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NEW MEXICO BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS
BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

Friday, March 27, 2015
2:43 p.m.

Department of Transportation, District 3
7500 Pan American, Northeast
Albuquerque, New Mexico 87109

REPORTED BY: CHRISTOPHER R. SANCHEZ, CCR, CSR
New Mexico CCR No. 217
California CSR No. 12448
NEW MEXICO DEPO
Professional Court Reporters
1100 Second St., NW
Albuquerque, New Mexico 87102
(505) 244-DEPO (3376)
setadepo@nmdepo.com

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A P P E A R A N C E S

The Board:

- PAUL BRASHER, PE (CHAIRMAN)
- JULIE SAMORA, PE
- CLIFFORD SPIROCK
- KARL TONANDER
- JOSHUA SKARSGARD (PUBLIC MEMBER)
- GLEN THUROW, PS
- RICK WORD, ESQ. (GENERAL COUNSEL)
- RONALD BOHANNAN, PE
- DAVID COOPER, PS
- AUGUSTA MEYERS (PUBLIC MEMBER)
- ROLA IDRIS, Ph.D., PE

1 P R O C E E D I N G S

2 CHAIRMAN BRASHER: Good afternoon. This is the
3 Friday, March 27th, 2015 meeting of the New Mexico Board of
4 Licensure for Professional Engineers and Professional Surveyors
5 who. We are meeting today immediately following the rule
6 hearing, and we are meeting at 7500 Pan American Boulevard,
7 Northeast in the Auditorium Room of the Department of
8 Transportation District 3 offices in Albuquerque, New Mexico.
9 Let us convene.

10 I would like for a roll call.

11 MS. ROMERO: Paul Brasher?

12 CHAIRMAN BRASHER: Here.

13 MS. ROMERO: Glen Thurow?

14 MR. THUROW: Here.

15 MS. ROMERO: Joshua Skarsgard? Ronald Bohannan?

16 MR. BOHANNAN: Present.

17 MS. ROMERO: August Meyers?

18 MS. MEYERS: Present.

19 MS. ROMERO: Dr. Idriss?

20 MS. IDRIS: Present.

21 MS. ROMERO: Cliff Spirock?

22 MR. SPIROCK: Here.

23 MS. ROMERO: Julie Samora? David Cooper?

24 MR. COOPER: Present.

25 MS. ROMERO: Carl Tonander?

1 MR. TONANDER: Here.

2 MS. ROMERO: Mr. Chair, we have a quorum.

3 CHAIRMAN BRASHER: Thank you. Mr. Valdez, how was
4 this meeting noticed?

5 MR. VALDEZ: This meeting was noticed in the
6 Albuquerque Journal, as well as the New Mexico Register and the
7 agency's website.

8 CHAIRMAN BRASHER: Okay. We have before us the
9 agenda. Has everybody had a chance to look at the agenda?

10 MR. BOHANNAN: Mr. Chair, I move that we approve the
11 agenda as published.

12 CHAIRMAN BRASHER: We have a motion to approve the
13 agenda. Do we have a second?

14 MS. MEYERS: Second.

15 CHAIRMAN BRASHER: The motion is seconded. Is there
16 any discussion on this? Hearing none, all those in favor by
17 saying, "Aye."

18 ALL BOARD MEMBERS: All those opposed? Hearing none,
19 the agenda is approved.

20 The next item on our agenda regards the actions
21 we're going to take on the proposed rule changes. What I
22 thought what we would do is let's discuss A through H one at a
23 time and then we will make the appropriate motions. We'll make
24 individual motions on the different parts, motion for item A, a
25 motion for item B, et cetera. The first item on the agenda is

1 the general provisions, 16.39.1 Are there any comments or
2 discussion to be had?

3 MR. BOHANNAN: Mr. Chair, I'm ready to make a motion
4 on part 1.

5 CHAIRMAN BRASHER: Is there any discussion on
6 16.39.1? Hearing none, if there's a motion.

7 MR. BOHANNAN: Mr. Chair, I move that we approve part
8 1, 16.39.1, General Provisions, as published and heard in the
9 rules hearing.

10 MS. MEYERS: Second.

11 CHAIRMAN BRASHER: We have a motion and a second. Is
12 there any discussion on the motion? Hearing none, all those in
13 favor signify by saying, "Aye."

