

MINUTES

MEETING OF THE NEW  
MEXICO BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND PROFESSIONAL  
SURVEYORS held 9:00 a.m., Friday, June 22, 2018,  
New Mexico Department of Transportation, District 3,  
7550 Pan American Blvd., Albuquerque, NM 87199

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

**Members Absent –**

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

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

Mr. Tonander convened the meeting at 9:00 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 Mrs. Samora to approve the agenda as presented, **SECOND** by Mr. Bohannon, **PASSED** unanimously.

**4. Approval of Minutes**

**a. Minutes of April 13, 2018**

**MOTION** by Mr. Bohannon to amend the minutes of April 13, 2018, make the changes to item F #1, Mr. Thurow clarified the changes to this item. The question asked if a licensee or license is on probation or suspension, can the individual still be the Engineer or Surveyor of record? It was stated by Mr. Tonander the licensee cannot be the Engineer or Surveyor of record if license is on probation or

suspension. Mr. Thurow didn't understand the statement this way and wanted clarification. He felt that even if the license is on probation the individual still retains their license and doesn't see why they would be precluded from being the Engineer or Surveyor of record. Mr. Thurow mentioned he understands if the license is on suspension and not being able to be the Engineer or Surveyor of record, but felt the licensee should be able to if the license is placed on "probation." It was decided by the Board to amend the minutes, **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 he is pleased to announce the Team Leader and one of the licensing positions have been filled. He informed the Board Felicia Espinosa-Martinez is the Financial Assistant and Miranda Baca has accepted the Licensing Administrator position. Currently there is one vacant position, Compliance Officer and one employee who has been on extended leave.

**b. Financial Report**

1) FY 2018 Audit Selection

Mrs. Thompson-Martinez reported a firm has been chosen to conduct the FY18 Audit and stated the contract is currently in process. She also stated once the contract is finalized, an entrance conference will be scheduled to begin the Audit. Mr. Valdez also informed the Board, one member participates in the Entrance and Exit Conference.

Mrs. Thompson-Martinez provided the Board with the budget projections and discussed the amounts remaining in each category. She also reported the budget adjustment request was approved and the budget was transferred from Personal Services due to vacancy savings to other categories to cover various costs. The transfer of budget was used to purchase a new Xerox machine, three desk printers and two replacement tablets. Mrs. Thompson-Martinez stated staff has been striving to ensure all items are received before the end of the fiscal year to comply with procurement rules. She also reported the replacement cabinets will not be delivered on time and reported the money projected for those items will not be utilized this fiscal year. Mrs. Thompson-Martinez presented the projected fund balance to the Board and explained the total revenue minus the expenditures for the end of the fiscal year. The estimated amount that is to revert to the fund balance is projected at \$245,660 and added she would provide an accurate amount once the fiscal year is closed and reconciled.

**c. Scholarship Initiative**

Mrs. Thompson-Martinez informed the Board that, herself, Mr. Valdez, Mr. Tonander, and Mr. Thurow attended a meeting with the Board's DFA and LFC analysts. She also mentioned David Abbey, LFC Director was in attendance for a portion of the meeting. Mr. Thurow stated the analysts and Mr. Abbey were very receptive to the initiative of having scholarships to promote both professions, utilizing the Board's current fund balance.

Mr. Thurow further added that Mr. Abbey thought the awards should be based on needs and stated the decision as to who should receive the scholarship should come from the institutions. The manner in which the scholarship should be established was discussed at length and additional research is needed to determine if legislative action is required before allocating monies during budget appropriation request.

Mr. Tonander added there was a suggestion the Board should not be involved in the selection of who is awarded a scholarship and suggested that the scholarship should be strictly dedicated to aiding the student and not used for the institution to use at their discretion.

Mr. Bohannon asked if the Board has the ability to request a line item budget for the scholarship funding? Mrs. Thompson-Martinez responded that this is a question was discussed at length at the meeting and reported this was going to be researched by the analysts. Mrs. Thompson-Martinez further added, it was unclear if legislative action is needed prior to allocating monies to be transferred to the institutions.

Mr. Tonander requested a follow up be done to find out the status of the research. Mrs. Thompson-Martinez stated she would send a follow up e-mail to receive clarification on the option of requesting an amount in the appropriation request to be used for the scholarship initiative.

The Board discussed the scholarship initiative at length. Mr. Tonander recommended the incoming Chair of the Board create a Scholarship Committee to move forward with this project.

