

MINUTES

MEETING OF THE NEW
MEXICO BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL
SURVEYORS held 9:00 a.m., Friday, August 10, 2018,
Toney Anaya Building, Hearing Room 1,
2550 Cerrillos Rd., Santa Fe, NM 87505

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

Members Absent – Julie Samora, PE

Others Present – Annette Thompson-Martinez, BLPEPS, Deputy Director
Angelica Urioste, BLPEPS Executive Assistant
Marylou Poli, Legal Counsel
Joe Higham, PE
Earl Burkholder, PE, PS

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

Mr. Cooper convened the meeting at 9:03 a.m., roll call was taken and a quorum noted.
Mr. Cooper recognized Joe Higham and Earl Burkholder in attendance of the meeting.

2. **Meeting Notification**

Mrs. Thompson-Martinez 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. Bohannon to approve the agenda as presented, **SECOND** by Mr. Thurow, **PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of June 22, 2018**

MOTION by Mr. Tonander to approve the Minutes of June 22, 2018, **SECOND** by Mr. Bohannon, **PASSED** unanimously.

Ms. Meyers entered at 9:06 a.m.

5. Public Comment/Correspondence

a. **E. Burkholder Letter**

Mr. Burkholder stated he sent a letter the beginning of July requesting the Full Board to discuss the issue of “Basis of Bearing” and mentioned it was previously reviewed by the Professional Surveying Committee for resolution. He stated he applauded the Surveying Committee for the time, effort, and discussion regarding this issue. He respectfully suggested this issue is a concern to the entire Board not just the Professional Surveying Committee.

Mr. Bohannon asked what the Surveying Committee recommended on this issue? Mr. Thurow replied the Surveying Committee reviewed Mr. Burkholder’s comments and stated the Committee adequately addressed his concerns. Mr. Burkholder suggested the Board retain his services as a consultant to the Surveying Committee regarding this matter. Mr. Thurow stated he issued a letter to Mr. Burkholder on June 14, 2018 with the Committee’s response. He informed the Board the letter stated “the Board respectfully declines the proposal to retain your services as a subject matter expert concerning ‘basis of bearing’ and will not issue a contract to retain services. Mr. Thurow conveyed, the Surveying Committee has responded to your concerns and explained its position, therefore the Committee considers this matter closed and will take no action.”

Mr. Bohannon stated this topic falls under the purview of the Surveying Committee not the Full Board.

Mr. Spirock mentioned he liked some of the language Mr. Burkholder proposed but felt the timing was not appropriate. He added to include this topic into the bucket of ideas and may be discussed in the future.

Mr. Cooper stated if the Professional Surveyors as a group and the Professional Engineers as a group together petition us for a change then this Board has to be compelled to critically look at it. They are part of the public too. Mr. Thurow commented that the language that was placed in the Minimum Standards came from the Society of New Mexico Professional Surveyors. Mr. Cooper acknowledged this statement, and further stated since the Professional Surveyors made the recommendation to the updates to the Minimum Standards, that’s why it was incorporated. If the Professional Surveyors don’t like the existing language or think it was a mistake, then they can come back and request it be changed.

b. **Joe Higham**

Mr. Higham introduced himself as the president of New Mexico Society Professional Engineers (NMSPE). He stated a letter was prepared in response to the Governors Executive Order 2018-37. He read aloud the letter and although he expressed the Society agrees the current licensing process should not change, Mr.

Higham recognized the Executive branch for conducting the reviews in all professions. NMSPE strongly believes the State Board of Licensure for Professional Engineers and Professional Surveyors is critical to the protection of public safety and welfare. It was mentioned the Board structure and law is operating well, and he stated the licensing process is not being a burden on past, current, or future engineers. Therefore, he strongly urged the Board to recommend no changes to structure, status, or rules.

Mr. Bohannon stated the Board has addressed the Governor's request and have not reduced the Board's standards. The Board simply expedited the review process; it has been the same process but has shortened the time frame.

6. Director's Report

a. Status Vacancy Update

Mrs. Thompson-Martinez stated currently the Board has the compliance position and one licensing position vacant. The listing of eligible candidates for the licensing position has been received and would like to plan to hold interviews the last week of August or beginning of September. She asked for one Board member to commit to sitting on the panel. Mr. Bohannon and Mr. Spirock volunteered to sit in for the interviews.

b. Financial/Audit Report

Mrs. Thompson-Martinez stated the FY18 year is complete. Mr. Pelletier, Mr. Valdez, and herself have been preparing for the upcoming audit. Staff was notified the Audit Contract has been approved and the entrance conference is tentatively scheduled for the last week of August. Mrs. Thompson-Martinez posed the question to the members as to who would be able to attend the conference? She stated based on previous years, the Chair of the Board's is present, and if the Chair cannot attend another member is welcome to participate. Mr. Brasher volunteered to attend the Entrance Conference since he has previously attended.