14 ALL BOARD MEMBERS: "Aye."

15 CHAIRMAN BRASHER: Those opposed? Hearing none, the
16 motion carries.

17 The next item is 16.39.2, Professional
18 Development. Is there any discussion on this?

19 MR. BOHANNAN: Mr. Chair, I think this would be -- if
20 I could ask Rick a question. I have all the changes and am
21 ready to read that into the record. Do you think it's
22 appropriate that we discuss that first or if I can make that in
23 my motion?

24 MR. WORD: I think it's good to discuss it briefly.
25 Just summarize what those are and we'll discuss them.

1 CHAIRMAN BRASHER: Mr. Bohannan has kept a record of
2 the discussion that was undertaken in the rules hearing. And
3 what he'll do here is he'll tell us how those came out.

4 MR. BOHANNAN: If I may, Mr. Chair, on part 2, under
5 the continuing professional development, we had a discussion on
6 item 16.39.2.8(D) under "Requirements," and it was suggested
7 that we look at the ethics and keep the ethics portion retained
8 in the motion but reduce that from four PDH credits to two PDH
9 credits.

10 In addition, there was another suggestion under
11 D3 that the successful completion of short courses/tutorials,
12 distance-education courses offered through correspondence,
13 television, videotapes or the internet relevant to engineering
14 and surveying" be stricken, and in its place "Completion of
15 short courses, tutorial, webinar or distance-education course
16 offered for self-study, independent study or group study and
17 through synchronous or asynchronous delivery method such as
18 live correspond, archival or internet based instructions." And
19 there was no other changes to that part 2 rule change.

20 MR. SPIROCK: Mr. Chairman, question for
21 Mr. Bohannan. Wasn't there a change to Subsection E11?

22 MR. BOHANNAN: That would be correct. It would be
23 one PDH max and two per biennium, two every other year.

24 MR. SPIROCK: One PDH max, two PDH biennium?

25 MR. BOHANNAN: Correct.

1 MR. TONANDER: I'm still not certain that's correct.
2 The way it's written right now it says, "one PDH maximum or
3 four PDH biennium." I believe that would stand because you're
4 simply -- at least that could stand, in that you're setting a
5 maximum of four, which is what your intent was, and you're
6 simply assigning what the credit is, one PDH one hour. That's
7 what it's equivalent to. There was no -- this isn't setting a
8 maximum or requirement to obtain that. That's the prior
9 portion.

10 However, having said that, I also brought up
11 during the discussion in the hearing why are we putting a limit
12 on that at all. Why are we making that change is my question.

13 CHAIRMAN BRASHER: Specifically which change?

14 MR. TONANDER: Why are we putting a limit on it.

15 CHAIRMAN BRASHER: A limit on the number that you can
16 obtain?

17 MR. TONANDER: Yes.

18 CHAIRMAN BRASHER: Towards your continuing education,
19 30?

20 MR. TONANDER: Yes.

21 CHAIRMAN BRASHER: I think the idea is going back to
22 when these rules were worked on a couple years ago is that so
23 somebody didn't just take all 30 hours of PDH in ethics. They
24 took a class besides something else. I think that was the idea
25 to put some ceiling on it. Not particularly scientifically

1 derived, but just to put a limit on it.

2 MR. BOHANNAN: Mr. Chair, my intent is that I want to
3 see at least one hour of ethics each year or per renewal cycle.
4 So I would like to see at least two, whereas it reads four now.
5 And that's my intent and that's what I'm trying to -- that's
6 what I will be trying to do in my motion. So if that's
7 different than the understanding of the board, then I think we
8 need to discuss it.

9 MR. SPIROCK: Mr. Bohannan, we want to support that
10 but in terms of wordsmanship, under D11 should it be two PDH
11 hours per biennium, and then under E11, training, strike that
12 entire training except two PDH per biennium. Or is it your
13 intent to have one PDH per year accruing to two PDH per
14 biennium as the minimum?

15 MR. BOHANNAN: Mr. Chair, it's my intent under D that
16 we have at least two PDH credits of which shall be in ethics.
17 That would be the first proposed change to what we have had.
18 And then on E11, I would change four PDH per biennium to two
19 PDH biennium and I would leave the rest alone.

