

MINUTES OF

Meeting of the Board of Licensure for Professional Engineers & Professional Surveyors held 9:00 a.m. February 25, 2010 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
Salvador Vigil, PS, PSC Chair
John T. Romero, PE, PEC Chair
Subhas Shah, PE
Gilbert Chavez, PS
Julie P. Samora, PE
Stevan Schoen, Esq., Public Member

Members Absent Dr. Rola Idriss, PE

Others Present Edward Ytuarte, Executive Director
Ericca Lopez, Executive Secretary
Perry Valdez, Licensing Manager

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Mr. Atwell convened the meeting at 10:00 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 agendas presented

3. NEW BUSINESS- Closed Session- [Convene into Executive Session pursuant to NMSA 1978, Section 10-15-1(H)(2) to discuss...

3.1 Personnel Matters Relating to Individual Board Employees-

MOTION by Mr. Vigil, **SECONDED** by Mr. Sanchez, and unanimously

VOTED: to convene into executive session pursuant to NMSA 1978, Section 10-15-1(H) (2) to discuss personnel matters related to individual board employees.

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

3A. NEW BUSINESS- Open Session

The Chair reconvened the meeting in open session at this time.

3. A1 Financial Matters- None discussed at this time.

3. A2 Administrative Matters- MOTION by Mr. Romero, **SECONDED** by Mr. Sisneros, unanimously

VOTED: To instruct the director to look into getting temporary clerical assistance from evergreen and to look into hiring a complaint manager for the Engineers that is a licensed engineer and one for the Surveyors that is a licensed surveyor. Also would like for the Director to prioritize what is done in the office beginning with licensure and then complaints. Board would like to see the complaints brought up to date within six months. The board would also like for Mr. Ytuarte to understand that anything that comes through the media will be directed to the Executive Director to be addressed by the Executive Director. The board also directed Mr. Ytuarte to have the June meeting rescheduled to meet in Albuquerque and try to schedule work session in July in Ruidoso.

Mr. Sanchez asked Mr. Ytuarte if it is going to be possible for him to get this done in a six month time frame. Mr. Ytuarte responds by saying that the only question he has is if the temporary service has to be evergreen or can it be any other temp agency. Mr. Romeo states that it can be evergreen or any other source.

AMMENDMENT to the MOTION by Mr. Romero to say evergreen or any other service, unanimously

VOTED: To accept the amendment to the original motion.

MOTION by Mr. Romero, **SECONDED** by Mr. Sanchez that the Board not receive any more emails or letters related to any internal complaints and that the Chair would write a letter directed to all staff that would inform them of this request.

Ms. Samora states that a letter should be written to all of the staff stating that the board acknowledges the receipt of the letters and in addition that they would not like to receive any more correspondence that relates to internal complaints. Mr.

Romero states that he will withdraw his motion so that Ms. Samora can make a new one.

Mr. Sanchez states that he is concerned because he still would like to be able to receive the emails that are sent to him regarding certain board issues. It was stated by all that the ones that they are most concerned about are the complaint issues and that there is a process that should be followed if any staff would like to make a formal complaint and that they will continue to work on the matters that they have already received to date.

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

VOTED: To have the chairman write a letter to all of the staff members acknowledging the letters and emails that they have received regarding internal affair issues and they will be addressed in some way. In addition they request that no additional emails or letters be forwarded to board members in regard to internal affairs.

Mr. Sisneros states that in no way should this circumvent existing board policies.

Ms. Samora stated that she would like to make an amendment to her motion saying that they are directing the Executive Director to send out a notice stating the information from the previous motion. No action was taken on the amendment.

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

VOTED: To have the Chairman send a letter acknowledging the letters that have been received.

MOTION by Mr. Romero, **SECONDED** by Mr. Vigil, unanimously

VOTED: To have the Director direct the staff not to send any more letters or emails unless they are sent out through the executive secretary (Ericca) as concerning meetings or other administrative issues.

MOTION by Mr. Sisneros, **SECONDED** by Mr. Sanchez

In the matter pertaining to the personnel grievance, that a hearing be scheduled for March 30, 2010 at 9:00 a.m. at the board office. For the protection of all parties involved, that the grievant, Patricia Bordenave, be placed on administrative leave with pay. After a short discussion Mr. Sisneros withdrew his motion.

MOTION by Mr. Sisneros, **SECONDED** Mr. Sanchez, unanimously

VOTED: To have the administrative hearing with regards to the personnel grievance to be held on March 30, 2010 at 9:00 a.m. at the board office.

MOTION by Mr. Sanchez, **SECONDED** by Mr. Sisneros,

MOTION: That for the benefit of the board, that Patricia Bordenave be placed on administrative leave, with pay, effective immediately. She is to surrender her keys, no contact with the board members, no contact with the staff.

Under discussion the board members became very concerned and suggested that security be present when Ms. Bordenave is presented with her letter to be escorted out to of the office. This motion was not voted on but restated as:

MOTION by Mr. Schoen, **SECONDED** by Mr. Sanchez, unanimously

VOTED: It is in the best interest of the agency at the direction of the board, that a letter be sent to Ms. Bordenave which expresses that at the decision of the board that she become unimpartiated and is given paid administrative leave starting immediately and the letter contain the following information; that she follow all rules and procedures pertaining to administrative leave and in specific that she must turn in her keys, she must not have any contact with board members, that she should not take any office supplies that belongs to the office and that access to her computer will be eliminated and she may take all of her personal belongings.

A short discussion followed as to the deliverance of the letter to Ms. Bordenave and it was decided that Mr. Sanchez would deliver the letter to her upon her return to the office.

Mr. Atwell asked if any other business had to come to the attention of the board. None was raised at the time.

4. ADJOURNMENT

Mr. Atwell adjourned the meeting at 12:20 p.m.

Submitted by:

s/ Edward Ytuarte
Mr. Edward Ytuarte, Executive Director

Approved by:

s/ Charles Atwell
Charles Atwell, Board Chair

April 9, 2010 Approved Date