

MINUTES OF

Meeting of the Professional Engineering Committee
of the Board of Licensure for Professional
Engineers & Professional Surveyors held 2:00 p.m.,
September 3, 2009 at Board Office, 4001 Office
Court Drive, Ste. 903, Santa Fe, NM

Members Present: John T. Romero, Sr., PE, PEC Chair
Julie P. Samora, PE
Subhas Shah, PE
Severiano Sisneros, PE, Board Vice Chair
Dr. Rola Idriss, PE, PEC Vice-Chair
Stevan Schoen, Public Member

Members Absent: None

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

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Mr. Romero convened the meeting at 2:03 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. Sisneros, **SECONDED** by Dr. Idriss, and unanimously

VOTED: To move the Complaints Section before New Business, to have the board's attorney available by phone and otherwise approve as presented.

3. APPROVAL OF THE MINUTES

3.1 June 11, 2009 Meeting Minutes - MOTION by Mr. Sisneros, **SECONDED** by Mr. Shah and unanimously,

VOTED: To approve the meeting minutes of June 11, 2009 as presented.

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

MOTION by Mr. Sisneros, **SECONDED** by Dr. Idriss 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.

Voting Yes: Romero, Shah, Schoen, Idriss, Sisneros and Samora

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

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

MOTION by Mr. Schoen 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 Dr. Idriss

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

5.1 **08-07-23- MOTION** by Dr. Idriss., **SECONDED** by Mr. Shah, and unanimously,

VOTED: To Table until the October meeting for more information.

5.2 **Letter from NM Licensed PE- Disciplined in Texas-** No disciplinary action was necessary at this time.

5.3 **09-09-09- MOTION** by Mr. Shah., **SECONDED** by Mr. Schoen, and unanimously

VOTED: To issue an NCA with an option for a early settlement agreement to include a Cease and Desist.

5.4 **Raul Parra- MOTION** by Mr. Schoen, **SECONDED** by Mr. Shah, and unanimously,

VOTED: To table until the October meeting for more information.

5.5 **09-09-06- & 09-09-07- MOTION** by Mr. Schoen, **SECONDED** by Mr. Romero, **Voting Yes:** Mr. Romero, Mr. Schoen, Mrs. Samora and Dr. Idriss

Voting No: Mr. Shah

VOTED: To amend suspension from one year to six months and allow the respondent 60 days to pay the fee.

5.6 Charles Moyers- Practice While Expired- MOTION by Mr. Romero, **SECONDED** by Mr. Schoen, and unanimously,

VOTED: To place Mr. Moyer's license on probation for six months and a penalty of \$500.

5.7 08-07-05- MOTION by Mr. Shah, **SECONDED** by Mr. Schoen, and unanimously,

VOTED: To close due to lack of evidence as recommended by the prosecutor.

5.8 06-05-49- For informational purposes. The case will be closed due to completion of the stipulated agreement.

5A. COMPLAINTS & VIOLATIONS- Closed Session

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

Case 09-09-09- Whole committee will be the hearing officers, with the Chair as the presiding officer.

4. NEW BUSINESS

4.1 Instructions to Prevent Open Meetings Violation-

Mr. Ytuarte explains to the committee that this item was originally going to be a short presentation by the board's attorney on correcting a violation of the open meetings act at the January board meeting. Since Ms. Smith was unable to attend the meeting, the matter would be presented and taken care of on Friday at the full board meeting.

4.2 Letter from Roofing Contractors Association- Mr. Ytuarte explains that this letter was sent to the committee for clarification from the committee on whether or not an architect's or engineer's seal was required for the issuance of a commercial reroof building permit.

The committee would like this item to be taken to and discussed at the meeting of the Joint Practice Committee.

4.3 New PE Recognition Ceremony- Mr. Ytuarte explains that this ceremony is going to be held on Monday, September 14, 2009. He states that Mrs. Samora is going to be the Master of Ceremonies. Mr. Ytuarte states that it would be good to have some of the board members in attendance.

4.4 Speaker Inquiries: Legal Issues for Professional Engineers in NM- Jeff Stebbins- Mr. Ytuarte reports that he and Mr. Shah will be doing a presentation for the Half Moon Seminars. Mr. Schoen states that he may be interested in attending also.

Mr. Ytuarte also explains that there was a second inquiry to do an ethics presentation in Amarillo, Texas. He states that his schedule is too full and he will be unable to attend. He inquires if anybody else would like to attend so that he can let them know. The committee members all state that their schedules are full and none of them will be able to attend. Mr. Ytuarte states that he will respond to them letting them know that no one will be able to attend from our board.

4.5 NCEES Annual Conference Report- Mr. Ytuarte explains that this item is also on the full board meeting.

Mrs. Samora states that she thought that the meetings were run efficiently. She states that she got an idea of what NCEES does for the boards at their level. She also states that some of the resolutions that were presented were kind of confusing.

Mr. Shah states that the B+30 was also talked about. He also states that there were some other amendments that were presented but did not pass.

6. OLD BUSINESS

6.1 Update- Formal Complaints Case History- Mr. Ytuarte explains that the log that is being presented to them gives them the status of each case. He states that they will receive this item at each board meeting.

6.2 Task Force- Licensing of Professors- Mr. Romero states that letters were sent to all three universities regarding the licensure of professors. Mr. Romero states that Dr. Idriss, Mr. Sisneros, Mr. Sanchez and himself will be in this task force.

Mr. Ytuarte states that one of the universities response was very opposed to the licensure of professors and states that they would fight it all the way at the legislature.

7. REVIEW OF APPLICATIONS

7.1 Additional Discipline- Mr. Valdez explained that staff received several requests from licensees to take other exams. For example, an engineer licensed as a civil engineer who would also like to take the exam in fire protection. His question to the committee was whether or not they would like for these people to apply to take the exam or should they just be allowed to take the exam without applying.

After a short discussion it was decided that the licensees would be allowed to take the exam without application, but would have to apply to the board for the additional discipline if they would like for it to appear on the roster.

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

7.3 New EI/ PE- This list was placed in the book for informational purposes.

7.4 Exam Results- FY 2009- This list was placed in the book for informational purposes.

8. ADJOURNMENT

Mr. Romero declared the meeting adjourned at 4:30 p.m.

Submitted by:

s/ Edward Ytuarte
Mr. Edward Ytuarte, Executive Director

Approved by:

s/ Dr. Rola Idriss, PE
Dr. Rola Idriss, PE, PEC Vice-Chair

October 29, 2009 Approved Date