20 MR. TONANDER: Mr. Bohannan, what you were then doing
21 is saying you don't get credit for more than two biennium by
22 making that change. You presently would be stating you need a
23 minimum of two, but you get credit for no more than four with
24 the language that's presented. But if you make that change, it
25 will restrict it to two and you need two.

1 MR. BOHANNAN: That's a good point.

2 CHAIRMAN BRASHER: Okay. Here's how we'll leave it.
3 You have you to take one PDH in ethics each year so it will
4 accrue to a total of two when you renew. You can take as many
5 as you want, but all you'll get credit for is four towards your
6 30 continuing education. You take four. All you need is two.
7 But if you take four, we'll give you credit for that. If you
8 take six, all you're going to get credit for is four.

9 MR. THUROW: Mr. Chairman, I think the discussion was
10 whether it has to be one per calendar year or can it be two per
11 biennium. And I think, if I remember the discussion, that we
12 settled on two per biennium. I believe -- in other words, you
13 could take a two-hour ethics course during your renewal cycle
14 and that will satisfy the requirement.

15 CHAIRMAN BRASHER: Okay. So you're required to take
16 two per biennium. You can take four and get credit for four
17 against your 30 total requirement.

18 MR. THUROW: Yes. But you have to have at least two.

19 MR. BOHANNAN: Mr. Chair, so if I've got this
20 correctly, on D we would keep in at least -- we would change
21 four to two -- in parentheses two of which shall be in ethics.
22 We would keep that in the rules under the first page under D.
23 And the second page under E11, the ethics training, we would
24 have -- we'd leave it alone. Basically, we would leave it
25 alone, if I understand, and I'm fine with that. Well, so right

1 now the rules are showing we are striking out four PDHs per
2 biennium. We would leave that in.

3 MR. TONANDER: Correct.

4 MR. BOHANNAN: For what is in front of us and per the
5 rules, we would have to not strike out.

6 MR. TONANDER: I believe the way that it's been
7 edited there is actually the correct way. So the four PDH per
8 biennium is really restating the requirement and it really is
9 trying to create one hour equals one PDH with a maximum of four
10 accredited per biennium, which is what the chair has suggested.
11 And if I have a problem with that, we can discuss that in the
12 rules hearing.

13 MR. THUROW: Mr. Chairman, if we don't understand
14 this, can we expect our licensees to understand this?

15 CHAIRMAN BRASHER: I think we understand it. We're
16 just trying to formulate it or make sure it gets put down
17 correctly.

18 MR. WORD: Mr. Chair, members, I read it differently
19 because it says current language -- the language that is in the
20 regulations now says at least four of which shall be in ethics.
21 And if the intent is to reduce the minimum number of ethics
22 hours to two, then that has to be changed to remove the strike
23 out and leave clause and change four to two.

24 MR. TONANDER: Mr. Chair, sorry to keep going here.
25 I would call your attention to the earlier sections of that,

1 particularly E4, because I think there's actually some words
2 missing from 11 that really makes this problem. This whole
3 section is conversion of other units of credit. And if you
4 look at 4 as a best example, it says one hour of professional
5 development in course work, da, da, da, da, da, is one PDH.
6 And I believe what might be missing from 11 is one hour of
7 ethics training, da, da, da, da, da, one PDH. That is setting
8 the equivalency. In parentheses, setting the maximum just
9 matches what's above it. For example, community service, you
10 cannot get more than four but you get one hour of -- it leaves
11 that one out as well. But one hour of literature review equals
12 one PDH with a maximum of six biennium. For whatever reason, I
13 believe "one hour of" is missing from ethics training. That is
14 saying one hour of ethics class equals one hour of a PDH. I
15 would challenge that number 10 is missing the same way, and I
16 don't agree with that. The way it infers now, you could go to
17 a 12-hour community activity event and get one PDH. I doubt
18 that was intended.

19 CHAIRMAN BRASHER: Carl, I'm going to ask you to tell
20 us how E11 should read. It should say what?

21 MR. TONANDER: I believe it should say, One (1) one
22 hour of" -- that's all new language -- then "ethics training."
23 The four PDH biennium that's been killed remains out and that
24 language that has been added in remains as presented.