Mrs. Thompson- Martinez stated July 1st was the beginning of FY19, and will provide an updated budget projection at the November meeting.

1) FY20 Budget Appropriation Request

Mrs. Thompson-Martinez stated the FY20 Appropriation Request training was held and Mrs. Espinosa-Martinez and herself attended. She informed the Board that Richard Blair, the DFA State Budget Office Manager, has retired. Mrs. Thompson-Martinez provided the board with the proposed budget request for FY20 and stated the total will change once the final fixed rates and personnel updates have been completed. The amount will also change if the Board is allowed to budget an amount for the scholarship initiative.

Mr. Bohannon asked Mrs. Thompson-Martinez if the Board needs to approve for the FY20? Mrs. Thompson-Martinez replied she would like the Board to make a motion to choose the amount that will be budgeted for the scholarship initiative to be included with approval from the Analysts.

Mr. Thurow expressed his concerns regarding the budget approval for three Board members allocating amounts to travel. He stated he has had to attend educational conferences at his own expense Mr. Thurow mentioned the Board should conform to the travel policy and revise the FY20 Appropriation Request to five members which would increase to \$10,000 to covers for the expense.

Mrs. Thompson-Martinez reported as of August 8, 2018 the fund balance is \$249,681.91 and will update the Board on the amount once FY18 has officially been closed out with the Audit.

c. Scholarship Initiative

Mrs. Thompson-Martinez stated the Board has been assigned a new LFC Analyst by the name of Annamae Montoya. A meeting took place to inform Ms. Montoya of the discussions that took place with the previous Analyst regarding the scholarship initiative. Mrs. Thompson-Martinez also informed the Board the DFA Analyst conveyed at the Budget training the process of implementing the scholarship initiative is still in process and stated she would communicate the details once determined.

Mrs. Thompson-Martinez requested from the Board to have an amount in the form of a motion if approval is received to budget by line item in FY20. She stated she would communicate the information received regarding the clarification on the need for legislative approval for this initiative upon the approval to budget the scholarship disbursement amount in FY20.

MOTION by Mr. Cooper to direct staff to allocate \$100,000 into the appropriate line item for the scholarship initiative, **SECOND** by Mr. Bohannon, **PASSED** unanimously.

7. Old Business

a. BLPEPS Ethic PDH Course Dates and Locations

Mrs. Thompson-Martinez mentioned this was placed on the Agenda to plan for the future Ethic Courses and schedule dates/locations. Dr. Gerstle suggested to collaborate with NMSPE involving these Ethic Courses. Mr. Higham stated they will accept Ethics Courses at future conferences.

Mr. Cooper suggested to Mr. Tonander to draft up an outline with dates and locations and email directly to the staff. He also mentioned if he would like a Surveyor present to contact the Surveying Committee.

b. Request to Reinstate the Fire Protection Committee

Mrs. Thompson-Martinez stated this was an item from the JPC meeting and was placed on the Full Board Agenda.

Mr. Thurow stated that a discussion took place at the JPC meeting regarding Architects having issues with fire marshals pertaining to the code administration. It was acknowledged at one point there was a Fire Protection Committee and was asked if it was necessary to reestablish the Committee to better facilitate the Engineering, Architectural, and Construction industries to offer some guidance.

Mr. Brasher suggested to come to an understanding with Fire Marshals and to create a list of the Fire Protection authorities across the state. It was discussed by the Board to maybe create a Committee in the future.

8. New Business

a. Executive Order 2018-037

Mrs. Thompson-Martinez informed the Board that Mr. Valdez formulated a response to the Executive Order for the Governor's Office. The draft was included in the meeting packet for review. Mr. Spirock mentioned that this was the first time he had the opportunity to review the draft, he added that it was an absolute excellent job. He further mentioned that he provided recommendations for the response. Mrs. Thompson-Martinez responded that if the Board wishes to add additional information we would add those items. She further stated that Mr. Valdez prepared this response incorporating the information which was provided to him from the National and State organizations.

