

MINUTES

MEETING OF THE NEW  
MEXICO BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND PROFESSIONAL  
SURVEYORS held 9:00 a.m., Friday, April 13, 2018,  
The Middle Rio Grande Conservancy,  
1931 Second St, SW, Albuquerque, 87102

**Members Present –** Karl Tonander, PE, Board Chair  
Glen Thurow, PS  
Cliff Spirock, PS  
Julie Samora, PE  
Walter Gerstle, PhD, PE  
Paul Brasher, PE  
Ron Bohannan, PE  
Augusta Meyers, Public Member

**Members Absent –** David Cooper, PS

**Others Present –** Perry Valdez, BLPEPS, Executive Director  
Annette Thompson-Martinez, BLPEPS, Deputy Director  
Angelica Urioste, BLPEPS Executive Assistant  
Marylou Poli, Legal Counsel

**1. Convene, Roll Call and Introduction of Audience**

Mr. Tonander convened the meeting at 9:14 a.m., roll call was taken and a quorum noted.

**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 Dr. Gerstle to approve the agenda as presented, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

**4. Approval of Minutes**

**a. Minutes of January 12, 2018**

**MOTION** by Mr. Spirock to approve the minutes of January 12, 2018 as presented, **SECOND** by Mr. Thurow, **PASSED** unanimously.

**5. Public Comment/Correspondence**

There were no public comments or correspondences to discuss.

**6. Director's Report**

**a. Status Vacancy Update**

Mr. Valdez stated there are two vacancies, the Team Leader and Financial Assistant positions. He also reported the licensing section has a staff member who has been on extended leave and will continue to provide updates to the Board on this matter. Mr. Valdez informed the Board the Team Leader and Financial Assistant positions have been advertised and plan to hold interviews in the near future.

**b. Financial/Audit Report**

Mrs. Thompson-Martinez provided the Board with the two quotes received for the FY18 Audit. She indicated a second e-mail will go out to Accounting Firms and stated the Board Office will need to receive three quotes to proceed with the contract process.

1) Budget Projections

Mrs. Thompson-Martinez provided the Board with updated projections and presented the Budget Adjustment Request. She reported the Executive Committee met to discuss the projections and directed Mr. Valdez and herself to go forward with replacing necessary equipment and computers. Mr. Valdez researched when the office computers were last replaced, which was in the year 2012 and the printers and copier were before 2012. Mrs. Thompson-Martinez reported once the research was done, quotes were received on replacing the copier and computers. Mr. Valdez calculated whether purchasing or leasing the copier machine would be financially beneficial to the Board. The numbers indicated the purchase would provide long term cost savings. Mrs. Thompson-Martinez explained the need for budget category transfers and reported money would be transferred from the vacancy savings in the personal services category to the contractual services and to the other costs category. She indicated she would be happy to answer any questions and would explain the line items in detail if requested.

Mr. Valdez stated he is working on the directory module of the Board's website and will provide the Board with updates. There shouldn't be any further costs since this was already paid for.

Mrs. Thompson-Martinez reported the lack of physical file space has created some issues and are researching what the best options are to accommodate the Board's needs. She informed the Board there are financial deadlines upcoming for the Operating Budget in addition to the interview process deadlines. Mrs. Thompson-Martinez also informed the Board communication has taken place with the Nursing Board to start establishing the criteria to go forward with the Board's goal of creating a scholarship program. She shared the knowledge of how the Nursing Board's scholarship program works and stated Mr. Valdez and herself have scheduled meetings with the Budget Analysts to receive guidance on the process.

Dr. Gerstle inquired as to what the Board generates in revenue.

Mrs. Thompson-Martinez reported the Board's revenue was projected to balance the operating budget amount which is 797,000 and stated the revenue is projected to exceed the 797,000.

Mr. Tonander asked for clarification on line items and categories.

Mrs. Thompson-Martinez explained the budget is scrutinized by category not by line item and explained the projected expenditures and needs are determined by line items.

Mr. Bohannon referenced section 61-23-11 C and directed Legal Counsel to research if this language would assist in the process of using the fund balance for the scholarship initiative.

Ms. Poli advised the Board she has used the language in the past to accommodate the necessary transactions needed for Board operations. She also recommended the Board receive clarification on the steps provided for the process and the Board can decide how they would like to proceed.