25 CHAIRMAN BRASHER: Which is one PDH (max 4) PDH per

1 biennium" stays in.

2 MR. TONANDER: Correct.

3 CHAIRMAN BRASHER: Now that you've done that, how
4 about D11 right above it, how do you see that one? "Successful
5 completion of ethics training up to two hours per biennial
6 renewal." I'm sorry. Up to four.

7 MR. TONANDER: I believe that's correct.

8 MR. WORD: That's correct as it is.

9 MR. TONANDER: Correct, with intent.

10 CHAIRMAN BRASHER: No, because D is requirements. So
11 D11 will be a requirement.

12 MR. TONANDER: Correct, up to four hours.

13 MR. BOHANNAN: So you won't get anymore credit than
14 four hours.

15 CHAIRMAN BRASHER: You're required to take up to four
16 and somewhere we know that it's two minimum, though.

17 MR. TONANDER: Mr. Chair, I would ask that if we are
18 making these edits that number E10, you may want to clarify
19 that point as well where I was trying to say one hour of
20 ethics. What is each civic or community activity? Is that
21 really intended to be a 12-hour event, a 24-event is one PDH,
22 or are we setting the time equivalency? A 10-minute event
23 equals one PDH?

24 MR. SPIROCK: That could be, Mr. Chairman. If you
25 had a community meeting going on for 30 hours --

1 CHAIRMAN BRASHER: The community activity is -- I
2 know we're in the conversion table here, the units conversion.
3 But the civic or community activity, one PDH, I think what it's
4 intended to say here is that an hour of that activity is one
5 PDH, but it only counts for -- only four of those biennium
6 would count.

7 MR. TONANDER: I would agree it's missing those
8 critical words at the beginning of "one hour of." Right now
9 it's just "each activity" and it doesn't say whether it's a
10 10-minute activity or a two-hour or a 20-hour.

11 CHAIRMAN BRASHER: Mr. Cooper, your thoughts?

12 MR. COOPER: Mr. Chairman, board members, I believe a
13 solution to the problem is just to move the language in 10 and
14 11 and move it up here under number 4 where it states "one hour
15 of professional development," and so on, and so forth. I think
16 that would cover it. You spend one hour at a charity event,
17 that would be defined in number 4.

18 MR. SPIROCK: Mr. Chairman, can we do this? Because
19 it wasn't discussed at the rules hearing.

20 MR. WORD: Yeah, I think you're getting pretty far
21 afield there.

22 MR. VALDEZ: Mr. Chair, members of the board, under
23 the professional PDH guide that's been in place for many years,
24 it describes that professional/technical societies may receive
25 two PDH per year for active participation serving as an officer

1 or on a working committee and not just as a dues paying member.
2 The second requirement is may earn PDHs for attending
3 individual meetings or an organization and
4 engineering/surveying related topic is presented at a principal
5 part of the program. Attending regular committee and business
6 meetings would not qualify. And that's how it's defined in the
7 PDH guide.

8 MR. TONANDER: Mr. Chair, that's item 7 in here, not
9 10 or 11.

10 CHAIRMAN BRASHER: Here's what we do. Mr. Tonander
11 had it right for E11. One(1) hour of ethics training on line
12 E11. And then one PDH, maximum of four PDHs per biennium. And
13 there's nothing wrong with D11 above, which says, "up to four
14 hours per biennium renewal." However, up to four. It doesn't
15 say two. We can include two, but it also says one, right?
16 Because D is the paragraph of requirements, D11.

17 MR. TONANDER: Mr. Chair, not to belabor this too
18 much, but factually I think the additional language on 11 is
19 unnecessary. Up to four hours per biennial renewal is
20 unnecessary because it's defined down below with all those
21 other maximums. And it simply would state "Successful
22 completion of ethics training." The numbers are provided in
23 other sections. It's a redundancy.

24 CHAIRMAN BRASHER: Which one needs to be eliminated?

25 MR. TONANDER: The new language for D11. It is

1 redundant to the other two portions.

2 MS. IDRIS: Yeah, because it's already repeated in
3 E11.

4 CHAIRMAN BRASHER: Paragraph E is just the units
5 conversion. D is the requirements section, right? E10 needs
6 to say you're required to get two but up to four will count.
7 That's what it needs to say. Now, own here in E11 under ethics
8 training, an hour of ethics training equals one PDH.