Mrs. Thompson-Martinez informed the Board about changes to the rules, when a change is made to a rule an existing rule must be removed. Mr. Tonander asked if it is pertaining to a paragraph of a rule or just a section of a rule. Ms. Poli responded as to what the Office of the Attorney General's opinion is regarding this rule change requirement.

Mr. Cooper stated Mr. Spirock developed recommended alternatives for surveying licensure. These are proposed recommendations responding to the Executive Order regarding proposed alternatives for reducing barriers to licensure and industry growth.

MOTION by Mr. Bohannon to approve the draft of the response to the Executive Order 2018-037 to allow any member to work with Mr. Valdez to finalize the response to the Governor's Office, **SECOND** by Mr. Tonander, **PASSED** unanimously.

1) Application Affidavit Proposed Change

Mrs. Thompson-Martinez informed the Board about an application update regarding military service. This update will assist the staff in expediting the application if the applicant is currently serving, or is a veteran, or is a spouse.

Ms. Poli stated she would work with staff to ensure the correct language is added to the section.

MOTION by Mr. Bohannon to approve the revised application and instruct staff to work with legal counsel to clean up any grammar and add the appropriate discharge reference, **SECOND** by Mr. Brasher, **PASSED** unanimously.

b. Committee Assignments for 2018-2019

Mr. Cooper stated that Mr. Valdez sent out a poll to the Board regarding the Committee Assignments. Assignments are as follows:

Executive Committee - Mr. Cooper Chair of Committee
Mr. Bohannon, Mr. Thurow, Mr. Tonander, Mrs. Samora.

JPC Committee - Mr. Thurow Chair of Committee
Mrs. Samora, Mr. Bohannon will serve as an alternate.

Public Information - Mr. Tonander Chair of Committee
Ms. Meyers, Mr. Thurow.

Rules and Regulations Committee - Mr. Spirock Chair of Committee
Dr. Gerstle, Mr. Bohannon, Mr. Cooper. (Mr. Tonander will serve as an alternate.)

Legal Enforcement Committee - Dr. Gerstle Chair of Committee
Mr. Spirock, Mr. Brasher, Mr. Tonander.

There was discussion of creating a scholarship committee. Mrs. Thompson-Martinez advised the Board of the advantage of having a committee to draft the proposed legislative language if it is determined it will be necessary. In addition, the details formulated of the disbursements. Mr. Tonander suggested this be assigned to the Public Information Committee. Mr. Cooper stated the Board should be prepared to speak about this initiative at the legislative level. Mr. Thurow acknowledged Mr. Tonander's suggestion for this to be assigned to the Public Information Committee. Mr. Cooper agreed and made this a charge of the Committee until it seems necessary to create an additional committee for this initiative.

c. NCEES Annual Meeting Motions

Mr. Thurow stated there are four voting members, Mr. Valdez, Mr. Thurow, Dr. Gerstle, and Mr. Tonander. He suggested if someone has a specific direction regarding one of these motions to directly contact one of these members.

9. Committee Reports

a. PS Committee

Ms. Meyers stated the PS Committee had a productive meeting on August 9, 2018, she mentioned there were seven disciplinary cases to review.

b. PE Committee

Mr. Brasher stated the applications were reviewed and mentioned the meeting recessed and will reconvene immediately following this meeting.

Mr. Bohannon informed the members a new prosecutor, Mark Swanson, has been assigned to the Board.

c. Executive Committee

No report given.

d. Joint Practice Committee

1) Meeting Report

No report given.

e. Public Information Committee, Exam and Licensure Promotion Committee

1) Meeting Report

Ms. Meyers stated herself and Mr. Tonander will be meeting to discuss any upcoming events.

2) Fall Newsletter

Ms. Meyers stated a Fall Newsletter will be created.

3) Licensure Brochure

Ms. Meyers mentioned it is in the process of being drafted.

4) Presentations

No report given.

f. Rules and Regulations Committee

1) Meeting Report

No report given.

2)Status Report on Assignments

No report given.

g. Legal Enforcement Committee

1)Meeting Report

No report given.

2)Stamping Control Sheets

No report given.

h. NCEES Committee Members

No report given.

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: November 9, 2018 – Albuquerque, NM

13. Adjourn

Meeting adjourned at 12:10 p.m.

Submitted by:

s/Angelica Urioste
Angelica Urioste, Executive Assistant

Approved by:

s/David Cooper
David Cooper, Board Chair

November 9, 2018 Approved Date