2) Disposal of Inventory

Mr. Valdez mentioned the storage unit was inventoried when the move took place. He stated the Executive Committee met and was concluded it would be best to eliminate all inventory from the unit since it has been six to seven years since the items have been used. Mr. Valdez reported there are two additional items for disposal listed on page two of the provided inventory list, the Xerox machine and an old green file cabinet. This item was placed on the

agenda since it was suggested by the Auditor to have the Board involved in the disposal of equipment and furniture.

Mr. Thurow questioned if all the items in the storage unit have fully been depreciated. Mr. Valdez indicated all the items have been fully depreciated and explained the process for the disposal of the items.

**MOTION** by Mr. Spirock to dispose of the items in the storage unit and request a smaller storage size for the currently stored records in storage, **SECOND** by Mr. Bohannon, **PASSED** unanimously.

**c. Licensing Status Report**

Mr. Valdez stated as of April 3, 2018 there are approximately 8,633 licensees. The number of active PEs is 8,128; 2,021 in-state and 6,107 out-of-state. The number of active PSs is 436; 214 in - state and 222 out-of-state. The number of active PEPS is 69; 51 in-state and 18 out-of-state. As of March 1, 2018 there are approximately 426 Lapsed licensees. As of January 9, 2018 there are approximately 17 Certified Interns; 16 Engineer Interns and 1 Surveyor Intern.

**7. Old Business**

**a. Review of Policy Advisories**

Mr. Valdez stated he placed this item on the agenda for the Board to review their Policy Advisories and archive any that have been codified into statute or rule. The Professional Engineering and the Professional Surveying Committees have reviewed their Policy Advisories and have archived many of theirs. Mr. Thurow mentioned the Surveying Committee made the changes to the Policy Advisory to ensure that it complies to the Act. Mr. Tonander suggested as of right now to remove the first part of the Policy Advisory involving engineering and surveying services for public work. This no longer applies with the current Practice Act.

**MOTION** by Mr. Brasher to archive the Professional Engineering and Professional Surveying Policy Advisory regarding services for public work, **SECOND** by Mr. Bohannon, **PASSED** unanimously.

**8. New Business**

**a. Emeritus Members**

- 1) Charles Cala, PS
- 2) Salvador Vigil, PS

Mr. Valdez informed the Board he placed this item on the agenda at the request of Mr. Thurow. Mr. Valdez reported he received requests from Mr. Cala and Mr.

Vigil to be Emeritus Members. This item was discussed at the Professional Surveying Committee; it was decided to have the Full Board render a decision since the Emeritus Members could be representing the Board at the NCEES meetings with this honorary title. Mr. Thurow stated this was an item that was discussed before the Surveying Committee and how it is an important topic with NCEES specifically. Mrs. Samora suggested that the staff reach out to Boards in different states to see how they go about becoming an Emeritus Member. After further discussion of what an Emeritus Member title means and their role with the Board, it was decided the drafting of a policy should be assigned to the Rules Committee.

**b. Fiscal Year 2019 Meeting Calendar**

Mr. Valdez mentioned a draft Fiscal Year 2019 Meeting Calendar has been created. Mr. Bohannon stated the concern on how lengthy the Engineering Committee meetings have taken and requested additional time in order to accomplish the Committee goals. It was concluded by the Board to add additional Special Meetings for the Professional Engineering Committee, and that these will be added into the 2019 Meeting Calendar. There were also some dates that were changed in order to accommodate the Board and to ensure other deadlines are met.

**MOTION** by Mr. Tonander to approve Fiscal Year 2019 Meeting Calendar, **SECOND** by Mr. Thurow, **PASSED** unanimously.

**c. NCEES Annual Meeting – August 15-18, 2018, Scottsdale, AZ**

Mr. Valdez mentioned he met with the Executive Committee to discuss the details on who will be attending the NCEES Annual Meeting. Mr. Tonander suggested the three funded delegates be granted for the staff: Executive Director, Deputy Director, and one staff member.

**MOTION** by Mr. Tonander to grant the three funded positions for staff: Executive Director, Deputy Director, and one staff member, **SECOND** by Mr. Thurow, **PASSED** unanimously.