9 MR. TONANDER: And, Mr. Chair, I would agree except
10 that those two items above the ethics training, the community
11 activity and the literature, both say maximums.

12 CHAIRMAN BRASHER: They do it the same way. But we
13 didn't discuss that.

14 MR. TONANDER: That's all right. Mr. Chair, I would
15 be happy keeping that. We can address that at a later time.
16 We need to tell Perry what to do when these get printed up. So
17 what we can do is fix E11. At the same time we could fix E10
18 and E9 in the process. The way we can do that is to read the
19 same way, to be consistent. And the way we can do that is as
20 long as the changes are consistent with the proposed rule
21 presented at the hearing, if the board decides to change the
22 proposed rule so that it differs substantially -- when I talk
23 about differs substantially, we're fixing the wording, which I
24 think we can do. We can fix E9, 10 and 11.

25 MR. BOHANNAN: Actually, 9 is how 10 and 11 should

1 read.

2 CHAIRMAN BRASHER: Perry, see how E9 is written where
3 it says one hour of literature review? 10 needs to say one
4 hour of each civic or community activity. Well, 11 needs to
5 say one hour of ethics training. That's what we will be making
6 a motion. Say it passes, it will pass to read that way.

7 MR. BOHANNAN: Carl, do you feel comfortable making
8 this motion?

9 MR. TONANDER: Yes.

10 MR. BOHANNAN: I'll give you the language under you
11 D3 so you can read it.

12 CHAIRMAN BRASHER: Carl, did you see the D11 that we
13 changed?

14 MR. TONANDER: I would say we can, but we don't have
15 to. It's redundant. We can fix it later rather than beating
16 this.

17 CHAIRMAN BRASHER: So this is getting simpler. Is
18 there any more discussion? Is there a motion?

19 MR. TONANDER: I motion to approve part 2 as
20 presented with the following exceptions: 16.39.2.8(D),
21 modification of the language that was presented. It shall read
22 "D. Requirements: Each licensee is required to obtain thirty
23 (30) professional development hours (PDH) units during a
24 biennium, at least two (2) two of which shall be in ethics. A
25 maximum of ten (10) PDH units may be earned in self-directed

1 study. If a licensee exceeds the biennial requirement, a
2 biennium cycle, a maximum of 15 (PDH) units may be carried
3 forward into the subsequent biennium in accordance with what
4 has been previously reported to the board. PDH units may be
5 earned from participation in qualifying activities as follows."
6 That is one edit. Two further edits, 16.39.2.8 E10 will read,
7 "One (1) one hour of each civic or community activity, one PDH
8 (maximum of four PDH per biennium." And 16.39.2.8 E11 will
9 read one (1) hour of ethics training, one PDH (max four PDH)
10 per biennium."

11 MR. THUROW: Second.

12 MR. BOHANNAN: Would the maker of the motion please
13 add in the revisions to 16.39.2.8 D3 for the successful
14 completion?

15 MR. TONANDER: Yes. Also 16.39.2.8. D3 to read
16 "Successful completion of short course, tutorial, webinar or
17 distance-education course offered for self-study, independent
18 study or group study and through synchronous or through
19 asynchronous delivery method such as live correspondence,
20 archival or internet based instruction."

21 MR. THUROW: I agree to the amended motion.

22 CHAIRMAN BRASHER: The motion is amended and seconded
23 as amended. Is there any more discussion on this? Hearing
24 none, all those in favor signify by saying, "Aye."

25 ALL BOARD MEMBERS: "Aye."

1 CHAIRMAN BRASHER: Those opposed by the same sign?

2 Hearing none, the motion carries. The next item --

3 MR. THUROW: Mr. Chairman, please forgive me for
4 backtracking here. I was not clear on how we would proceed,
5 but I thought under part 1 we did have a change that Mr. Valdez
6 brought to our attention about having to have an active license
7 to -- is it beyond the scope?

8 MR. WORD: Beyond the scope.

9 MR. THUROW: Thank you. That's been clarified for
10 me.

11 CHAIRMAN BRASHER: The next item on the agenda is
12 paragraph C, Engineering Fees, 16.32.3. Is there some
13 discussion on that before we get into a motion?

