

MINUTES OF

Meeting of the Professional Engineering Committee  
of the Board of Licensure for Professional  
Engineers & Professional Surveyors held at 2:00  
p.m., June 10, 2010 at the State Engineer Office,  
5550 San Antonio Dr. NE, Albuquerque, NM

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

Members Absent Dr. Rola Idriss, PE, PEC Vice Chair

Others Present: Edward Ytuarte, Executive Director, BLPES  
Candis Bourassa, Business Specialist, BLPES  
Roman Garcia, Investigator, BLPES  
Mary Smith, Assistant Attorney General, Board Counsel  
Joe Barela, PE investigation consultant

Guests Russell L. Koger, NMSPE

**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 Professional Engineering Committee was present. Guests introduced themselves.

- 2. APPROVAL OF THE AGENDA** – Mr. Sisneros proposed that agenda item 7.1 be included with agenda item 4.2. He also recommended some discussion on the Mr. Parra’s status be reviewed in closed session without any formal action as item 6.5. Mr. Romero requested Mr. Parra be an agenda item for action at the next meeting. Mr. Shah motioned, second by Mr. Sisneros and unanimously,

**VOTED:** To approve the agenda as amended.

**3. APPROVAL OF THE MINUTES**

3.1 April 8, 2010 Minutes – Mr. Shah had corrections he would like made. He has marked up a copy for Mr. Ytuarte. He would prefer the minutes to be written in the past tense. Mr. Sisneros motioned the minutes be tabled, second by Mrs. Samora and unanimously,

**VOTED:** To table the 4/8/2010 PEC minutes for corrections.

3.2 May 07, 2010 Minutes - Mr. Sisneros motioned the minutes be approved with the tense changed to past tense, second by Mrs. Samora and unanimously,

**VOTED:** To approve the 5/7/2010 PEC minutes when corrected to the past tense.

#### 4. NEW BUSINESS

4.1 Election of Officers for FY '11: Chair and Vice Chair – Nominations for chair were opened; Mr. Sisneros moved to nominate Mr. Shah, seconded by Mrs. Samora. No other nominations were presented, and it was unanimously,

**VOTED:** To elect Mr. Shah as Chair of the PEC by acclamation.

Nominations for Vice-Chair were opened; Mr. Romero moved to nominate Mrs. Samora, seconded by Mr. Sisneros. No other nominations were presented, and it was unanimously,

**VOTED:** To elect Mrs. Samora as Vice Chair of the PEC by acclamation.

The terms for these offices are July 1, 2010 through June 30, 2011.

4.2 Mr. Sisneros presented a Sunset Review subcommittee report as pertaining to Engineering Proposed Changes – Mr. Sisneros wanted to combine this item and agenda item 7.1 Sunset Review into one presentation. He first addressed meeting book pages 7.1.1 through 7.1.10. The committee was charged with reviewing several things. First, was to correct the Act for errors; second, was to look at how the PE at two years experience was working; third, was to review engineering technology licensure; fourth, registration of professors coupled with experience to see whether not they could become licensed; fifth, was Board autonomy. Also considered were expired licensures. This has all been drafted, and the next meeting for more review and input will probably be in July. Mr. Sisneros started at page 7.1.6 through 7.1.8, with a discussion on *61-23-14-1 Licensure as Professional Engineer Requirements*, and a total rewrite has been done. Item "A" is about how to become an engineer by examination or endorsement or comity. Section (1) and (2) under that apply to everyone. Mr. Shah pointed out it is difficult for some applicants to find three PE references, while someone who has personal knowledge of the applicants engineering qualifications. Item "B" deals with the examination. (1) is certified as an engineer intern while (2) is not a certified intern. (1) (a) would be a bachelor's degree with 4 years experience; (b) would be a masters degree with 3 years experience; (c) would be a doctorate degree with 2 years of experience. Section (2) would be for not certified engineering intern, (a) shows 12 years experience for BS degree; (b) 6 years of experience for a masters degree; (c) 4 years experience for a PhD. These three are ways to waive the FE examination and go directly to the PE exam. Ms. Bourassa suggested to change the words "not certified engineer intern" to "applicant waiver of FE", because all engineering interns have already taken and passed the FE exam somewhere in the US. They do not necessarily come to us as certified EIs when registering for the PE exam. Actually, almost no interns are ever certified EIs at the time they apply for the PE exam. The option for those FE tested in New Mexico to become NM engineers in training (EI) is covered in the section NMSA 61-23-14. For reference, NMSA 61-23-3 G - *Definitions "engineering intern"*. Mr. Sisneros then discussed the option of taking the PE exam with two years of experience. It is in the Administrative Code and should be added to the ACT. The passed rates and number of applicants for the PE at two years is increasing every exam. Mrs. Samora and Mr. Shah agreed it should be in both the Act and Administrative Code. Mr. Sisneros continued with Item "C" not being changed. Mr. Schoen suggested clarification if it read: "C." An applicant may be licensed, at the discretion of the Board, provided that they...". The discretion of the Board could also replace the terms of comity and endorsement at 61-23-14.1 A, by saying