**d. Presentation for Board Staff to Review Applications and the Authority to Issue Licenses**

Mr. Valdez stated he placed the item on the agenda to discuss the re-evaluation of licensees/applicants and how to speed up the process of each meeting. It was brought to the Board for discussion to request authority to approve applicants and issue licenses who are on the consent agenda without having to be reviewed by the Board. He mentioned this mainly pertains to the Engineering Comity

applications as there are a lot more applicants to review. Mrs. Samora mentioned the Nevada Board had a system at one point where the Executive Director and the Chair would be the ones to approve. She stated that she is always supportive with new objectives that help with speed the process and be proactive for any meeting. Ms. Poli, Legal Counsel, requested to have more time to investigate this matter and discuss at a later time. Mr. Tonander directed this be a future agenda item for the Professional Engineering Committee.

**e. Veterans as New Applicants**

Mr. Valdez stated this was brought to his attention that Veterans as new applicants fall under the category for expedite licensure, pursuant to the Act and the Uniform Licensing Act. He requested clarification if staff has the authority to approve these applications or would they need to be reviewed by the Board at their next meeting. Mr. Thurow stated there should be a process that expedites the approval of the application so the review isn't delayed until the next meeting. He suggested staff review the file and if the applicant meets the qualifications, have the Chair of the respective Committee approve their application. Mr. Bohannon informed the Board it was his understanding the respective Committee would convene a special meeting to approve these type of applications. Mr. Valdez informed the Board of the requirements for this type of application, as outlined in the 2017 Administrative Code 16.39.6.8. B. and 16.39.6. 9. B. Mr. Tonander responded the rule states a "completed application", so it depends on what our definition of "completed" means. Mr. Brasher commented these applications should be reviewed by the respective Committee. Mr. Tonander agreed with the process of having staff review the applications, and if the applications meet the requirements, have the Chair of the respective Committee give the approval.

**Motion** by Mr. Thurow to have the Chairs of the Professional Surveying Committee and the Professional Engineering Committee have final approval of the applications, once the Board staff have verified the qualified applicant is a current, active military, reserve military, or veteran who has been discharged in a two-year time period, or their spouse, and the action of the Committee Chair constitutes the action of the Board. **SECOND** by Mrs. Samora, **PASSED** unanimously.

**1)Disciplinary Status**

Mr. Valdez informed the Board that staff asked the question, if an individual applicant reported a disciplinary action or answered in the affirmative to the felony/misdemeanor question on the application would they be eligible for expedited licensure. He stated to the Board this question was answered in the previous discussion. The requirement that an applicant must be in good standing answered the question.

**f. Engineer/Surveyor of Record and License Status Question**

Mr. Valdez stated Ms. Baca, the Compliance Officer, asked for this to be placed on the agenda for clarification on two questions she had.

**1) If a license is on probation or suspension can the individual still be the Engineer or Surveyor of Record?**

Mr. Tonander stated the licensee cannot be the Engineer or Surveyor of Record if their license is on suspension, however if the license is on probation, then the licensee can be the Engineer or Surveyor of Record. The company should be notified about that licensee if this issue arises.

**2) Does the licensee need to be licensed first before being named the Engineer or Surveyor of Record for a firm?**

Ms. Samora stated the licensee would need to be licensed first before being the Engineer of Record or Surveyor of Record for the company. However, Ms. Baca can hold onto the Engineer/Surveyor of Record until that licensee becomes licensed.

**g. Required Seals on Control Sheets for Plan Sets**

Mr. Valdez reported this item was placed on the agenda as requested by the Chair, Mr. Tonander. Mr. Tonander stated this item had been on the Professional Engineering Committee agenda and requested it be brought before the Full Board. Mr. Spirock briefly explained the issue is about a surveyor requesting clarification from another surveyor regarding a set of plans involving connections to public services. Going through the plan set, the surveyor finds a control survey which contains data. The data is a local modified state plane grid with conventions used by the second engineer who prepared the plans which includes coefficients which make it atypical, and nowhere on the set of plans is there a surveyor seal nor reference to a surveyor. Therefore, the individual surveyor is requesting guidance from the Board regarding the absence of the surveyor seal on the plan set.

