

MINUTES

MEETING OF THE NEW MEXICO BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS
held 9:00 a.m., Friday, April 5, 2019
Electrical Conference Room, Thomas & Brown Hall, Rm 207
New Mexico State University, Las Cruces, NM 88001

Members Present – Ron Bohannon, PE, Board Vice-Chair
Walter Gerstle, PhD, PE
Karl Tonander, PE
Julie Samora, PE
Glen Thurow, PS
Cliff Spirock, PS

Members Absent – David Cooper, PS, Board Chair
Paul Brasher, PE

Others Present – Perry Valdez, Executive Director
Miranda Gonzales, BLPEPS, Financial Assistant
Angelica Urioste, BLPEPS Licensing Administrator
Delilah Tenorio, Legal Counsel
Earl Burkholder, PEPS

1. Convene, Roll Call and Introduction of Audience

Mr. Bohannon convened the meeting at 9:15 a.m., roll call was taken and a quorum noted. Vice Chairman Bohannon recognized Mr. Burkholder in the audience. He petitioned Mr. Bohannon to speak a few words within the Public Comment section of the agenda. Mr. Bohannon granted Mr. Burkholder his request.

2. Meeting Notification

Mr. Valdez informed the Board the meeting was noticed in the Albuquerque Journal as well as the Board's website.

3. Approval of Agenda

MOTION by Mr. Thurow to approve the agenda, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

4. Approval of Minutes

a. Minutes of January 18, 2019

MOTION by Mr. Spirock to approve the Minutes of January 18, 2019, **SECOND** by Mr. Tonander, **PASSED** unanimously.

Ms. Meyers entered the meeting at 9:21 a.m.

5. Public Comment/Correspondence

Mr. Burkholder welcomed the Board to Las Cruces thanked the members for having their meeting on the NMSU campus. He stated he had a few brief comments and thanked the Vice-Chair for the opportunity.

Mr. Burkholder stated the arena of spatial data and its use is burdening and surveying and engineering both have very vital activities in that arena. He elaborated about two points, the first is the report card by the Coalition of Geospatial Organizations, regarding the geospatial infrastructure which came out recently and he highly recommended it for the Board's consideration. The second point, the American Society of Civil Engineers have recently published an item that Mr. Burkholder wrote responding to technical issues, he indicated he emailed the links to both these items to Mr. Thurow to share with the Board at his discretion.

Mr. Bohannon stated the necessity of the Professional Surveying Committee, probably at the June meeting, prepare a 20 to 30-minute presentation to the Full Board on the changes coming to the Datum and the geospatial arguments. These affect engineering, however, not as much as they do surveying. He stated he would like to know how they would be used and how it would be implemented.

Mr. Thurow responded he had a conversation with Mr. Burkholder and Dr. Wurm, Professor at NMSU, on the subject. There will need to be changes made to the Board rules where the Datum is defined. It is his recommendation that the Board start thinking of these changes, and the changes be understandable. Mr. Thurow will be seeking input from NMPS on these proposed changes. He stated NGS has proposed a Datum for New Mexico, which they can present the options. One of the options is Mr. Burkholder's Global Spatial Datum Model (GSDM).

Mr. Spirock asked Mr. Burkholder if his volunteered services would require a fee. Mr. Burkholder responded subject to further discussion, "yes". Mr. Spirock then asked Mr. Thurow since NGS has not finalized the changes, if NGS is still asking for recommendations. Mr. Thurow responded that NGS is still accepting recommendations until this summer. He further stated the reason for NGS making changes to New Mexico, is to elevate the grid so there are less distortions in conversion between grid and ground.

6. Director's Report

a. **Staff Vacancy Update**

Mr. Valdez reported there are two staff vacancies, the Executive Assistant and the Compliance Officer position. He stated interviews will be conducting interviews for the Executive Assistant position, Mr. Brasher offered to assist with the interviews.

Mr. Valdez stated the Compliance Officer is being reclassified from a pay-band 50 to a 65.

b. **Financial/Audit Report**

1) **Budget Projections**

Mr. Valdez directed the Board members to view the budget projection spreadsheet prepared by Mrs. Thompson-Martinez. He reported a financial BAR (Budget Adjustment Request) will be requested to move money from the 200 category (Personal Services) to the 400 category (Other). The reason for this request is to purchase a newer vehicle, presently we have a 2005 vehicle.

Mr. Tonander inquired about money being moved into the Building and Structures budget account. Mr. Valdez responded that Construction Industries (CID) presented the concept of constructing a security wall in the front of the offices and splitting the cost between them, the Architect's Board and the PEPS Board. Mr. Valdez described the area and the reason for the wall. CID is also proposing to provide the Board office with two additional cubicle spaces so the staff would no longer share offices.

