

Meeting of the Professional Engineering Committee
of the Board of Licensure for Professional
Engineers & Professional Surveyors held 2:00 p.m.,
January 8, 2009 at New Mexico Board of Licensure
for Professional Engineers and Professional
Surveyors, 4001 Office Court Dr. Ste. 903,
Santa Fe, 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
Mary Smith, Assistant Attorney General, Board Council

Guests: Raymond Hensley, NMSPE Representative

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. Shah, **SECONDED** by Mr. Schoen, and unanimously

VOTED: To approve the agenda as presented.

3. APPROVAL OF THE MINUTES

3.1 November 6, 2008- MOTION by Mr. Shah, **SECONDED** by Mr. Sisneros and unanimously

VOTED: To approve the meeting minutes of November 6, 2008

4. NEW BUSINESS

4.1 Licensure of Engineering Faculty- Mr. Romero stated that he had asked for this item to be placed on the agenda for consideration. He would like to make it mandatory that all professors that teach engineering be professional licensees. Mr. Romero stated that it would have to be done by changing the act. He made the suggestion that the board consider a resolution. Mr. Romero stated that he was working with a Legislative Representative that is willing to introduce a memorial, and that this is the first step in the process to becoming law.

Mr. Guerrerortiz feels that the board needs to work with the universities to convince them that at some point they need to make this a requirement. Mr. Romero states that Dean Castillo at NMSU had told some members of the board that he was going to take the test.

Mr. Sisneros stated that he is concerned as to where the professors would show their experience. He feels that their teaching experience does not show enough experience. Mr. Romero stated that teaching design courses is practice. Mr. Guerrerortiz also states that doing the research also constitutes practice. Mr. Romero would like to make contact with the Deans of the different universities to see how they feel regarding this matter.

Mr. Romero would like for Mr. Ytuarte to contact the Dean's of the various universities and NMSPE. Mr. Hensley states that NMSPE can supply some of the various models that they have been reviewing over the years for the board to review.

Ms. Smith asked Mr. Romero if this is something he is doing at the direction of the board or is this something he is doing as an individual. Mr. Romero states that he was doing it as an individual but if the board would like to also be involved then they could go that way. Mr. Hensley states that depending on the wording, NMSPE would most likely throw in their support also.

Ms. Smith expresses a concern that Mr. Romero doing this as an individual would be seen as directing the Board to do something. Mr. Hensley stated that we are not going to be able to get young students interested in being licensed professionals if their professors are not licensed professionals.

5. COMPLAINTS AND VIOLATIONS-Closed Session

MOTION by Mr. Guerrerortiz, **SECONDED** by Mr. Sisneros 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 and 5.2 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 and 5.2 were discussed, **SECONDED** by Mr. Sisneros

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

5.1 08-07-15- MOTION by Mr. Schoen, **SECONDED** by Mr. Romero and unanimously,

VOTED: To refer to the District Attorney's office in Bernalillo County, with a set time frame of sixty days for them to notify the board if they will be unable to prosecute this case so that the board can take action if Bernalillo County cannot.

5.2 09-08-03- MOTION by Mr. Shah, **SECONDED** by Mr. Guerrerortiz and unanimously,

VOTED: To issue an NCA to the respondent for violation of 23.1, Unlicensed Practice.

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

The whole committee was appointed hearing officers for case 09-08-03.

6. OLD BUSINESS

6.1 Update on Letters sent to CID and Attorney General's Office- Mr. Ytuarte noted that Ms. Torres had responded and her letter is included in the board's packet. She apologized for the oversight.

Ms. Smith expresses a concern that the letter states that 'the board issued an NCA in a timely manner' and it should have said that the board voted to issue an NCA in a timely manner and was referred to the attorney general's office for formal issuance.

Ms. Smith states that anytime a staff member receives a complaint, via telephone or email, that they need to stop the person or send the email right back and attach a complaint form, because if they respond it could potentially affect the statute of limitations for a case. She does also note that in the board's statutes it does state that the board needs to receive a formal complaint.

6.2 Software Engineering Letter of Board Approval Sent- Mr. Ytuarte explained that the letter was sent at their request stating that New Mexico was in support of software engineering. Mr. Jerry Cater from NCEES has acknowledged the receipt of the letter and that he will present it, but they still needed support from one

more state, before they could pursue preparing an examination for software engineering.

7. REVIEW OF APPLICATIONS & RENEWALS

7.1 Approval of Retired and Inactive Applications- MOTION by Mr. Sisneros, **SECONDED** by Mr. Guerrerortiz, and unanimously

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

7.2 New MLE and EI Report- This was presented for informational purposes of all newly licensed engineers and engineer interns.

7.3 Examination report October 2008 Session- Ratification of Scores- Once again Mr. Ytuarte explains that this is in the books for informational purposes. Mr. Sisneros asks whether the amount of examinees has gone down. Mr. Valdez stated that the numbers were about the same as the last test taken.

7.4 Review of Applications- Applications were reviewed on an individual basis.

7.5 Assignment of Board Members to Review Applications after January 16, 2009- Mr. Guerrerortiz, Mr. Romero and Mr. Sisneros were appointed for the review of applications.

8. ADJOURNMENT

Mr. Romero Declared the meeting was adjourned at 4:10 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

April 16, 2009

Approved Date