

Minutes of

Meeting of the Board of Licensure for Professional Engineers and Professional Surveyors held 9:00 a.m. July 17, 2014, Tierra West 5571 Midway Park Place Conference Room, Albuquerque, New Mexico.

Members Present Paul Brasher, PE, Chair
Julie Samora, PE
Ronald Bohannon, PE
Glen Thurow, PS
Gilbert Chavez, PS
Joshua Skarsgard, Public Member - via telephone
Augusta Meyers, Public Member
David Cooper, PS
Rola Idriss, PhD, PE

Others Present Perry Valdez, Acting Executive Director, BLPEPS
David Montoya Licensing Manager, BLPEPS
Rick Word, Board Legal Counsel – via telephone
Lorie Wrobel, RLD Director of Boards and Commissions

1. Convene, Roll Call and Introductions of Audience

Mr. Brasher convened the meeting at 10:05 a.m. Roll call was taken and it was noted that a quorum of the Board was present. Mr. Rick Word and Mr. Skarsgard joined by phone.

Ms. Lorie Wrobel, RLD Department Director of Boards and Commissions was introduced as a guest.

Mr. David Cooper was introduced as the new member of the board.

2. Meeting Notification

The meeting was noticed in the Albuquerque Journal and the board's website.

Ms. Meyers joined the meeting at 10:15 a.m.

3. Approval of Agenda

A discussion was made by Mr. Thurow to change the lineup of the alphabetical order items from:

A. Agency Strategic Plan

- B. Status on current Travel Expenses
- C. Examination of the Registrant Fee and Fee Structure
- D. Review and Discussion of Matters pertaining to the Memorandum of Understanding with the Regulation and Licensing Department.

To:

- A. Review and Discussion of Matters pertaining to the Memorandum of Understanding with the Regulation and Licensing Department.
- B. Status on current Travel Expenses
- C. Examination of the Registrant Fee and Fee Structure
- D. Agency Strategic Plan

Mr. Chavez requested to keep the agenda order as is.

MOTION by Mr. Bohannon, **SECONDED** by Dr. Idriss, **PASSED** with **OBJECTION** by Mr. Chavez.

4. New Business

b. Status on Current Travel Requests

Mr. Valdez stated that the travel request to attend the NCEES Convention being held in Seattle, Washington on August 20-24, 2014 was approved for 5 Board members, (2) funded, (3) non-funded along with (2) staff members. Mr. Brasher and Mr. Bohannon declined to attend.

c. Examination of Registrant Fee and Fee Structure

Mr. Brasher stated this item would not be voted on today pending a study on renewal fees adjustment and fee structure. A committee was created for this item.

Mr. Skarsgard agreed to placement on Legal Enforcement Committee and Register and Renewal Fee Committee. Mr. Bohannon and Mr. Brasher volunteered for the Register and Renewal Fee Committee.

d. Review and Discussion of Matters pertaining to the Memorandum of Understanding with the Regulation and Licensing Department

Mr. Brasher introduced the board meeting guest Lori Worbel, Director for the Boards and Commissions.

Mr. Brasher requested that Mr. Skarsgard provide a brief history of the Memorandum of Understanding. Mr. Skarsgard stated that he and Mr. Reynolds of the Attorney General's Office researched the legality of the Executive Order creating the Memorandum of Understanding.

