

- 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  
                                 Joe Barela, PE, Case Manager  
                                 Dan Lilley, PE

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

Mr. Shah convened the meeting at 1:05 p.m. Roll call was taken and it was noted that a quorum of the committee was present. Mr. Dan Lilley was introduced as a guest.

2.      **APPROVAL OF THE AGENDA**

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

**VOTED:** To make item 5.2 Complaint Log item 4.5, approved the agenda as amended.

3.      **APPROVAL OF THE MINUTES**

Mr. Romero questioned the status of Mr. Parra's case. A short discussion took place on this matter and it was decided that the committee would like a recommendation from Ms. Smith on this matter by the August meeting so that they could proceed.

Mr. Sisneros stated that on item 4.2 he would like a clarification that the report he gave was not for the rules and regulations committee but was a report that was presented from the sunset review subcommittee of the PEC. He asked that it be changed and reflected in the minutes for clarification purposes.

**3.1 June 10, 2010 Minutes-**

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

**VOTED:** To approve the June 10, 2010 meeting minutes as amended.

**4. COMPLAINTS & VIOLATIONS- CLOSED SESSION-**

**MOTION** by Mr. Sisneros, **SECONDED** by Ms. Samora 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 4.1 to 4.5 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.

**4A. COMPLAINTS & VIOLATIONS- OPEN SESSION-**

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

**VOTED:** To convene into open session pursuant to NMSA 1978, Section 10-15-1 (H) (1) and that only case listed as 4.1 to 4.5 were discussed.

**4.1 10-10-41-** Update was given to the committee on this case.

**4.2 10-10-45-** Update was given to the committee on this case.

**4.3 10-10-58**

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

**VOTED:** To dismiss as unfounded.

#### 4.4 10-10-57-

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

**VOTED:** To issue an NCA, with the possibility of an informal settlement agreement to include a reprimand, a cease and desist, removal of the advertisement from the yellow pages and a fine of \$1,000.

**4.5 Complaint Log-** It was stated by Mr. Shah that a brief discussion was had on the complaint log and an update would be given at the next board meeting.

Mr. Sisneros complimented Mr. Barela on a job well done and offered his condolences to him on the loss of his father. Mr. Sisneros also commented that the committee was very happy to have a licensed engineer investigating all of the complaints that concerned engineering matters and would like for it to remain that way.

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

**VOTED:** To have all future engineering complaints that come before the committee to be investigated by a case manager that is a licensed engineer.

**4A.1 Appointment of Hearing Officers (if required) for New Cases-** For Case 10-10-57 the full committee will be appointed as hearing officers in this matter.

## 5. OLD BUSINESS

**5.1 Sunset Review-** Mr. Ytuarte explained that in the meeting books was a copy of a report that was sent out by the Sunset Review subcommittee that they have tentatively set a hearing for September 28<sup>th</sup>.

Mr. Ytuarte asked that all members mark that on their calendars so that they can attend. He informed them that if there were any changes on the date that he would inform them immediately.

Mr. Ytuarte stated the board chairman would be asked to make a presentation and then the legislators would begin to ask questions. Mr. Ytuarte explains that the report that is provided in the meeting book was a report that had to be turned in to the LFC. It contains information that the board may want to know in case questions start coming up on those matters. Mr. Ytuarte also informs them that they may want to inform the societies so that they could be there in support of the board.

Mr. Shah stopped to give Mr. Lilley the information on the case that he was interested in knowing the action that was taken. Mr. Shah stated that on case 10-10-58 the committee had dismissed the case as unfounded.

Mr. Sisneros gave Mr. Lilley a brief description on how cases were handled by the board.

Mr. Sisneros stated that he would like to give a short report on the Sunset Review subcommittee. He gave all of the committee copies of all of the items that had been discussed in this committee.

Ms. Samora stated that she felt that engineering technology was a touchy subject and this was an item that should only be touched really lightly at this point. Mr. Shah agreed with Ms. Samora.

Mr. Sisneros stated that he would like for this item to be discussed further when the board meets in Las Cruces in November and they could invite some of the staff from the university to attend the committee meeting.

**5.2 Complaint Log-** This item was moved and discussed as item 4.5

**5.3 Board Workshop-** Mr. Ytuarte stated that he just wanted all of the board members to bring their ideas to be discussed in the morning at the workshop. He explains that as a board they would decide which are the top three or four items that they will concentrate and work on.

**6. REVIEW OF APPLICATIONS**

None to be reviewed at this time.

**7. ADJOURNMENT**

Mr. Shah adjourned the meeting at 6:00 p.m.

Submitted by:

s/ Edward Ytuarte  
Mr. Edward Ytuarte, Executive Director

Approved by:

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

August 12, 2010 Approved Date