Mr. Bohannon responded in his firm's practice they always reference the control points that are of document or provided by their surveyor and don't establish new control points. He further added it would be recommended to assign this issue to a committee to draft an advisory policy. The policy should indicate if new control points are needed and used a surveyor of record establish those new points. Mr. Tonander stated he posed this question to several individuals at the NCEES law enforcement committee he is involved in, all those he asked said they don't require surveyor seals on control sheets unless there are new points. He further stated there are a plethora of extenuating circumstances where a seal would be required.

Mr. Brasher asked if an engineer signs the entire plan set for a project, including the control sheet, should an engineer stamp the sheet that has surveyor information? Mr. Bohannon responded that he should as long as there are no new points, new information, being added. Mr. Thurow agreed, as long as there is no new data, or points, otherwise it would require a surveyor stamp.

Mr. Tonander assigned the drafting of a policy advisory to Mr. Spirock, a member of the Rules Committee.

## **9. Committee Reports**

### **a. Executive Committee**

#### **1)Storage Unit Update**

Discussed under “Directors Report” nothing else added to the topic.

### **b. Joint Practice Committee**

#### **1)Meeting Report**

Mrs. Samora had no report to provide, the Committee has not met due to a lack of agenda items.

### **c. Public Information Committee, Exam and Licensure Promotion Committee**

#### **1)Meeting Report**

Ms. Meyers had no report to provide but suggested to meet with the Committee members to discuss their items.

#### **2)Newsletter – Status Report**

Mr. Valdez reported the spring newsletter has been sent out and publicized on the Board website.

#### **3)Licensure Brochure – Status Report**

No report to provide.

#### **4)Presentations – Status Report**

Mrs. Samora mentioned she presented an ethics presentation at an NMSPE conference for Engineer’s Week. There were also others presenting as a forum. She also reported she was the key note speaker and presented certificates at the NMSPE certificate ceremony.

Herself and Mr. Tonander will be presenting an Ethics Course at an APWA meeting.

Mr. Tonander requested the presentations be uploaded to the Board’s website so others, who haven’t attended, can see the work and presentations the Board members do. This would show how active the Board is and include a notice that we are available for presentations.

Mr. Valdez added he and Mr. Tonander are actively pursuing the



graduation honor cord initiative for those students who have taken and passed the Fundamentals of Engineering Exam and are graduating. They have been collaborating with the three Universities: UNM, NMSU, and NM Mining and Technology.

**d. Rules and Regulations Committee**

**1) Use of Electronic Signatures and Seals – Status Report**

Mr. Bohannon mentioned he had no report to present but will discuss at the next scheduled meeting.

**e. Legal Enforcement Committee**

Mr. Spirock reported he worked on a power point presentation for NMPS and provided Mr. Valdez with a copy of his presentation. He further added how the presentation addresses GIS and LIS systems; these are items the public should be educated on. He stated his concern regarding how some internet spatial programs are used in court hearings. Title companies are notified of the Board's rules or advisories; he questioned if attorneys need to be advised of Geospatial data and authoritative location as defined in our statutes, rules and advisory opinions. Ms. Poli advised Mr. Spirock should advise the New Mexico BAR Association. She added it falls under the purview of what a judge may accept. Ms. Poli stated she is willing to review Mr. Spirock's letter before it is sent.

**1) Stamping Control Sheets – Status Report**

Discussed under "Item g. - Required Seals on Control Sheets for Plan Sets" there was nothing else added to the topic.

**f. NCEES Committee Members**

Mr. Thurow provided a brief report on the NCEES Education Committee he is appointed to.

Mrs. Samora reported briefly on the NCEES Exam Committee she is appointed to.

Mrs. Samora also elaborated on the NSPE website pertaining to licensure and de-regulation. She recommended being educated on this topic.

Mr. Tonander provided a brief report on the NCEES Enforcement Committee he is appointed to.

**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 8, 2018 – Santa Fe, NM

13. **Adjourn**

Meeting adjourned at 12:57 p.m.

Submitted by:

Approved by:

s/ Angelica Urioste  
Angelica Urioste, Executive Assistant

s/ Karl Tonander  
Karl Tonander, Board Chair

June 22, 2018 Approved Date