Mr. Skarsgard stated BLPEPS' legal options regarding line items in the Memorandum of Understanding in relation to Regulation and Licensing Department. Mr. Chavez brought up the idea to discuss the Memorandum of Understanding by the numbered line items:

1. Assignment of Administrative Functions:

a. Technology Systems

Mr. Valdez stated that the new website is ready but pending overhead funding for the fiscal year to RLD, it is currently on hold. It was noted that a possible solution would be to request overhead funding to RLD into the FY 2016 budget appropriation request.

b. BLPEPS Staff

Day-to-day functions between BLPEPS staff and RLD staff were discussed. Discussed was staff answering phones for RLD by following the RLD monthly phone duty schedule. Also discussed was the BLPEPS agency being short-handed with their vacancies.

c. BLPEPS Executive Director

Can Director's exempt position be modified on the Memorandum of Understanding? Currently Acting Executive Director administratively reports to the RLD Deputy Directory, Vandra Baca. A discussion was made that the Executive Director is currently an exempt position. Mr. Valdez informed the Board the difference between a Governor Exempt position and a FSLA exempt position. A discussion ensued regarding modifying the standing Memo of Understanding and present it to Superintendent Unthank. It was decided to create a sub-committee to create a draft of modifications to be presented.

d. Office and Overhead Expenses

Mr. Valdez informed the Board about the hiring process for the Executive Secretary and Licensing Clerk positions. Paperwork would be submitted to the Regulation and Licensing Department's HR. Once the paperwork was processed and a budget check was performed to verify the Agency had the funds for the new hires, the State Personnel Office would advertise these positions.

A discussion followed regarding the other vacant position, the A/O I position. Mr. Valdez informed the Board that in the past the A/O I position was the Agency's Chief Financial Officer. It was discussed that the Board could possibly fill this position, the duties of the position had to be examined. Regulation and Licensing Department offers financial assistance to the Agency and Mr. Valdez prepares the annual budget, the question of whether this position remain as a CFO position or have another responsibility had to be determined.

e. Compliance

The Regulation and Licensing Department's Administrative Services Division reviews the Agency's financials but does not decide on its use, it is the Board's sole responsibility as outlined in the New Mexico Engineering and Surveying Practice Act.

2. Administrative Functions NOT Being Assigned from BLPEPS to RLD:

- a. Policies and Procedures
- b. Budget and Operating Bank Account
- c. Out-of-state Travel
Revisit this item to clarify about having a non-quorum of Board members attending out-of-state travels.
- d. License Fee Structure
To form a committee to visit the license fees and determine if need to be lowered or remain the same. If the Board remains administratively attached to RLD, consider lowering fees.
- e. Complaint Process
Revisit to clarify “RLD will be responsible for compliance with BLPEPS statutes, the Engineering and Surveying Practice Act, Administrative Code and the Uniform Licensing Act.” It is the Board’s responsibility to ensure licensees are in compliance.

III. Miscellaneous Provision of the Memorandum of Understanding.

1. Compliance with Laws, Rules and Regulations
2. Consent to Jurisdiction and Venue
3. Joint Venture

Mr. Chavez is in agreement with Mr. Bohannan in adding a Public Information Officer to host website and oversee newsletter/e-letter.

Mr. Bohannan suggested that a sub-committee be appointed to draft redlines to the administrative issues of the Memorandum of Understanding. Appointees to the sub-committee are Mr. Thurow, Mr. Bohannan and Ms. Samora. Redlines will be made available to the Executive Committee prior to BLPEPS Board Meeting in August, 2014.

a. Agency Strategic Plan 2016-2021

Mr. Brasher stated that topic “New Business” A. Agency Strategic Plan 2016 -2021 will be placed on the August 14-15, 2014 Full Board Meeting agenda.

Tabled until Board’s August meeting.

Mr. Brasher inquired about funding on Regulation and Licensing Department’s IT database system. Ms. Worbel stated that RLD will assist BLPEPS in IT systems only if BLPEPS vests with RLD in accordance with the Memorandum of Understanding.

11. Next Scheduled Meeting- August 14-15, 2014, Las Cruces, New Mexico

12. Adjourn

Mr. Brasher, Board Chair adjourned the meeting at 12:45 p.m.

Submitted By:

s/ Perry Valdez
Mr. Perry Valdez, Acting Executive Director

Approved By:

s/ Paul Brasher
Mr. Paul Brasher, Board Chair

January 23, 2015 Approved Date