

MINUTES OF

Meeting of the Board of Licensure for Professional
Engineers and Professional Surveyors held 9:00 a.m.
August 12, 2011 at Board Office, 2550 Cerrillos Rd, Rio
Grande Room, Santa Fe, NM

Members Present Julie Samora, PE, Chair
Gilbert Chavez, PS, Vic-Chair
Subhas Shah, PE
Salvador Vigil, PS
John T. Romero, PE
Fred Sanchez, PS
Paul Brasher, PE
Augusta Meyers, Public Member
Stevan Schoen, Public Member

Members Absent Rola Idriss, PE

Others Present Liz Montoya, Acting Executive Director, BLPEPS
Ericca Lopez, Executive Secretary, BLPEPS
Perry Valdez, Licensing Manager
Melanie Carver, Board Attorney
Russell Koger
Joni Arrends
Terry Brown
Mark Sardella

1. CONVENE

Ms. Samora convened the meeting at 9:05 a.m.

1.1 Roll Call

Roll call was taken and it was noted that a quorum of the board was present.

1.2 Introduction of Guests

Mr. Paul Brasher introduced himself as the new board member to the committee.

Mr. Koger and Ms. Arrends introduced themselves as guests.

1.3 Board Member Certificate Presentation

Ms. Lopez presented certificates to Mr. Sanchez and Mr. Shah for their services as fiscal year 2011 chairs of the committees.

Certificates were also prepared for Mr. Sisneros for his services as Chairman of the Board and his services as a Board member.

2. **APPROVAL OF THE AGENDA**

Ms. Arrends requested to be able to voice some concerns to the Board.

MOTION by Mr. Romero, **SECOND** by Mr. Vigil, and **PASSED** unanimously
VOTED: To allow Ms. Arrends to speak during item 5.2 and approve the agenda.

3. **ELECTRONIC / PAPERLESS MEETING FOLLOW UP & TRAINING**

3.1 FTP Site Demonstration Training- Mr. Valdez gave a short demonstration on how the board members will begin to use the FTP site to access all of the documents that will be sent out for them to review. Mr. Valdez gave them each a user id and a temporary password that will be used to access the site and the documents.

4. **APPROVAL OF MINUTES**

4.1 January 14, 2011 Meeting Minutes- Ms. Montoya stated she only had one correction on item 4.2 where she would like to add “Bob Wharton faxed over the information that was requested by the board. The Board reviewed the information and....”

MOTION by Mr. Sanchez, **SECONDED** by Mr. Chavez and **PASSED** unanimously
VOTED: To approve the January 14, 2011 meeting minutes.

4.2 April 14, 2011 Meeting Minutes-

MOTION by Mr. Sanchez, **SECONDED** by Mr. Vigil and **PASSED** unanimously
VOTED: To approve the April 14, 2011 meeting minutes.

4.3 June 17, 2011 Meeting Minutes-

MOTION by Mr. Sanchez, **SECONDED** by Mr. Chavez and **PASSED** unanimously
VOTED: To approve the June 17, 2011 meeting minutes.

5. **COMMITTEE REPORTS**

5.1 Professional Surveyors Committee- F. Sanchez, PS Chair- Mr. Sanchez made a report to the full board as follows:

The committee received an update on all pending cases and took the necessary actions on five cases.

The committee received a personnel update from Ms. Montoya.

The committee elected Mr. Sanchez to continue as the Chair of the committee and Mr. Vigil to be the Vice Chair of the committee.

The committee discussed the complaint manager’s contract.

The committee approved one application to take the FS exam, one application to take the PS and the NM 2hr exam, and four applications by endorsement.

The committee heard from Mr. Allen Grace and Mr. David Cooper regarding some concerns that NMPS had regarding a few bills that were going through the legislature.

The committee received an update from Ms. Montoya on the complaint process the staff was beginning to incorporate.

5.2 Professional Engineers Committee- S. Shah, PE Chair- Mr. Shah made a report to the full board as follows:

The committee was introduced to Mr. Brasher, the new board member.

The committee received an update on all pending cases and took the necessary actions on three cases.

The committee received a personnel update from Ms. Montoya.

The committee elected Mr. Shah to continue as the Chair of the committee and Mr. Brasher to be the Vice Chair of the committee.

The committee discussed the complaint manager's contract.

The committee reviewed and approved several applications for exams and by endorsement.

The committee received an update from Ms. Montoya on the complaint process the staff was beginning to incorporate.

Ms. Arrends, Executive Director for Concerned Citizens for Nuclear Safety, was allowed to make some comments regarding a case that had gone before the Professional Engineers Committee the previous day. She stated her group had been doing case studies on the Buckman case since 2003 and that there was great concern about the contamination that was happening from the dumps. Ms. Arrends stated there was also great concern about the ash and other contamination from the Las Conchas fire.

The committee thanked Ms. Arrends and expressed that she had some valid concerns but the board could only proceed in the case that was presented to them only as allowed by the scope of the law.

Mr. Sardella was allowed to make comments to the committee regarding the same case and he stated he was the complainant in the matter. Mr. Sardella also expressed great concern about the contamination that was already happening and could possibly get worse. He stated to the committee he thought the report being presented, as stated in his complaint, was an engineering report.

The committee thanked Mr. Sardella for expressing his concerns to the board.

