

MINUTES OF

Meeting of the Professional Engineers Committee of the Board of Licensure for Professional Engineers held 2:00 p.m. November 4, 2010 at New Mexico State University, Goddard Hall, Jerry Shaw Conference Room 200, Las Cruces, 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  
                                 Ericca Lopez, Executive Secretary, BLPEPS  
                                 Joe Barela, PE, Case Manager  
                                 Earl Burkholder, PE/PS

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

Mr. Shah convened the meeting at 2:11 p.m. Roll call was taken and it was noted that a quorum of the committee was present. Mr. Burkholder introduced himself as a guest.

2.      **APPROVAL OF THE AGENDA**

**MOTION** by Dr. Idriss, **SECOND** by Mrs. Samora, and unanimously

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

3.      **APPROVAL OF THE MINUTES**

3.1    **October 15, 2010 Minutes**

**MOTION** by Dr. Idriss, **SECOND** by Mrs. Samora, and unanimously

**VOTED:** To approve the minutes as presented.

#### 4. CORRESPONDENCE

**4.1 Out of State Sealed Plans Used in New Mexico-** Mr. Ytuarte explained that Mr. George Nail had emailed him with a question. Mr. Nail wanted to know if piece of high voltage electrical equipment manufactured in another state require a New Mexico licensed engineer to stamp the electrical design plans.

Mr. Ytuarte stated that he had given Mr. Nail an answer over the telephone, but it seemed that Mr. Nail wanted an official answer to come from the committee.

After a short discussion on this matter, the committee decided that they did not want to guess at what answer Mr. Nail was specifically looking for. The committee decided that they would like to invite Mr. Nail to come before the board in January for clarification on the question he had asked.

**4.2 Terence Foreback- Ethics and Professional Responsibility Seminar-** Mr. Ytuarte explained that communication between Mr. Sisneros and Mr. Terrence Foreback had come to his attention regarding a lecture class in ethics. Mr. Ytuarte stated that Mr. Sisneros had already volunteered to address the class and would like to know if anyone else would be interested in attending. Mr. Ytuarte stated that if anyone was interested in attending they could contact Mr. Sisneros and himself.

Mr. Sisneros joined the meeting at 2:41 p.m.

**4.3 NCEES Educational Standard- FYI-** Mr. Ytuarte stated that this item was placed for informational purposes. He explained that he had provided copies of proposed changes to EAC ABET and wanted the board to become familiar with this item so that if they felt it necessary it could be placed on the agenda for the January meeting.

**4.4 Process for Complaint Investigation-** After a short discussion on the complaint/ investigation process, it was decided that Mr. Ytuarte would prepare a procedural outline from the beginning where the board receives a complaint to the end where the board hears and decides on the outcome of a complaint, and bring it back to the board for review and any changes that they feel are necessary.

#### 5. COMPLAINTS & VIOLATIONS- CLOSED SESSION-

**MOTION** by Dr. Idriss, **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 5.6 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-**

**MOTION** by Dr. Idriss, **SECONDED** by Mr. Romero and unanimously  
**VOTED:** To go back into open session and that only items listed as 5.1 though 5.6 were discussed at this time.

**5.1 07-07-34-**

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

**VOTED:** To dismiss the NCA that was previously issued in this matter.

**5.2 11-10-14-**

Mrs. Samora abstained from voting in this matter.

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

**VOTED:** To issue an NCA with the possibility of an early resolution to include a \$5,000 fine and a letter of reprimand.

**5.3 10-10-47-**

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

**VOTED:** To dismiss.

**5.4 11-10-16-**

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

**VOTED:** To dismiss.

**5.5 10-10-41 and 10-10-45-**

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

**VOTED:** Since NCA has already been issued, to add an early resolution to include a fine of \$500, thirty hours of board approved community service to be completed in one year and a letter of reprimand.

**5.6 10-10-36 A&B-** No action or discussion was made regarding this item.

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

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

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

**6. OLD BUSINESS**

**6.1 Complaint/ Incident Record-** Mr. Ytuarte stated that he was not prepared to present an updated copy of this record at this time, but he would have one to present at the January meeting.

**6.2 Onsite Wastewater Sub-Discipline- FYI-** Mr. Ytuarte states that this item was placed on the agenda for the committee to make themselves familiar with the provided information for the January meeting.

**7. REVIEW OF APLLICATIONS**

**7.1 Retired and Inactive Applications-**

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

**VOTED:** To approve all retired and inactive status applications as presented.

Mr. Ytuarte also notifies the committee that there are also lists included which include all the names of the new Engineer Interns and all of the new licensees.

**7.2 Review of Applications-** Each application was reviewed on an individual basis.

**8. ADJOURNMENT-** Mr. Shah adjourned the meeting at 5:08p.m.

Submitted by:

s/ Edward Ytuarte  
Mr. Edward Ytuarte, Executive Director

Approved by:

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

January 27, 2011 Approved Date