14 MR. BOHANNAN: Mr. Chair, I'm ready to make a motion.
15 In the matter of 16.32.3, Engineering Fees, I recommend we
16 approve the rule changes as presented at the rules hearing.

17 CHAIRMAN BRASHER: Wait a minute.

18 MR. BOHANNAN: 16.39.3. Wait a minute.

19 (A discussion was held off the record.)

20 CHAIRMAN BRASHER: For the record, what our agenda
21 for this board meeting this afternoon shows under agenda item
22 4C as being 16.32.3, Engineering Fees, should say 16.39.3. And
23 what our agenda shows for agenda item 4D as 16.32.4 should read
24 16.39.4. When we were discussing the rules at this board
25 meeting, the rule amendments that were discussed at an earlier

1 meeting today and they too were advertised the same way.

2 But what was discussed at the rules hearing was
3 instead of 16.32.3, we discussed 16.39.3. In our rules hearing
4 when we discussed what was called 16.32.4, we were actually
5 discussing 16.39.4. There was no comment from anybody on the
6 board or in the audience as to the distinction between part 3
7 and part 4 being mislabeled, Section 1632. So we are going to
8 continue at this board meeting to discuss the rule changes for
9 16.39.3 and 16.39.4 because those are actually what got
10 discussed earlier today at the rules hearing, regardless of
11 what the agenda happens to have been mislabeled as, and take
12 those as typographical errors.

13 So the discussion on part 3. Is there any
14 discussion?

15 MR. BOHANNAN: Mr. Chair, I'm ready to make a motion
16 on part 3. In the matter of part 3, 16.39.3 I move that we
17 adopt the rules as presented at the rules hearing.

18 CHAIRMAN BRASHER: We have a motion. Do we have a
19 second?

20 MR. COOPER: Second.

21 CHAIRMAN BRASHER: We have a motion and a second. Is
22 there any more discussion on this? Hearing none, all those in
23 favor signify by saying, "Aye."

24 ALL BOARD MEMBERS: "Aye."

25 CHAIRMAN BRASHER: Those opposed? Hearing none, the

1 motion carries. I should add that the proposed rules
2 themselves, the document themselves, the paragraphs, the text
3 themselves for part 3 and part 4 were on the Internet site.

4 The next item on our agenda is 4D, Incidental
5 Practice, which pertains to 16.39.4. Is there any discussion?

6 MR. BOHANNAN: Mr. Chair, I'm ready to make a motion.
7 In the matter of 16.39.4, I recommend approval of the changes
8 of rules as proposed in the rules hearing.

9 CHAIRMAN BRASHER: We have a motion. Is there a
10 second?

11 MS. MEYERS: Second.

12 CHAIRMAN BRASHER: We have a motion and a second. Is
13 there any discussion on this? Hearing none, all those in favor
14 signify by saying, "Aye."

15 ALL BOARD MEMBERS: "Aye."

16 CHAIRMAN BRASHER: Those opposed? Hearing none, the
17 motion carries. The next item is agenda item 4E, 16.39.5,
18 Surveying. Discussion?

19 MR. BOHANNAN: Mr. Chair, I plan on making a motion
20 and modifying the proposed changes. I propose to make a change
21 to item G to read "After four years or more as determined by
22 the board shall have four years of" -- striking
23 post-baccalaureate experience acceptable to the professional,"
24 striking those words, "keeping experience acceptable to the
25 professional surveying committee, this experience may be

1 acquired before or after certification as a surveying intern.
2 A candidate with a related science degree shall have four years
3 of surveying experience acceptable to the professional
4 surveying committee," adding subsequent "certification as a
5 surveying intern." And under paragraph K shall read "All
6 applicants for a professional surveying license shall show
7 proficiency in the English language and shall have a minimum of
8 four years of experience" and add "if a graduate of a
9 board-approved, four-year surveying curriculum or eight years
10 of a graduate of a board-approved related science curriculum"
11 to paragraph K.

12 MR. THUROW: Mr. Bohannan, you will see a slight
13 modification in the language of paragraph D as well. "If a
14 graduate of" has been added. And also a comma behind "New
15 Mexico annotated statutes." Do you see that?