6. EXECUTIVE SESSION

MOTION by Mr. Vigil, **SECONDED** by Ms. Meyers and unanimously

VOTED: To convene in closed session pursuant to NMSA 1978, Section 10-15-1 (H) (1) and (H) (2) to discuss, as listed on the agenda, the licensing complaints, the personnel status of individual Board employees, and the status of corruption charges made by a Board employee. A roll call vote was taken:

Voting Yes: Mr. Romero, Mr. Vigil, Mr. Chavez, Mr. Schoen, Mr. Sanchez, Ms. Meyers, Mr. Brasher, Ms. Samora and Mr. Shah

Ms. Samora declared that the Committee was now in closed session.

Ms. Samora brought the committee back in to open session by stating that only the items stated in the closing statement were discussed.

6.3 Board Action Regarding Executive Session Matters- No actions were required at this time.

7. NEW BUSINESS

7.1 RLD/PEPS Consolidation Proposal- Ms. Montoya stated the proposal had been submitted to all of the board members via email for them to review.

A brief discussion was held on the proposal and it was decided the Executive Committee would meet and look further into this matter.

MOTION by Mr. Chavez, **SECONDED** by Mr. Schoen and **PASSED** unanimously
VOTED: To table this item for final decision until the next meeting.

7.2 M.R. Holder- Question on Board Policy on Electronic Signatures- Mr. Holder submitted the question: Does affixing a digital reproduction of ones signature in CAD prior to plotting the drawing qualify as an approved method of signing a document, provided the registrant affixes the signature himself?

After a brief discussion the board decided the answer to his question was yes, providing that the signature is properly authorized.

7.3 Terry O. Brown- Clarification regarding NMSA 61-23-21 A-C- Mr. Brown requested clarification from the board regarding 61-23-21 Practice of Engineering pertaining to “ Joint Associations” and “ Joint Ventures”.

The Board could not legally provide a direct answer to this question. The Board cannot bind future boards to a decision it would make now and decided the Practice Act was clear in its wording regarding joint ventures.

The Board stated that the company would have to establish an engineer of record.

7.4 E. MacFarlane- Question on SEANM presentation for Continuing Education Credit- Mr. MacFarlane, Director of SEANM, submitted a question to the board regarding some internet training his group provided via the internet. He asked whether or not the training could be considered as continuing education and whether or not a quiz would be required to be given to

the participants so that it could be considered continuing education. He also asked if a quiz was required, was there a length requirement that would be required to show the participant had sufficient knowledge on the training.

Since the Board currently does not approve or disapprove any courses for continuing education, they asked Ms. Montoya to respond and direct him to item 16.39.2.8(G) as a reference. They also stated there is no quiz requirement to be met.

7.5 NCEES/ UNM Award- Mr. Chavez informed the board UNM would be receiving an award from NCEES and a representative from the university would be present at the Annual meeting to accept the award.

7.6 NMSPE Ceremony- Ms. Samora informed the board NMSPE would be having its New Licensee Ceremony on Monday, August 15th if anyone was interested in attending. She stated she would be giving a presentation on the importance of licensure.

Mr. Shah would also be in attendance.

8. OLD BUSINESS

8.1 Compliance Process- Ms. Montoya stated this item was discussed at both committees the previous day and she wanted to make sure it was to the Board's satisfaction.

8.2 NCEES National Meeting Follow Up- August 2011- It was decided that Ms. Samora, Mr. Chavez, Mr. Shah and Ms. Meyers would be attending the NCEES Annual meeting as representatives of the Board.

9. CHAIR REPORT

Ms. Samora reported she had sent out an email to all with a list of items she felt the Board needed to take an active role on at this time. She stated the most important item at this time was to schedule the Executive Committee meeting to discuss and come to a decision regarding the RLD proposal.

It was decided a committee would be formed including Mr. Brasher, Ms. Samora Mr. Shah and Mr. Sanchez to review the changes in the Practice Act that are necessary prior to the legislative session in January.

Preliminary Committee Assignments were as follows:

Examination, Licensure Promotion and Public Information- Mr. Brasher, Ms. Samora and Mr. Vigil.

Joint Practices Committee- Mr. Sanchez and Mr. Shah

Executive Committee- Ms. Samora, Mr. Chavez, Mr. Schoen, Mr. Vigil and Mr. Romero

Rules and Regulations Committee- Mr. Sanchez, Mr. Shah, Ms. Meyers and Mr. Brasher

Computer Based Testing- State Specific exam for Surveyors- Mr. Chavez and Mr. Vigil

10. DIRECTOR'S REPORT

10.1 Budget Report- Expenditures- Ms. Montoya presented a listing of all items that had been paid out since the last board meeting for approval by the board.

MOTION by Mr. Romero, **SECONDED** by Mr. Schoen, **PASSED** unanimously
VOTED: To accept the expenditures as presented.

10.2 Transition Report- Ms. Montoya stated she would like help on the transition report she is preparing to give to the Governor's office when she retires and any help the board members could give would be greatly appreciated.

11. ADJOURNMENT

Ms. Samora adjourned the meeting at 12:50 p.m.

Submitted by:

s/ Ericca Lopez

Ms. Ericca Lopez, Executive Secretary

Approved by:

s/ Julie Samora, PE

Mrs. Julie Samora, PE, Board Chair

September 15, 2011 Approved Date