

MINUTES OF

Meeting of the Professional Engineers Committee of the Board of Licensure for Professional Engineers held 2:00 p.m. January 21, 2010 at Board Office, 4001 Office Court Drive, Ste. 903, Santa Fe, NM

Members Present John T. Romero, PE, PEC Chair
 Subhas Shah, PE
 Julie Samora, PE
 Severiano Sisneros, PE
 Stevan Schoen, Public Member

Members Absent Rola Idriss, PE- Present via teleconference only for item 7.1

Others Present Edward Ytuarte, Executive Director, BLPEPS
 Ericca Lopez, Executive Secretary, BLPEPS
 Roman Garcia, Investigator, BLPEPS
 Mary Smith, Board Attorney
 Dustin Davis

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Mr. Romero convened the meeting at 2:00 p.m. Roll call was taken and it was noted that a quorum of the committee was present. Mr. Dustin Davis was introduced as a guest.

2. APPROVAL OF THE AGENDA

Mr. Sisneros states that he would like to add a item as 5.2 – Meetings and Organization.

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

VOTED: To approve the agenda as amended.

3. APPROVAL OF THE MINUTES

3.1 October 29, 2009 – MOTION by Mr. Shah, **SECOND** by Mr. Sisneros, and unanimously

VOTED: To table the approval of the October 29th minutes until the next meeting for clarification on item 4.3.

4. **CORRESPONDENCE/ COMMUNICATIONS**

4.1 **Request for Reconsideration- Dustin Davis-** Mr. Davis thanked the board for giving him the opportunity to ask for reconsideration of his application. Mr. Davis then gave a little of his background and work experience. He states that he has an engineering technology degree that is not ABET accredited from West Texas A&M. He presents several examples from other universities that the course load he took as basically the same as any other ABET accredited university.

After a lengthy discussion, **MOTION** by Mr. Sisneros, **SECONDED** by Mr. Shah and unanimously,

VOTED: To deny the application based on statute and administrative code. Along with this a directive to the board to review the laws and statutes and the Administrative Code for possible conflicts to be brought up at the August PEC Committee meeting to see if it needs to be sent to the Rules and Regulations Committee for possible changes in the statute and Administrative Code.

4.2 **Western Zone State Report-** Mr. Ytuarte states that he has been asked by NCEES to provide a report on activities in New Mexico. He states that he has also asked the surveyors to come up with some ideas to add to the report. Mr. Ytuarte asks that any submissions that they may have be submitted to him by the April meeting.

Item 7 Old Business was moved up in the agenda to accommodate a time that Dr. Idriss could join in via teleconference for this particular item. Dr. Idriss Joined the meeting at this point via teleconference.

Mr. Shah recused himself from participation of the next item in the meeting.

7. **OLD BUSINESS- Closed Session-**

Mr. Shah recused himself from this matter. Dr. Idriss joined the meeting at this point via teleconference.

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

VOTED: To go into closed session pursuant to the Open Meetings Act Section 10-15-1(H)(3) to deliberate upon the record of the hearing in the matter oh Case 07-07-35- William M. Turner.

Voting Yes: Romero, Sisneros, Samora and Idriss

4.3 CH2M Hill Letter Dated January 15, 2010- Mr. Ytuarte explains to the board that this letter was sent in to the board listing six individuals that are not currently licensed in New Mexico but are licensed in other states. Currently these six are applying for licensure in New Mexico by reciprocity, but on the application there is the question that asked if they have practiced in the state of New Mexico and they have all answered yes. Mr. Ytuarte explains that this letter was sent in to give the explanation for all six engineers. He states that all of these engineers are working on a project that was initiated in 2003 for the National Guard under a federal contract which was solicited at the time by two New Mexico licensed engineers. The project was then shelved in 2005.

Mr. Ytuarte explains that the project is now reactivated, and it has now become necessary to involve other kinds of engineers (mechanical, electrical, etc..) These engineers have started to work on the project and have applied to the state of New Mexico for licensure but noticed this box on the application and they all had to mark yes. They are requesting that the one letter be sufficient for all of the engineers that have applied and are listed on the letter. They have not worked on any other project in New Mexico. They are concerned that they will not be allowed to be licensed because they have marked yes. They are asking for consideration for licensure and that the letters serve as an explanation for all of them.

The committee decided that they would have to review each application on an individual basis and that the letter would become part of the application for each individual.

5. NEW BUSINESS

5.1 Newsletter Articles- Mr. Ytuarte asks for volunteers to submit articles for the board newsletter. He state that the staff was unable to put out a newsletter in December because of renewal season and would like to put a new one out by March. He asks that if they would like to submit an article to be put into the newsletter to please have it in to board staff by no later than February 15th so that the staff will have time to put the newsletter together.

5.2 Meetings and Organization- Mr. Sisneros states that he feels that we should have more committee meetings throughout the year to tackle more cases or applications as necessary.

6. COMPLAINTS & VIOLATIONS- CLOSED SESSION

6.1 Jon Paul Romero- Pre-NCA Settlement Agreement- The committee did not go into closed session. Mr. Ytuarte explains that he had listed this item for closed session in case

Mr. Jon Paul Romeo did not agree to the pre settlement agreement he was offered. Mr. Jon Paul Romero came in that morning and signed the agreement. Mr. Ytuarte presented the Cease and Desist letter to the committee for review and approval.

MOTION by Mr. Sisneros, **SECONDED** by Mr. Schoen and unanimously **VOTED**: To accept the Pre NCA Settlement Agreement.

6A. COMPLAINTS & VIOLATIONS- OPEN SESSION

6A.1 Appointment of Hearing Officers (if required) for New Cases- None were required at this time.

7A. OLD BUSINESS-OPEN SESSION-

7A.1 Case Log Update- Mr. Romero states that Mr. Garcia sent the case log update in the mail to all board members.

7A.2 Rules and Regulations- This item was only meant for the PSC meeting.

8. REVIEW OF APPLICATIONS

8.1 Retired & Inactive Requests-

MOTION by Mr. Shah, **SECONDED** by Mr. Romero and unanimously, **VOTED**: To accept the request for Inactive licensees.

MOTION by Mr. Schoen, **SECONDED** by Mrs. Samora and unanimously, **VOTED**: To accept the request for Retired licensees.

8.2 New PE Licensees- Listing was placed in meeting books for informational purposes.

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

9. ADJOURNMENT

Mr. Romero adjourned the meeting at 4:55 p.m.

Submitted by:

s/ Edward Ytuarte
Mr. Edward Ytuarte, Executive Director

Approved by:

s/ John T. Romero, PE
Mr. John T. Romero, PE, Chair

April 9, 2010 Approved Date