

MINUTES OF

Meeting of the Board of Licensure for Professional
Engineers & Professional Surveyors held 9:00 a.m.
September 4, 2009 at Board Office, 4001 Office Court
Drive, Ste. 903, Santa Fe, NM

Members Present Charles Atwell, Public Member, Board Chair
Severiano Sisneros, PE, Board Vice Chair
Fred Sanchez, PS Board Secretary
John T. Romero, Sr., PE, PEC Chair
Salvador Vigil, PS, PSC Chair
Subhas Shah, PE
Gilbert Chavez, PS
Julie P. Samora, PE
Dr. Rola Idriss, PE

Members Absent Stevan Schoen, Esq., Public Member

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

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

Mr. Atwell 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 by Mr. Sanchez, **SECOND** by Mr. Vigil, and unanimously

VOTED: To approve the agenda.

3. **APPROVAL OF THE MINUTES**

3.1 **June 12, 2009** – **MOTION** by Mr. Sanchez, **SECOND** by Mr. Vigil, and unanimously

VOTED: To approve the June 12, 2009 minutes as presented.

4. CORRESPONDENCE/ COMMUNICATIONS

- 4.1 Sherrie Holcomb- NCEES Awards Committee-** Mr. Ytuarte states that a copy of a letter that was sent to the board from Sherrie Holcomb is in the board packet for them to review. The letter states that Mr. Gilbert Chavez was not chosen for the award that the board had nominated him for.

Mr. Ytuarte then thanked Mr. Chavez for his involvement in NCEES and for all that he has done while serving on the board.

- 4.2 Patricio Guerrerortiz Letter to Board-** Mr. Ytuarte states that a copy of a letter from Mr. Guerrerortiz was in the meeting books for them to review. It was a letter to all of the board members thanking them and informing them that should they ever need his help that they should feel free to contact him.

- 4.3 Software Engineering PE Exam-** Mr. Ytuarte explains that this was an email from Mr. Lance Kinney regarding an exam module for software engineering. Mr. Ytuarte states that the email was informing them that New Mexico was one of the ten states that signed on to the effort so that NCEES could consider whether or not they would do an exam module.

- 4.4 NCEES Annual Meeting Actions-** Mr. Atwell states that this item was a list of the actions that were taken at the NCEES Annual meeting. He states that it is in for informational purposes for those who did not attend.

Mr. Ytuarte explains that this item came via email and NCEES sends out a lot of their information that way. He states that they all should register to be a part of their emailing group to receive all of the information from NCEES.

- 4.5 Letters Regarding Licensure of Professors-** Mr. Ytuarte explains that these were letters from the deans of the universities in response to the letter that was sent from PEC regarding licensure of professors.

Mr. Ytuarte reports that he would like to have this as an agenda item at the October meeting in Las Cruces and all the deans along with any staff that may wish to attend the discussions can attend. Mr. Ytuarte explains that most of the responses are very negative.

Mr. Chavez states that this is also an issue that is at the national level that is being discussed at NCEES.

5. NEW BUSINESS

5.1 Review of January Board Meeting Actions/ Votes- Mr. Atwell states that at the January 9, 2009 board meeting, the board went into executive session at the end of the meeting and it was entered improperly. Therefore, a correction needs to be made because they were in violation of the Open Meetings Act. Mr. Atwell states that in the book there is a guide of what needs to be done. Mr. Atwell states that what needs to be done is that they will need to go back in and acknowledge, again what was talked about and properly close out the meeting to make it legal.

Mr. Ytuarte reports that the board needs to state that they are correcting a violation of the Open Meetings Act at the January 9, 2009 meeting. He explains that they need to briefly go through and state the issues that were on the agenda. Any motions that were made need to be remade and acted on by making a motion, that a motion is made and approved by the board to make it an action that can be accepted.

Mr. Sisneros states that the board inadvertently violated the Open Meetings Act at the January 9th meeting when the board went into an executive session. Mr. Sisneros began to summarize the agenda items by stating the following: Audit report process and fund balance, BAR process, Western Zone attendance, appointment of associate and emeritus members to NCEES, Professional Engineering Committee report, Professional Surveying Committee report, license renewal issues, President's Assembly-NCEES, Act revisions, articles from the committee chairs for newsletter, licensee renewal update, personnel services/ salaries report, examination report October 2008 sessions, FE & PE national pass rates and NM pass rates.