**d. Items for Disposal**

Mr. Valdez informed the Board there were some inventory items needing disposal. These items are:

**1) HP Color LaserJet Printers**

Mr. Valdez stated three new printers were purchased to replace two color printers which were purchased back in 2010. He further stated Mrs. Thompson-Martinez is presently using an older printer from RLD, which will be given back to their IT department.

## 2) **File Cabinets**

Mr. Valdez stated they are updating the filing cabinets, as he mentioned during a previous meeting that they are extremely outdated. The filing cabinets have not arrived, however once they do arrive the staff will be disposing of the old cabinets. Mr. Brasher asked if the items get auctioned off somewhere or how does the process work. Mr. Valdez stated the first step is to notify GSD, they will send an individual out to see what items they would like to take. If they refuse the items, the next step would be a recycling company. Mr. Valdez mentioned he would look further into this matter but was told donating to a non-profit organization could be an option.

**MOTION** by Mr. Tonander to approve the disposal of the HP Color LaserJet Printers and File Cabinets directed by the Executive Director, **SECOND** by Mr. Brasher, **PASSED** unanimously.

### e. **Licensing Status Report**

Mr. Valdez stated as of June 18, 2018 there are approximately 8,633 licensees. The number of active PEs is 8,317; 2,036 in-state and 6,281 out-of-state. From the April Meeting the increase of PE Licensees is 15 in-state and 174 out-of-state.

The number of active PSs is 438; in-state 214 and 224 out-of-state. From the April Meeting the increase of PS Licensees is 2 out-of-state.

The number of active PEPS is 67; 50 in-state and 17 out-of-state. From the April Meeting the decrease of PEPS Licensees is 1 from in-state and 1 from out-of-state.

\*\*\*Ms. Meyers entered at 10:09 a.m.\*\*\*

## 7. **Old Business**

### a. **Emeritus Members**

#### 1) Summary of NCEES Research & Proposed Policy

Mr. Valdez stated at the last meeting the Emeritus Member Status was discussed and it was decided based on discussion to try and have a policy written. The draft policy was discussed. Mr. Valdez mentioned to the Board a spreadsheet was created for their guidance on how other Boards manage Emeritus Status. He stated he requested information on the NCEES MBA Basecamp forum whether Boards in other States refer to the Emeritus Status in their Statutes, Rules, or Administrative Policy. Mr. Valdez drafted a Policy to present to the Board and asked for any guidance and revisions that are needed for the Policy. Mrs. Samora stated the North Carolina Policy is a good Policy to follow, Mr. Thurow added that he

agreed with Mrs. Samora's statement. It was directed for Mr. Valdez to amend his draft to reflect the North Carolina Policy. Motion was made by Board:

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

**MOTION** by Mr. Tonander to nominate Charles Cala and Salvador Vigil to Emeritus Status, which will recognize no official Board function or rule. Allow them to serve on NCEES activities, attend NCEES meetings at their own expense, but not speak or vote on the behalf of the Board for a one-year term, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

## 8. New Business

### a. **inLumon Data System**

Mr. Valdez stated this was placed on Agenda because himself and Mr. Tonander kept receiving solicitation on possibly converting to a new data base system. Mr. Valdez and Mr. Tonander listened to a presentation and asked for them to present the proposal to the Board. The information that was shared was to give the Board knowledge on other data systems aside from what is currently being used.

### b. **Graduation Cord Initiative Report**

Mr. Valdez stated this was inspired by Mr. Tonander to help recognize those students who have graduated and successfully passed the FE and FS Exams. Mr. Valdez mentioned he reached out to NMTECH, NMSU, and UNM to get everything coordinated being that it was done in such a short time period. Mr. Tonander and Mr. Valdez stated this was successful for being done for the first time in New Mexico and likely the US and is intended to be an on-going tradition.

### c. **Length of Lapsed License Status/Reinstatement of License**

Mr. Valdez stated this was requested by the Chair to discuss those that are on lapse status and how long we carry them on "lapsed status." A discussion with State Archives and Records on how the Act and Rules are written in regards to lapsed files resulted in the discovery that there is no expiration; an individual can come back years down the road and become an active licensee again. State Archives views these as an active license and would not consider storing these files in their archives.

Mr. Tonander asked how do we get into archives? Mr. Valdez replied that the license would need to be placed on a permanent lapse status and a new license number would need to be reassigned.

**d. Fiscal Year 2019 Open Meetings Resolution**

**MOTION** by Mr. Bohannon to approve the FY19 Open Meetings Resolution, **SECOND** by Mr. Cooper, **PASSED** unanimously.