“as provided in section C”. Mr. Sisneros continued with dialog on engineering technology licensure. There is conflict because engineering is design and technology in more of the application of what an engineer does. The idea of having engineering technology in a separate discipline was considered by the committee. Mr. Sisneros recommended that PEC come up with some new language for engineering technology graduates and meet with NMSU. It was the opinion of the PEC subcommittee that this degree was not equal to an engineering degree. Mr. Ytuarte remembered in the mid 90's, NMSU started the program, and the university acquired the Board's approval with the additional two years of experience. Mr. Shah added those already in the program and licensed would have to be considered. Mr. Sisneros said he believed when the math became too difficult for some to do, the students would go into the engineering technology program. Mr. Ytuarte suggested doing some checking of the failed and passed rates for the PE exam for both degrees. Mr. Ytuarte pointed out that Dr. Idriss supported licensure from U.S. universities with an ABET engineering technology degrees, and often they were making more than starting engineers. Mr. Ytuarte requested Mr. Sisneros give staff a new copy of his presentation with the changes that were discussed today. The next section presented by Mr. Sisneros was about registration of engineers who have not done the PE or PS, *61-23-22 Engineering--Exemptions*, page 7.1.2. The industrial exemption has been removed. On page 7.1.8 under "D" is language allowing NM graduate engineers to become licensed under new requirements. With 12 years of engineering experience and a board approved engineering curriculum degree or a master's degree in an engineering discipline and 10 years of experience or a doctorate in an engineering discipline and 8 years of experience, licensure is available. If not certified, it takes more years. These only include ABET accredited education, no technology degrees or foreign degrees in this case. Section (5), page 7.1.9, requires 2 years of engineering experience in New Mexico. Mrs. Samora would like to see this section and the options given more deliberation. Mr. Schoen pointed out this would affect the future engineers and not the present status of engineers in this category. Mr. Schoen suggested at the very last on page 7.1.9, he would like it to read, "at the discretion of the Board", in the final statement. Mr. Sisneros admitted this section may be the hardest to get through the legislature. Next, Mr. Sisneros considered expired licenses, page 7.1.10, engineering NMSA 61-23-20 F. No engineering practice is allowed past December 31 of the biennial year, and the 60 day exemption is reduced to 30 days. An affidavit would be required stating no engineering practice has been done. The second option for section "F" would be to have everything; fees and licensure expire December 31 of the biennial year. Finally the committee reviewed the possibility of changing to separate PSC, PEC taking care of their separate business and then coming together as a joint committee. The engineering income is funding the survey profession with them combined. In the Act, the survey and engineering are separated. In the future, engineering and surveying could be separated and have each have their own staff. Autonomy is important. The Sunset Review could be changed to say any coming together would be as a joint practice committee. This would help with the conflict of goals seen in the full board. Surveying and engineering are two separate professions. With this, Mr. Sisneros ended his presentation.

## **5. CORRESPONDENCE**

5.1 Western Zone Engineers Forum Report – Mrs. Samora had already shared the minutes and attachments from Mr. Ytuarte. She reported the computer based testing for the FE exam is the direction NCEES is going. Their concerns were the electronic testing problems that might happen. There is a substantial increase in the cost. Mr. Sisneros asked if the Board would have to buy computers. Mr. Ytuarte said none of that is

established, but cost and security is a concern. There is discussion at universities on how they would set up computers through vendors, as done for medical licensing. The Fundamentals of Engineering exam cost would go from \$120 to \$500. Jerry Carter, president of NCEES, needed to know how many states will support it, because set up is over the next five years. Mr. Sisneros believed the FE exam could be eliminated in the future. Mr. Ytuarte saw a lot of support for computer base exams, but many states are still against it. Mrs. Samora also explained the issue of NCEES's proposed B+30 was addressed at the meeting.