16 MR. BOHANNAN: I do.

17 MR. THUROW: Okay. So I'm adding four words and a
18 comma, again, for clarification. It does not change.

19 MR. VALDEZ: Mr. Chair, this is the amended language.

20 MR. THUROW: Mr. Chairman, I would also like to add
21 that the proposed changes are consistent with the proposed
22 rules presented at the meeting. And I also second Mr
23 Bohannan's motion.

24 CHAIRMAN BRASHER: We have a motion and a second. Is
25 there any more discussion on it? Hearing none, all those in

1 favor signify by saying, "Aye."

2 ALL BOARD MEMBERS: "Aye."

3 CHAIRMAN BRASHER: Those opposed? Hearing none, the
4 motion carries.

5 The next item on the agenda is item 4F.

6 MR. VALDEZ: Mr. Chair, members of the board, I
7 believe there's also some changes in Section 16.39.5.10.

8 CHAIRMAN BRASHER: This is the distinction between
9 the Public Regulation Commission and the Secretary of State.
10 Is it that language, that wording?

11 MR. VALDEZ: Section A. Excuse me. It was my notes
12 here regarding Mr. Medina's comments.

13 MR. BOHANNAN: So my recollection was is it's on my
14 list to put on the rules committee.

15 MR. VALDEZ: Sorry about that.

16 MR. BOHANNAN: No worries.

17 CHAIRMAN BRASHER: Is there any more discussion? The
18 next item on the agenda is 4F. This is the licensure for
19 Military Service Member, Spouses and Veterans. This is
20 16.39.6. Is there a discussion on this?

21 MR. BOHANNAN: Mr. Chair, I'm ready to make a motion.

22 MR. SPIROCK: I'm precluded from amending it from
23 what our counsel has said. So in light of that, it's fine.

24 CHAIRMAN BRASHER: Ready for a motion.

25 MR. BOHANNAN: Mr. Chair, I recommend that we approve

1 16.39.6 as modified in the rules committee -- actually, as
2 added to the rules committee under the rules hearing.

3 CHAIRMAN BRASHER: We have a motion. Do we have a
4 second?

5 MR. THUROW: I'll second it.

6 CHAIRMAN BRASHER: We have a motion to second. Any
7 more discussion on that? Hearing none, all those in favor
8 signify by saying, "Aye."

9 ALL BOARD MEMBERS: "Aye."

10 CHAIRMAN BRASHER: Those opposed? Hearing none, the
11 motion carries.

12 The next motion on the agenda is item 4G, the
13 Miscellaneous section, 16.39.7. Do we have a discussion on
14 this?

15 MR. BOHANNAN: Mr. Chair, I'm ready to make a motion.
16 In the matter of 16.39.7, I move that we modify the rules as
17 presented in the rules hearing.

18 MR. TONANDER: Second.

19 CHAIRMAN BRASHER: We have a motion and we have a
20 second. Is there any discussion on this? Hearing none, all
21 those in favor signify by saying, "Aye."

22 ALL BOARD MEMBERS: "Aye."

23 CHAIRMAN BRASHER: Those opposed? Hearing none, the
24 motion carries.

25 The next item on the agenda is item 4H. This is

1 the Code of Professional Conduct, Section 16.39.8. Is there a
2 discussion on this?

3 MR. BOHANNAN: Mr. Chair, I'm prepared to make a
4 motion under 16.39.8.9(D) to modify the rules that were heard
5 to read "shall not reveal" and insert "privileged" or
6 "confidential" between "reveal" and "facts." Under item A(E)
7 in the last sentence, use of their name or firm name, add the
8 word "name" between "firm in connection with any such business
9 venture." And then under D6, "License shall not reveal
10 privileged or" -- add "privileged or confidential" between
11 "reveal" and "facts." And then under item 6A, change the
12 sentence to read subparagraph (B) and change from E to F of
13 paragraph 1 of Subsection A of 16.39.8 and add "9" after "8"
14 between "NMAC."

15 MR. WORD: .9.

16 MR. BOHANNAN: And then under G, change the word from
17 "associates" to "interaction," so the sentence would read
18 "interaction with other licensees."