**e. Election of Officers**

1) **Board Chair**

**MOTION** by Mr. Thurow to nominate Mr. Cooper for Board Chair, **SECOND** by Mr. Tonander, **PASSED** unanimously.

2) **Vice-Chair**

**MOTION** by Mr. Thurow to nominate Mr. Bohannon for Vice-Chair, **SECOND** by Mr. Spirock, **PASSED** unanimously.

3) **Secretary**

**MOTION** by Mr. Cooper to nominate Dr. Gerstle for Secretary, **SECOND** by Mr. Thurow, **PASSED** unanimously.

**9. Committee Reports**

**a. Executive Committee**

Mr. Bohannon stated no report given.

**b. Joint Practice Committee**

**1) Meeting Report**

Mr. Thurow stated the JPC Committee met on June 15<sup>th</sup> for their meeting and acted as the chair in Mrs. Samora's place. He mentioned there was a lengthy agenda that was successfully completed. He pointed out under inquires and complaints a PE Case was presented before the Committee regarding an illegal use of licensing. It was placed on the agenda because an Architect was involved in the incident.

Mr. Romero from CID discussed about design being subject to IPRA request and if it was appropriate or not. Mr. Valdez mentioned that a response was provided at the April Full Board meeting regarding legal counsel advice and provided the response to Mr. Romero.

Mr. Thurow added that Mr. Romero discussed issues with Fire Protection Inspectors requiring more than what is specified in the Building Code. There was discussion regarding these types of issues. Mr. Valdez informed the JPC of a Fire Protection Committee within the BLPEPS that was discontinued. Mr. Thurow requested for Mr. Valdez to place this on the August Full Board agenda to request the new Chair to revive this Committee.

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

**1) Meeting Report**

Ms. Meyers stated there was a meeting that took place in March, it was done through Skype. She mentioned the Committee came up with a number of charges, one of them reaching out to NCEES to get examples of brochures, information to be placed on the website both for Engineers and Surveyors etc... Ms. Meyers will have a draft to present at the August meeting.

**2) Fall Newsletter**

Ms. Meyers stated a Fall Newsletter will be created.

**3) Licensure Brochure**

No report given.

**4) Presentations**

No report given.

**d. Rules and Regulations Committee**

**1) Meeting Report**

Mr. Bohannon stated that he is planning to reach out to everyone to keep everybody informed on upcoming events. He mentioned creating a Sub-Committee to create a list and assign job duties.

**2) Use of Electronic Signatures and Seals**

Mr. Bohannon stated that he will be reaching out to the Engineering and Surveying Committees to follow up regarding the Use of Electronic Signatures and Seals.

**e. Legal Enforcement Committee**

**1) Meeting Report**

Mr. Spirock requested a Pre-NCA Settlement Agreement Policy. Also, an Advisory about construction plans and Engineering designs. Mr. Spirock requested for Mr. Thurow to create a draft policy. Mr. Thurow responded that he provided a draft to him. Ms. Poli requested to view the draft policy. Mr. Thurow acknowledged her request and would share them with her.

**2) Stamping Control Sheets**

No report given.

**f. NCEES Committee Members**

Mr. Thurow stated he was appointed to the EPS Committee, Mrs. Samora appointed to the MBA Committee, and Mr. Tonander appointed to the Law Enforcement Committee.

**10. Executive Session**

**MOTION** by Mr. Thurow that the Committee enter into closed Executive Session to discuss the items listed on the agenda pursuant to NMSA 1978, Section 10-15-1 (H) (1) and (3) to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license and to deliberate on pending cases. **SECOND** by Mr. Bohannon, **PASSED** unanimously.

**Roll call vote taken, voting 'Yes':** Mr. Thurow, Mr. Cooper, Mr. Spirock, Ms. Meyers, Mrs. Samora, Mr. Tonander, Dr. Gerstle, Mr. Bohannon, Mr. Brasher.

**11. Action on Items Discussed During Executive Session**

Personnel matters were discussed and no action taken.

**12. Next Scheduled Meeting Date: August 10, 2018 – Santa Fe, NM**

**13. Adjourn**

Meeting adjourned at 11:33 a.m.

Submitted by:

s/ Angelica Urioste  
Angelica Urioste, Executive Assistant

Approved by:

s/ Karl Tonander  
Karl Tonander, Board Chair

August 10, 2018 Approved Date