.

A **MOTION** was made by Mr. Sanchez, **SECOND** by Mr. Vigil, and 8 voting yes, Mr. Guerrerortiz voting no, to accept the request of Mr. Poe and Mr. Cala to no longer be emeritus members of NCEES.

A **MOTION** was made by Mr. Chavez, **SECOND** by Mr. Romero, and unanimously, **VOTED**: To allow Dr. Ford and Dr. White to remain as emeritus members.

Mr. Ytuarte also stated that he had received some materials to nominate members for three different kinds of distinguished awards at NCEES.

A **MOTION** was made by Mr. Romero, **SECOND** by Mr. Sanchez, and unanimously **VOTED**: To nominate Mr. Chavez for the Distinguished Service Award.

## **5. COMMITTEE REPORTS**

- 5.1 Professional Engineering Committee-** Mr. Romero reported that the committee discussed the issue of professional licensure for engineering faculty in the universities. He stated that he has begun discussions with his local representatives to present a memorial at the legislature. He reported that the committee discussed the issue and decided that they should meet with the deans of the universities to get their input before they decided to do something formally. **MOTION** was made by Mr. Sanchez, **SECOND** by Mr. Chavez, and unanimously, **VOTED**: To provide full support of the board to push for licensure of engineering programs in cooperation with the colleges and the professional societies. Mr.

Sanchez states that he is also in support of Mr. Romero's idea for a memorial to begin to get things in motion and make people aware of what may happen in the future. **MOTION** was made by Mr. Sanchez, **SECOND** by Mr. Vigil, and six voting yes, Mr. Atwell, Mr. Guerrerortiz and Mr. Shah voting no to support a memorial, indicating that faculty should be licensed both in engineering and surveying.

Mr. Romero also reported that two cases were reviewed. Case number 08-07-15 was to be referred to the district attorney's office in Bernalillo County. Case number 09-08-03 was voted to issue an NCA. He also stated that they approved several licenses for retired and inactive status and that that they reviewed several applications on an individual basis.

**5.2 Professional Surveying Committee-** Mr. Vigil reported that the committee had directed Mr. Ytuarte to try to set up a meeting with the County Clerks Association and was unsuccessful this time around but he was going to continue to try to set up a meeting at another time. He also reported that Mr. Ludwig came to speak to the committee regarding some mylar issues at city hall. This also led the committee to direct Mr. Ytuarte to set up a meeting with the Municipal League to discuss some possible options.

Mr. Vigil also reported that the committee would be attending the NMPS Conference in March and doing a short presentation along with a question and answer session.

Mr. Vigil also reported that the committee reviewed three cases. Case number 08-08-43, they found no merit for the case but did issue an NCA with early resolution for the surveyor to fix the verbiage on a certificate of a topographic survey. Case number 08-08-44, the committee issued an NCA with early resolution possible if the surveyor correctly labeled an easement on his plat. Case number 09-08-01, the surveyor was issued an NCA with early resolution possible if the respondent would demonstrate his methods and reference some plats and notes on his survey.

Mr. Vigil reported that he along with some other surveyors had met with officials of Rio Arriba County to explain some concerns that they had with an issue at the last meeting and he explained that the issue was resolved. He also reported that the committee approved eight inactive and three retired status. They reviewed one application in which the applicant was not qualified due to his lack of education.

## **6. NEW BUSINESS**

**6.1 License Renewal Issues-** Mr. Ytuarte explained that staff has had several questions brought to them by licensees and they would like the board to clarify their view on these items to make sure that staff was giving the correct answers.

He stated that staff had received a call from a licensee asking since only ten hours of self study was allowed, and he took a webinar that was longer, would he be allowed to claim more than 10 PDH hours. Mr. Ytuarte explained that he told the gentleman that if he received some type of certificate stating the amount of hours he attended then he should be able to claim the full time just as if he had attended a seminar in person. Mr. Ytuarte asked the board if he was correct in his response. After some discussion the board decided that his answer was correct.

Mr. Valdez also stated that questions that come up often are what kind of articles are acceptable for self study and what is considered an ethics course. Mr. Ytuarte stated that several people are wondering if it is okay to take an ethics course this renewal season and then take the same course again the next go round. It was decided that it was okay for a person to take the same course again, it is at the discretion of the licensee.

Mr. Valdez was also asked the question why a person who lets their license lapse should pay less to reinstate their license than a person who has to pay a penalty if they do it before they lapse. After a short discussion it was brought up that there should be a fine because these licensees are being negligent. Mr. Ytuarte explained that this will be brought up again. The board would like for the staff to look into what the process is in other states.

- 6.2 President's Assembly- NCEES** – Mr. Ytuarte states that Mr. Shah and he would be attending the President's assembly. The agenda was provided to them so that if they had any thoughts that they would like to express to Mr. Shah on the issues being presented then they could send them to Mr. Shah prior to him attending this meeting.

## **7. OLD BUSINESS**

- 7.1 Act Revisions 61-23-14.1-** Mr. Ytuarte explained to the committee that these were copies of the proposed language revisions and the revisions and suggestions that Ms. Smith had made. Mr. Guerrerortiz states that he does not feel that the Act should be opened unless it is absolutely necessary. **MOTION** was made by Mr. Guerrerortiz, **SECOND** by Mr. Sanchez, and eight voting yes and Mr. Sisneros voting no, to leave it as it is and not take it to the legislature at this time.

## **8. DIRECTORS REPORT**

- 8.1 Articles from Committee Chairs for Newsletter-** Previously discussed on item 6.1
- 8.2 Licensee Renewal Update-** Mr. Ytuarte updated the board that 3,190 licensees had renewed their licenses to date.
- 8.3 Personnel Services/ Salaries Report-** Mr. Ytuarte updated the board that 5 staff members had received a ten percent raise. Mr. Vigil also spoke out and commended Mr. Ytuarte and the staff for all of their hard work. He also stated that he has seen staff working on the weekends and in the early morning hours. Mr. Ytuarte also stated that staff is still working a lot of comp time.
- 8.4 Examination Report October 2008 Sessions- Ratification of Scores-** Mr. Valdez stated that this was just in there for informational purposes.
- 8.5 FE & PE National Pass Rate and NM Pass Rates, April 2008-** Mr. Valdez noted that these statistics are in there for informational purposes.

## **9. OTHER BUSINESS**

Mr. Guerrerortiz requested that the board go into executive session. The board went into executive session.

**10. ADJOURNMENT**

The Board came out of executive session and Mr. Shah adjourned the meeting at 12:10 p.m.

Submitted by:

s/ Edward Ytuarte

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Mr. Edward Ytuarte, Executive Director

Approved by:

s/ Subhas Shah, PE

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Mr. Subhas Shah, PE, Board Chair

April 17, 2009

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Approved Date