Mr. Atwell asks if there is any discussion on these items.

MOTION by Mr. Sisneros, **SECOND** by Mr. Romero and unanimously,

VOTED: To collectively do a revote on the following items: Approval of the January 9, 2009 meeting agenda, approval of the November 7, 2008 meeting minutes, appointment of Edward Ytuarte and Roman Garcia as associate members of NCEES, accept the resignation of Lewis Poe and Charles Cala as emeritus members of NCEES, reappointment of Dr. Ford and Dr. White as emeritus NCEES members, nomination of Gilbert Chavez as NCEES Distinguished Service Award, provide Board's full support for seeking licensure of engineering programs, pursue a legislative memorial that faculty be licensed both in engineering and surveying and not seek amendments to the Engineering and Surveying Practice Act Section 61-23-14.1.

MOTION by Mr. Sisneros, to convene into executive session in pursuant to NMSA 1978, Section 10-15-1 (H) (1) to discuss limited personnel matters relative to staff salaries.

SECOND by Mr. Vigil, a roll call vote was taken,

Voting Yes: Atwell, Shah, Romero, Idriss, Chavez, Vigil, Sisneros, Sanchez and Samora

VOTED: To convene into executive session in pursuant to NMSA 1978, Section 10-15-1 (H) (1) to discuss limited personnel matters relative to staff salaries.

MOTION by Mr. Sisneros to end the executive session pursuant to NMSA 1978, Section 10-15-1 (H) (1) and stating that they only discussed limited personnel matters relative to salaries and that the only matter discussed was salaries.

- 5.2 NM Board of Licensure PEPS Financials- FY 2009 Pay Vouchers-** Mr. Ytuarte explains that all of the pay vouchers of Fiscal year 2009 were in the book for their review. He explains that these are all of the items that were paid for from July 1, 2008 to June 30, 2009.

Mr. Atwell states that he would like a vote on this item today so that the record will show that the board has approved the vouchers for the fiscal year.

Mr. Ytuarte states that the board will be receiving payment vouchers prior to each board meeting so that they can be reviewed and ratified at each board meeting.

MOTION by Mr. Sanchez, **SECOND** by Mr. Romero, unanimously

VOTED: To approve, as presented, the payment vouchers for fiscal year 2009.

- 5.3 NM Board PEPS Financials- FY 2010 July Pay Vouchers-** Mr. Ytuarte explains that the next two items are pay vouchers for July and August of fiscal year 2010 for the board to review.

MOTION by Mr. Sanchez, **SECOND** by Mr. Vigil, unanimously

VOTED: To approve the pay vouchers for July and August of fiscal year 2010 as presented.

- 5.4 NM Board Licensure PEPS – FY 2010 August Pay Vouchers-** This item was discussed with item 5.3

- 5.5 NM Board of Licensure PEPS- Operating Budget- FY 2010-** Mr. Ytuarte explains that the operating budget for fiscal year 2010 was in the book for their review. He states that this is the operating budget for the current fiscal year which began July 1, 2009. Mr. Ytuarte gives a brief description of what is contained in the operating budget paperwork. Mr. Ytuarte states that he also enclosed copies of fiscal year 2009 operating budget for them to use as a comparison. Mr. Ytuarte states that they are currently working on the proposed operating budget for fiscal year 2011 and once it was prepared he would present it to them for review.

MOTION by Mr. Chavez, **SECOND** by Mr. Sanchez, unanimously

VOTED: To accept the Operating Budget for fiscal year 2010 as presented.

Mr. Vigil commends Mr. Ytuarte and the staff for a job well done on the preparation of this information. He states that it is very informative and it makes it easy for the board members to understand.

- 5.6 Closing Out Terms of Board Members-** Mr. Chavez states that he would like for the board to make a rule to where the outgoing board members will be able to finish up unfinished business even after their term has expired. He states that he would like to find out if it is possible that we get the person registered to attend the annual meeting prior to the end of the fiscal year, if it would be possible for them to attend the meeting even though their term is expired.