Mr. Bohannon asked Mr. Valdez what would the remaining budget balance be at the end of the year after the expenses, Mr. Valdez responded there should be \$5,000 left. Mr. Spirock asked Mr. Valdez, if Mr. Burkholder successfully convinced the Board to hire him for his services what the process would be. Mr. Valdez responded is to put this out to bid, then create a contract, we would have to ensure our budget could support this and if not then we would have to move money from one category to another. The other option would be to wait until next fiscal year. Mr. Bohannon stated this would not be a quick process. He also stated the Board could pull 5% from the fund balance, Mr. Valdez agreed.

c. Licensing Status Report

Mr. Valdez reported an increase from 8,711 as of January 2019 to 8,959 as of March 2019.

Mr. Spirock asked Mr. Valdez about the number of Licensed Surveyors. Mr. Valdez reported the number of active PSs is 494; in-state 239 and 255 out-of-state.

The number of active PEs is 8,449; 2,049 in-state and 6,400 out-of-state.

The number of active PEPS with one license number is 16; 14 in-state and 2 out-of-state.

The number of Certified Interns was 42 as of November 2018 to March 2019.

Mr. Spirock requested from Mr. Valdez the number of Professional Surveyors 60 years or older and to know the number of Interns who go on to become licensed Surveyors. Mr. Valdez responded he would attempt to gather and track the information.

Dr. Gerstle asked why the Interns were on the roster, after they were licensed. Mr. Valdez responded the intern certifications have no expiration date.

7. Old Business

a. 2019 Legislative Updates

Mr. Valdez informed the Board that Senate Bill 447 was signed into law.

Mr. Thurow pointed out that Mr. Valdez and Mrs. Thompson-Martinez, in particular, and staff were present at the State Capitol, doing yeoman's work fighting to get the bill through. He commended all their hard work and perseverance.

Mr. Tonander suggested sending out a "Thank you" note to the sponsors.

Mr. Valdez also thanked the Board members who attended and provided their support of the Bills.

Mr. Thurow expressed concerns regarding the representation of Board Members when pursuing legislation as a private citizen. He informed the Members he spent

numerous hours explaining the Boards position regarding bills introduced which were in conflict with the official Board approved legislation. Mr. Tonander indicated he envisioned a scenario where an individual may have introduced himself as being on the Board and not representing the Board but the Legislature not realizing that.

The Board discussed the possibility of having a working meeting/retreat to review the legislative process, code of conduct and strategic planning.

b. Discussion of Scholarship Program Setup

Mr. Valdez informed the Board he placed this item on the agenda as a result of the passage of the Legislative Bills (House Bill 367 and Senate Bill 447). He added it is necessary to begin some discussion and ideas on the program setup.

Mr. Thurow asked if this would be codified in the rules or as a policy. Mr. Bohannon responded the Board may need some legal opinion on that. He further stated it would be wise to emulate the Nursing Board's process as closely as possible since it is a very successful program. Mr. Valdez responded that he, Mrs. Thompson-Martinez and Mrs. Ward have reached out to the Nursing Board to find out the details of their program, they are still waiting for a response. He read an email from Mrs. Thompson-Martinez, addressed to the Board, of a meeting with the Department of Finance (DFA) Budget Analyst on the process of how the disbursement of the scholarship money is to be handled. The process was outlined as a budget adjustment moving the allocated scholarship money from the 500 budget category to the 400 budget category under line item 547420 Grants to Higher Education. The next step is to figure out how to disperse the money and to who, the University or third party. Mr. Spirock mentioned a draft work he provided regarding the scholarship program. The New Mexico Higher Education Department (NMHED) of the State, there is the New Mexico Engineering Foundation (NMEF) and the New Mexico PS Educational Foundation (NMPSEF) and an education foundation. He further stated if we set up the program with Board approved protocols, if the Board assists in the setting up the application, the application could go to a blind committee to select the candidates.

Ms. Tenorio stated she used to sit on the Board for the Indian Law Section (ILS) of the New Mexico State Bar. The Section offers a scholarship for Bar preparation. It's used for prep courses or whatever the student needs. Mr. Bohannon sees the

scholarship growing to offer more assistance to those students who may need the assistance. Ms. Tenorio informed the Board that the ILS Board utilizes various media to advertise this scholarship is available, at least 4 scholarships are awarded each year; a committee within the Board vets the applications. Once the vetting process is completed the committee makes a recommendation to the Board to choose who is awarded the scholarships. The criteria for the awarding of the scholarships are community involvement, academics, and letters of recommendations. They also ask that the applicant commit to practicing in New Mexico for at least one year.

Mr. Bohannon requested this item be placed on the retreat/working meeting agenda.

8. New Business

a. **Fiscal Year 2020 Meeting Calendar**

MOTION by Ms. Meyers to approve the Fiscal Year 2020 calendar, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

b. **NCEES Annual Meeting – August 14-17, 2019, Washington, DC**

Mr. Valdez stated the Executive Committee met and decided to bring this to the Full Board. He stated the staff which will be attending will be Mrs. Thompson-Martinez, Mrs. Ward, and himself. Mr. Thurow asked how many funded delegate slots are available. Mr. Valdez responded there are 3 available. Mr. Bohannon stated those members who participate on NCEES committees should go to the meeting.

