

MINUTES OF

Meeting of the Professional Engineering Committee
of the Board of Licensure for Professional
Engineers & Professional Surveyors held 2:00 p.m.,
June 11, 2009 at Best Western Ruidoso Inn, 97
Camelot Drive, Ruidoso, NM

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

Members Absent: Stevan Schoen, Public Member

Others Present: Edward Ytuarte, Executive Director, BLPEPS
Ericca Lopez, Executive Secretary, BLPEPS
Roman Garcia, Investigator, BLPEPS

Guests: Don Hawley

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Mr. Romero convened the meeting at 2:06 p.m. Roll call was taken and it was noted that a quorum of the Professional Engineers Committee was present. Mr. Hawley introduced himself to the committee.

2. APPROVAL OF THE AGENDA

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

VOTED: To approve the agenda with the addition of 4A. Mr. Hawley presentation.

3. APPROVAL OF THE MINUTES

3.1 April 16, 2009 - MOTION by Mr. Shah, **SECONDED** by Mr. Guerrerortiz and unanimously

VOTED: To approve the meeting minutes of April 16, 2009 with amendments.

4. NEW BUSINESS

4A. Don Hawley- Mr. Hawley introduced himself to the committee. Mr. Hawley voiced a concern regarding the four hours of ethics training that is required every renewal period. He stated that he feels that this will not help. People cannot be taught ethics, either you are ethical or you are not.

Mr. Hawley also stated that he would like to see the board cooperate more with the board of architects and CID. He stated that there are a lot of problems involved in conflicts between them.

Mr. Hawley stated that he had called in to the board office to inform them of a hotel that had been built in Ruidoso that had some issues. He stated that when he called into the office that he was told he needed to file a formal complaint. Mr. Hawley stated that he was not going to file a complaint and that he was informing the board and that it was up to the board to enforce the laws.

The committee thanked Mr. Hawley for his comments and feedback. Mr. Guerrerortiz expressed to Mr. Hawley that the concern regarding the complaint that he had never filed with the board was a very serious issue. He stated that it was Mr. Hawley's duty to convey his concern in writing as a formal complaint. Mr. Guerrerortiz explains that items like that are responsibilities that everyone has, not just the members of the board or the board staff. Mr. Guerrerortiz stated that if a person does not put their name to a written complaint, then the board may just consider the matters that have been brought in writing as a priority.

Mr. Sisneros brought up that the board was also a part of the joint practice committee which was done in conjunction with the architect board and the landscape architect board. Mr. Sisneros stated that he would take some of Mr. Hawley's concerns to the next meeting in October.

Mr. Hawley was informed that the board would be looking for his formal complaint to come in to the board office.

4.1 Election of Officers for FY '10: Chair and Vice Chair-

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

VOTED: To elect Mr. Romero as Chairman of the committee.

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

VOTED: To elect Dr. Idriss as the Vice Chairman of the committee.

4.2 Summary of April 2009 Exam Activities- Mr. Ytuarte explains that this item is in there for informational purposes.

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 5.4 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 5.4 were discussed, **SECONDED** by Mr. Romero

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

5.1 07-07-34- Status report was given on this case.

5.2 07-07-40- **MOTION** by Dr. Idriss., **SECONDED** by Mr. Romero and 3 Voting Yes, Mr. Guerrerortiz and Mr. Shah voting No.

VOTED: To accept the stipulated agreement.

- 5.3 05-08-08- MOTION** by Dr. Idriss., **SECONDED** by Mr. Shah, and unanimously

VOTED: To close the case due to statute of limitations.

- 5.4 07-07-35-** Status report was given on this case. Mr. Shah has excused himself from any discussion in this matter.

5A. COMPLAINTS & VIOLATIONS- Closed Session

- 5A.1 Appointment of Hearing Officers (if required) For New Cases-** None were necessary at this time.

6. OLD BUSINESS

- 6.1 Speaker Inquiry for NMSPE Annual Conference- June 19, 2009-** Mr. Ytuarte advises that the conference is going on as scheduled. The presentation is going to be based on ethics and complaints. Mr. Ytuarte explains that a copy of the presentation is in the meeting books for them to review. Mr. Ytuarte inquires about who will be attending the conference. Mr. Sisneros and Mr. Guerrerortiz state that they would be attending. Mr. Shah stated that he would be willing to attend if someone was unable to make it.

- 6.2 Washington Accord-** Mr. Ytuarte stated that he has enclosed information for the committee to review regarding the Washington Accord. He stated that he feels that those who plan to attend the NCEES Annual Meeting should familiarize themselves with this issue since it is one that will be coming up at the meeting.

- 6.3 B+30-** Mr. Ytuarte once again stated that the information enclosed was for their review and make themselves familiar to be prepared for discussion at the NCEES Annual meeting. He also states that a further discussion can be brought up at a later time if they feel it is necessary once everyone has made themselves more familiar with the two subjects.

7. REVIEW OF APPLICATIONS

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

- 7.2 Inactive/ Retired Applicants- MOTION** by Mr. Sisneros, **SECONDED** by Mr. Shah, and unanimously

VOTED: To approve the retired and the inactive lists as presented by staff.

7.3 New EI/ PE- Mr. Ytuarte stated that this list showing that one hundred PE licenses had been issued and fourteen engineer interns have received certification since the last meeting. He informed them that this item was included for informational purposes.

8. ADJOURNMENT

Mr. Romero declared the meeting adjourned at 4:12 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

September 3, 2009 Approved Date