Mr. Ytuarte explains that he thought that once a board member's term has expired that they are no longer members of NCEES and they would no longer have a vote. He states that the board could appoint the outgoing member as an emeritus member to do work for the NCEES, but he was not sure that they would have a vote. He also states that there may be a problem with asking DFA to pay for someone who is not a current member of the board.

Mr. Chavez states that this was just an idea he put out there for consideration and that some further research would have to be done to find out what can or cannot happen both with NCEES and DFA. Mr. Chavez also suggests that we could use the funds for the funded delegate to cover the outgoing member.

- 5.7 Future Cities Competition- Gilbert Chavez-** Mr. Chavez states that he sent out an email regarding this issue and hoped that everybody had a chance to review it. He states that he has had the opportunity to be a judge at this engineering competition for seventh and eighth graders that is usually done during National Engineering Week. Mr. Chavez states that the reason he was able to judge was because NCEES awards an award for the best surveying practices and he was asked to participate. Mr. Chavez states that he was disappointed because New Mexico did not have a team. When he asked how come there was not a team from New Mexico he was told that New Mexico did not have a region. Mr. Chavez states that he would like the board's support in creating a region for New Mexico for competition. Mr. Chavez states that the first step would be to find someone to be the regional organizer. They start to begin the organization in August, usually right as school starts. Mr. Chavez suggests that maybe someone from the society would be interested. Mr. Chavez states that this is for information right now but would like to have it come back for action at the next meeting.

6. DIRECTOR'S REPORT

- 6.1 Governor's Spending Cuts-** Mr. Ytuarte explains that he has enclosed copies of letters that have come from the governor's office regarding budget cuts. He would like for the board members to make themselves familiar with these directives.

- 6.2 Staff Position and Salary Upgrades-** Mr. Ytuarte explains that the new positions had been touched on previously. He states that the salary increases were successful for four of the board staff members, after having a very hard time to make them so. Mr. Ytuarte states that State Personnel had really gone up to bat for the agency by writing letters to DFA stating that it was signed into law at the last legislative session. He states that several letters were written and had it not been for the help of these people, staff may not have received the salary increases.
- 6.3 Two Additional Positions-** Mr. Ytuarte states that right now they are battling to be able to hire the two new positions since the governor has put a hiring freeze. He states that this will be yet another battle for the agency to continue to work on.
- 6.4 Technical Investigators/ Complaint History-** Mr. Ytuarte reports to the board that at the committee meeting they were given case history updates. He states that most of them are currently being worked on, some are completed and some of them had to be closed due to the statute of limitations running out. Mr. Ytuarte is currently working on getting two technical investigators hired by contract. Drafts contracts have been done and will be submitted to DFA soon.
- 6.5 Postcards- Renewals-** Mr. Ytuarte explains that a copy of the postcard that will be going out to licensees in October is in their books for review. He states that this new process will save on staff time and money that is used for postage and stationary.
- 6.6 Newsletter-** Mr. Ytuarte reports that the newsletter has officially been posted on the website as of Wednesday, September 2, 2009. He states that the newsletter will be posted every three months; the next one being on December 1, 2009. Mr. Ytuarte states that he would like some help from the board members for articles and that he will be looking to them in the future.

7. COMMITTEE REPORTS

- 7.1 Professional Engineering Committee- John T. Romero, PE, Chair-** Mr. Romero reported that the PEC has met the previous day at two o'clock in the afternoon.

Mr. Romero states that they had a short discussion on the Open Meetings Act violation and instructions on how to correct it.

Mr. Romero reported that they had received a letter from the Roofing Contractors Association requesting an opinion. The committee decided to send this item to the Joint Practice Committee.

Mr. Romero states that the new PE recognition ceremony was discussed and who would be attending.

Mr. Romero states that the committee discussed that Mr. Ytuarte and Mr. Shah would be putting on a presentation. He also states that the board received an invitation to put on another presentation but due to scheduling conflicts they would have to decline the invitation.