5.3 Denver NCEES Annual Meeting – Mr. Ytuarte said that packets for presentations of resolutions and motions will be coming out online Monday or Tuesday, and he will send them out. Registration will also be coming up very soon.

6. **COMPLAINTS & VIOLATIONS- Closed Session** - It was moved by Mr. Sisneros to go into closed session, second by Mr. Romero and unanimously,

**VOTED:** To convene in closed session pursuant to NMSA 1978, Section 10-15-1(H) (1) to discuss only those cases listed in 6.1 through 6.5 of the agenda. A roll call vote was taken. Voting yes, Mr. Romero, Mr. Sisneros, Mr. Schoen, Mr. Shah, Mrs. Samora, motion carried unanimously.

- 6A **OPEN SESSION** – Action on cases on the agenda 6.1 through 6.5 – [*...All charges, unless dismissed as unfounded, trivial, resolved by reprimand, or settled informally shall be heard in accordance with the provisions of the ULA, 61-23-24(E), NMSA 1978*]. Mr. Sisneros motioned to reconvene the meeting in open session and stated that the discussions in closed session were limited to those cases listed under item 6.1 through 6.5 on the agenda, Mrs. Samora seconded the motion. It was unanimously,

**VOTED:** To convene in open session.

6A.1 Case 10-09-05 – Mr. Sisneros motioned, second by Mrs. Samora, and unanimously,

**VOTED:** To dismiss as unfounded.

6A.2 Case 10-10-41 – Mr. Sisneros motioned, second by Mrs. Samora, and unanimously,

**VOTED:** To issue an NCA for practice without a license.

6A.3 Case 10-10-45 - Mr. Sisneros motioned, second by Mrs. Samora, and unanimously,

**VOTED:** To issue an NCA for practice without a license

Mr. Sisneros motioned, second by Mrs. Samora, and unanimously,

**VOTED:** To recommend to legal staff that cases 10-10-41 and 10-10-45 be consolidated into one NCA, but carry their separate complaint numbers.

6A.4 Donna Dietz, PE/Renewal - There was no completed complaint filed to take action on.

6.5 Parra discussion - Only discussed with no action taken. Mr. Parra's status will be on the next meeting agenda for action.

6A.1 Appointment of Hearing Officers (if required) For New Cases – Case 10-10-41, 10-10-45 will be the whole PEC

## **7 OLD BUSINESS**

7.1 Sunset Review – Discussion covered within agenda item 4.2 by Mr. Sisneros.

7.2 Complaint Log – Mr. Sisneros would like to meet the day before the July meeting retreat workshop in Ruidoso with about 10 complaints to work through..

7.3 PEC Proposed Special Meeting Date to Hear Complaints – Scheduled July 21 for the PEC for work on complaints and full Board workshop will follow July 22, 2010 in Ruidoso.

7.4 Turner update - Ms. Smith summarized that in the April 8, 2010 meeting, the PEC had voted to deny Mr. Turner's request of a stay of the Boards action. His attorney filed a request for stay before the District Court and per the Boards instruction, Ms. Smith responded to oppose any wavier of the bond or security of that stay. Mr. Turner has filed a response and a scheduled hearing for last Monday, June 7<sup>th</sup>, was delayed as his attorney was not available. Judge Hewing will be hearing the motion for stay.

## **8. REVIEW OF APPLICATIONS**

8.1 PE Exam Report – Ms. Bourassa explained the scores are typical. Mr. Sisneros motioned that the scores and model law licensees be approved, second by Mrs. Samora, and motion passed unanimously.

8.2 Paul Harlow/Retired Application was approved

8.3 Aladin Hadzikadunic/ Endorsement – Application was not completed in time for review.

## **9. ADJOURNMENT Having no further business Mr. Romero adjourned the meeting**

Submitted by:

s/ Edward Ytuarte \_\_\_\_\_  
Mr. Edward Ytuarte, Executive Director

Approved by

s/ John T. Romero, Sr., PE \_\_\_\_\_  
Mr. John T. Romero, Sr., PE, PEC Chair

\_\_\_\_\_ July 21, 2010 \_\_\_\_\_ Approved Date