19 CHAIRMAN BRASHER: We have a motion.

20 MR. TONANDER: Second.

21 CHAIRMAN BRASHER: We have a second. Is there any
22 discussion on this? Hearing none, all those in favor signify
23 by saying, "Aye."

24 ALL BOARD MEMBERS: "Aye." Those opposed? Hearing
25 none, that motion carries. Is there anything else? Hearing

1 nothing, our next scheduled meeting date is set for April 10th,
2 2015.

3 MR. VALDEZ: In Santa Fe, the board office at the
4 Toney Anaya building, Hearing Room 2.

5 CHAIRMAN BRASHER: So the next scheduled meeting will
6 be April 10th, 2015 in the Toney Anaya building in Santa Fe at
7 nine o'clock.

8 MR. THUROW: Mr. Chairman, may I ask a question of
9 the surveying committee? I found that we have rushed things
10 when we start at 10:00. I'm wondering if we could not
11 perhaps -- Mr. Cooper, I'm asking you a question. Would it be
12 feasible to start the surveying committee meeting at nine
13 o'clock as well rather than 10:00? The reason being that we
14 find ourselves rushed and we also burden staff with not giving
15 them a break in between the meetings between the professional
16 surveyors and the professional engineers. So my preference
17 would be to change the start time to 9:00 a.m. from 10:00 a.m.
18 to afford us the opportunity to adequately address the issues
19 before us.

20 MS. MEYERS: Mr. Chairman and Mr. Thurow, I think
21 that's a good idea; however, I can't do it this coming one
22 because I have an executive committee meeting that starts at
23 7:30 in Albuquerque for a different board that I serve on, so
24 I'll have to leave. I've already RSVP'd to that one too that I
25 can attend. So I can't do that this time, but I would be in

1 favor of doing that for future.

2 MR. VALDEZ: Mr. Chair, members of the board, Mr.
3 Thurow, we wouldn't be able to start at 9:00 at this meeting
4 because of the fact that we advertised for ten o'clock. But
5 for future dates we certainly could start at 9:00.

6 MR. THUROW: So my request would be for future
7 meetings that we consider starting earlier for the reasons I
8 just articulated.

9 MR. COOPER: I would agree with that. All the
10 necessary committee members are all in the Albuquerque area. I
11 think part of the reason we were using that ten o'clock is to
12 afford the Las Cruces people enough time to get here in the
13 mornings. I have no problem with a nine o'clock meeting.

14 CHAIRMAN BRASHER: Okay. So it stands that the next
15 board meeting will be Friday, April 10th at nine o'clock in the
16 Toney Anaya building in Santa Fe.

17 MR. BOHANNAN: I just wanted to let the board know,
18 because Mr. Cooper asked me a question, is that on the rules,
19 what we have passed has been adopted. But what I also heard
20 was and what we're going to take up the with the rules
21 committee is all of those items that we are going to progress
22 in the next rule changes. So everything that wasn't on the
23 agenda that wasn't passed today that was brought up as agenda,
24 I plan on taking to the rules committee and starting that.

25 If any of the board members want to go ahead and

1 start crafting that language and send it to me, that would be
2 most appreciated. So I'm going to put to try to put together
3 kind of a list that I saw and then send that to the board and
4 bring that to the April 10th meeting to hand out, and then
5 would make sure that I have a commitment from the rules
6 committee folks that we can start doing this and making
7 progress so it doesn't sit for a while.

8 CHAIRMAN BRASHER: Agreed. Anything else? Hearing
9 none, the time is 3:38. We are adjourned.

10 (The hearing adjourned at 3:38 p.m.)

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1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

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REPORTER'S CERTIFICATE

8

BE IT KNOWN that the foregoing transcript of
9 proceedings was taken by me; that I was then and there a
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11 State of New Mexico, and by virtue thereof, authorized
12 to administer an oath.

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That the foregoing 27 pages contain a true and
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15 ability.

16

I FURTHER CERTIFY that I am not related to nor employed
17 by any of the parties hereto, and have no interest in the
18 outcome hereof.

19

DATED at Albuquerque, New Mexico this 20th day of April,
20 2015.

21

22

23

24

25



Christopher R. Sanchez
CCR #217
License Expires: 12/31/15

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