Mr. Romero states that the committee reviewed seven cases. The whole committee was assigned as hearing officers for case number 09-09-09.

Mr. Romero reported that the committee received an update on complaints case history.

Mr. Romero stated that they had a short discussion on the task force on the licensing of professors.

Mr. Romero also reports that Mr. Valdez had come to them with a question regarding application for additional disciplines.

Mr. Romero reported that they had some applications that were reviewed and were given lists of the new PE and EI certifications.

7.2 Professional Surveyors Committee- Salvador Vigil, PS, Chair- Mr. Vigil reported that the committee had met on Thursday, September 3, 2009 at eleven o'clock.

Mr. Vigil states that the committee reviewed a few letters that were sent to them.

Mr. Vigil states that the committee had also gone over the instructions for the Open Meetings Act violations.

Mr. Vigil stated that the committee also reviewed some issues with the Office of the State Engineers permit certifications.

Mr. Vigil states that the PSC received letters from Mr. Briggs requesting an opinion on the FEMA form.

Mr. Vigil States that Mr. Randy Delbridge presented some new information regarding his application for licensure that had previously been denied. His licensure was now being approved with the new submitted information.

Mr. Vigil states that Mr. Chavez had presented some information on the future cities competition.

Mr. Vigil reports that Mr. Chavez had provided some information on computer based testing but was still looking into the mater.

Mr. Vigil states that the committee had done a short update on the NCEES Annual meeting since Mr. Sanchez was unable to attend.

Mr. Vigil reported that the committee had a short discussion on the new BLM manual that will be coming out in September

Mr. Vigil reports that the committee had reviewed fifteen cases. The full committee was appointed hearing officers for the matter of George Marquez Jr.

Mr. Vigil reported that the committee had received an update on complaints case history.

Mr. Vigil stated that the Photogrammetry/ GIS task force was also discussed briefly during the meeting.

Mr. Vigil states that the committee reviewed some applications on individual basis. He also reported that they were given lists of new PS/ SI certifications.

- 7.3 Examination Licensure Promotion and Public Information Committee-Gilbert Chavez, PS, Chair-** Mr. Chavez states that he has been charged with researching information on computer based testing. He states that he has been in contact with some people and that he would bring that information to the board once his research is complete. Mr. Chavez states that the committee will be holding a meeting in the near future to work on an informational brochure to inform the public what the duties and obligations of the board are.

8. OLD BUSINESS

- 8.1 Observers for PE/PS Exams-** Mr. Ytuarte explains to the board that NCEES for each exam asks if anybody from the board would like to attend the exams as observers. He asks if any of the board members would be interested in being observers for the October exams.

Dr. Idriss states that she may be able to attend the exam in Las Cruces.

Mr. Sanchez states that he may be able to attend the exam in Albuquerque.

Mr. Ytuarte states that he will check around again once the official word comes from NCEES.

- 8.2 Practice with Expired Licenses-** Mr. Ytuarte states that there is a list of all licensees that have expired and not renewed yet. He states that there are fifty that are residents of New Mexico. Mr. Ytuarte states that he thinks that the board should review the policies of licensees who have not renewed. He explains that in some states there is no grace period and if the license expires they basically need to start again by taking exams.

Mr. Vigil states that he would like to know how the board knows when a person is deceased. He states that he knows of a person who is deceased and the license is continuing to be used.

Mr. Ytuarte explains that the board only knows if it is notified by a family member if a licensee has passed away. The only way the board would know that the license is still being used by someone else is through a formal complaint.

Mr. Atwell states that he feels this is an item that needs to be sent to the rules committee.

9. OTHER BUSINESS

Ms. Lopez presented certificates to the outgoing chairs in appreciation for their hard work during the last fiscal year.

Mr. Ytuarte also stated that a photo will be taken during the October meeting of the full board so that it can be placed on the wall along with the others.

10. ADJOURNMENT

Mr. Atwell adjourned the meeting at 11:20 a.m.

Submitted by:

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

Approved by:

s/ Subhas Shah, PE _____
Mr. Subhas Shah, PE, Board Chair

October 30, 2009 _____ Approved Date