Mrs. Samora suggested the Board members take an active role and attend these types of meetings. The Board members are voting delegates, and she encouraged the members to attend. Mr. Thurow stated the Board's travel policy and in that policy 5 members should attend.

Mr. Bohannon stated the following members should attend Mr. Thurow, Mrs. Samora, Dr. Gerstle, Ms. Meyers, and himself. Mrs. Samora added since her term ends at the end of June, she would encourage another member go in her place and she could be an alternate.

c. Rules Committee Report and Recommendation of Changes to the NM Administrative Code

Mr. Spirock reported he attempted to convene a Rules Committee meeting prior to the April Board meeting but was unsuccessful. He will attempt to schedule and hold a Committee meeting prior to the June meeting.

Mr. Bohannon requested staff draft up the rule change procedure so the Board members will know the process.

9. Committee Reports

a. Executive Committee

1) Meeting Report

Mr. Valdez reported the Executive Committee met to discuss the proposed security modifications and space accommodations provided by CID. In addition, who will attend the NCEES Annual Meeting. He also reported the status of the Legislative Bills and briefly the scholarship program initiative.

b. Joint Practice Committee

1) Meeting Report

Mrs. Samora reported the Joint Practice Committee has not met since the last report.

c. Public Information, Exam and Licensure Promotion Committee

1) Meeting Report

Mr. Tonander reported the Committee has not met. He stated a newsletter was issued towards the beginning of the year. He recommended a notice be sent to the licensees to inform them of the new changes to the Practice Act. Mr. Tonander added he spoke with the Executive Director regarding some communicative initiatives.

Mr. Valdez reported he is in the process of purchasing a license for Constant Contact, in addition an email blast program to assist in sending individualized emails. Dr. Gerstle suggested sending a questionnaire to the licensees if they agree of the scholarship or the funding. Mr. Bohannon suggested this be done later since it is still in the infancy stage. Mr. Tonander suggested to ask the licensees if they would be interested in contributing to the fund directly, as an optional contribution to the program.

2) Newsletter – Status Report

Mr. Tonander reported he would like to have a newsletter out later this year. Dr. Gerstle suggested themes to the articles or being told what article subject is necessary.

3) Licensure Brochure – Status Report

No report provided.

4) Presentations – Status Report

Mr. Bohannon reported that he and Mr. Valdez provided a presentation to the Society of American Military Engineers in Albuquerque. He reported Mr. Valdez prepared a presentation packet on who the Board members are, contact information, and information about NCEES.

Mr. Thurow reported he gave a presentation in El Paso, Texas to a joint meeting of the young Professional Surveyors of New Mexico and Texas.

d. Rules and Regulations Committee

1) Meeting Report

Discussed at an earlier agenda item.

e. Legal Enforcement Committee

1) Meeting Report

Dr. Gerstle reported the Committee has not met. Mr. Spirock recalled it had been discussed to possibly eliminate this Committee. Mr. Bohannon stated the electronic seals issue was assigned to this Committee.

Mrs. Samora stated this Committee needs clarification as to what its role is and its assignments. Mr. Thurow recommended the review of all the committees be discussed at the working meeting.

2) Stamping Control Sheets – Status Report

f. NCEES Committee Members

Mr. Tonander reported a Law Enforcement Committee meeting will be held at the NCEES Western Zone in Boise, Idaho. He reported on the courses/topics being

presented at the NCEES Annual Meeting. Mr. Tonander reported New Mexico is an active participant on the NCEES Enforcement Exchange reporting violations.

Mrs. Samora reported she and Mr. Valdez are members are on the Member Board Administrator Committee. She stated there are some items the MBA Committee are working on.

Mr. Thurow reported as a member of the Committee on Examinations for Professional Surveyors he attended the meeting held in Clemson, South Carolina in February.

Mr. Bohannon informed the Board that he and Mr. Valdez attended the Board’s President Assembly in Atlanta, Georgia. He reported NCEES is planning on purchasing and moving into a larger building, there were discussions on Computer Based Testing (CBT), and other NCEES business.

10. Executive Session

The Board did not enter into executive session.

11. Action on Items Discussed During Executive Session

No action taken. The Board did not enter into executive session.

12. Next Scheduled Meeting Date: June 6, 2019 – Santa Fe, NM

13. Adjourn

MOTION by Mrs. Samora to adjourn the meeting, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

The meeting adjourned at 11:11 a.m.

Submitted by:

s/ Perry Valdez

Perry Valdez, Executive Director

Approved by:

s/Ron Bohannon

Ron Bohannon, Board Vice-Chair

_____ May 31, 2019 _____ **Approved Date**