

MINUTES OF

Meeting of the Professional Engineers Committee of the Board of Licensure for Professional Engineers held 1:00 p.m. August 12, 2010 at Board Office, 4001 Office Court Dr., Ste. 903, Santa Fe, NM

Members Present Subhas Shah, PE, PEC Chair
 John T. Romero, PE
 Severiano Sisneros, PE
 Rola Idriss, PE
 Julie Samora, PE

Members Absent Stevan Schoen, Public Member

Others Present Edward Ytuarte, Executive Director, BLPEPS
 Perry Valdez, Licensing Manager, BLPEPS
 Roman Garcia, Investigator, BLPEPS
 Joe Barela, PE, Case Manager
 Russell Koger
 Tom Brandt
 Hank Rosoff
 Severiano Sisneros, IV
 Andres Sisneros
 Daniel Manzano, Lieutenant Governor's Office

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Mr. Shah convened the meeting at 2:10 p.m. Roll call was taken and it was noted that a quorum of the committee was present. Russell Koger, Tom Brandt, Andres Sisneros and Severiano Sisneros, IV were introduced as guests.

Ms. Smith gave the committee an update on the Turner case. She stated that she had a hearing earlier in the morning. Ms. Smith stated that the judge stayed the enforcement of the board's order and is requiring Mr. Turner to submit the money or a bond for the civil penalty and the costs to the court registry. Another one of Mr. Turner's motions was denied and the judge directed Mr. Turner to file a statement of appellant issues to the court within thirty days. Ms. Smith stated that once he submits his answer then she will have thirty days to submit her response and once again Mr. Turner will have fifteen days to reply. The judge has stated in the matter that there will be no oral arguments and that she will make her decision based on the documents that are submitted.

2. **APPROVAL OF THE AGENDA**

MOTION by Mr. Romero, **SECOND** by Dr. Idriss, and unanimously

VOTED: To approve the agenda as presented.

3. **APPROVAL OF THE MINUTES**

3.1 **April 8, 2010 Minutes-**

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

VOTED: To approve the April 8, 2010 meeting minutes.

3.2 **July 21, 2010 Minutes-**

MOTION by Mr. Sisneros, **SECOND** by Mrs.Samora, and unanimously

VOTED: To approve the July 21, 2010 meeting minutes.

4. **NEW BUSINESS**

4.1 Tom Brandt- Environment Department- Mr. Brandt stated that he has been working on a training certification program for engineers that work with the environment department concerning the wastewater management sub discipline and would like a little bit of direction from the board.

Mr. Brandt stated that this would cover two different programs, the liquid waste program, which discharges under two thousand gallons a day, also known as the septic tank program and the ground water quality bureau, which requires PE stamps on all of their work.

Mr. Brandt asked how much classroom time would be expected from an engineer to be classified in this specific discipline. He stated that he also felt that the person should be able to pass an exam but he wanted to know the board's thoughts on the matter.

Ms. Smith stated that there is criteria in the rule. 16.39.3.7 (B) and 16.39.3.8 (F) that specifically addresses this issue.

Mr. Ytuarte stated that there is not any specific time frame stated in these rules. He explained that he had Mr. Brandt come in to give a beginning explanation of what they would be looking for so that the committee could take into consideration and create a task force if necessary.

Mr. Sisneros stated that no agency is allowed to license any engineer other than this board. He stated that the environment department could do training courses but not anything that would create a licensure process.

Mr. Ytuarte stated that he may want to check with the City of Santa Fe or another agency that already has implemented such a program to see how they are proceeding. He stated that he believed that they are providing a certification rather than a license to protect the best interest of the public under their statute.

Mr. Brandt asked about the education requirements having to be in New Mexico. He stated that there are other trainings that may be available.

Mr. Shah stated that this issue was specifically stated in the board's rules.

Ms. Smith stated that it states that the training must be specific to New Mexico law but not specific about having to be held in New Mexico. She stated that it does state that the course does have to be approved by the environment department and the PEC.

4.2 Engineering Practice Act Amendments- Sunset Review- Mr. Ytuarte stated that each member had a copy of the draft of the changes that the Sunset Review Sub-committee had submitted for review by the board. He stated that the committee should review the proposed changes and make any changes necessary so that they could be presented at the full board meeting.

The committee reviewed the recommended changes page by page, along with Ms. Smith and made some grammatical corrections and incorporated some suggestions for amendments that were sent by members of the NMSPE and the committee members.

MOTION by Mr. Romero, **SECONDED** by Dr. Idriss, unanimously

VOTED: To approve the amended draft of the Sunset Act

Mr. Daniel Manzano from the lieutenant governor's office joined the meeting at this time.

5. COMPLAINTS & VIOLATIONS- CLOSED SESSION-

MOTION by Ms. Samora, **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 to 5.11 on the agenda. A roll call vote was taken.

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

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

5A. COMPLAINTS & VIOLATIONS- OPEN SESSION-

Mr. Shah stated that the committee was in open session that only cases listed as 5.1 to 5.11 were discussed.

5.1 10-09-07-

MOTION by Dr. Idriss, **SECONDED** by Mr. Romero and unanimously,

VOTED: To dismiss as unfounded.

5.2 09-09-11-

MOTION by Dr. Idriss, **SECONDED** by Ms. Samora and unanimously,

VOTED: To issue an NCA for violating the rules of professional responsibility 61-23-24 (A) 7

5.3 10-10-29- Case was continued

5.4 11-10-01-

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

VOTED: To issue an NCA for practicing without a license. Possibility of early resolution with a \$3,000 fine and a letter of reprimand.

5.5 09-08-03-

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

VOTED: To issue an NCA to take action by default and fine a civil penalty of \$5,000.

5.6 10-10-32- Case continued

5.7 11-10-02-

MOTION by Ms. Samora, **SECONDED** by Mr. Romero and unanimously,

VOTED: To issue an NCA for practicing with an expired license, possibility of early resolution with a \$500 fine and a letter of reprimand.

5.8 11-10-05 & 10-10-46-

MOTION by Mr. Sisneros, **SECONDED** by Ms. Samora and unanimously,

VOTED: To consolidate cases 10-10-46 and 11-10-05 and to issue an NCA to revoke the license under 61-23-24(A).

5.9 11-10-06-

MOTION by Dr. Idriss, **SECONDED** by Mr. Romero and unanimously,

VOTED: To issue an NCA for practicing without a license with possibility of early resolution with a \$500 fine and six months of unsupervised probation.

5.10 10-10-46- Case was consolidated with case number 11-10-05.

5.11 Complaint Log- Mr. Ytuarte gives the committee an update on the case log.

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

MOTION by Mr. Romero, **SECONDED** by Ms. Samora and unanimously

VOTED: To make the full PEC hearing officers for all cases that NCA's were issued.

6. CORRESPONDENCE

6.1 ABET Visit- State Board Observer- Mr. Ytuarte states that he has received a request from ABET to have a member of the board on their visits. Mr. Ytuarte asks the committee for any volunteers.

Mr. Sisneros volunteered to be the observer for the visit to UNM.

7. **REVIEW OF APPLICATIONS**

7.1 **PEC Request for Retirement-**

MOTION by Mr. Romero, **SECOND** by Dr. Idriss, and unanimously

VOTED: To approve the list of retired applicants.

7.2 **NEW EI/ PE Licensees-** For informational purposes only.

7. **ADJOURNMENT**

Mr. Shah adjourned the meeting at 6:21 p.m.

Submitted by:

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

Approved by:

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

October 15, 2010 Approved Date