

MINUTES

MEETING OF THE NEW MEXICO BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS
held 9:00 a.m., Friday, May 31, 2019
Rio Grande Room, Toney Anaya Building
2550 Cerrillos Rd., Santa Fe, NM 87504

Members Present – David Cooper, PS, Board Chair
Ron Bohannon, PE, Board Vice Chair
Dr. Walter Gerstle, PE, Board Secretary
Karl Tonander, PE, Member
Paul Brasher, PE, Member
August Meyers, Public Member, Member
Cliff Spirock, PS, Member
Glen Thurow, PS, Member

Members Absent – Julie Samora, PE, Member

Others Present – Perry Valdez, Executive Director
Annette Thompson-Martinez, Deputy Director
Gabrielle Schultz, Executive Assistant
Miguel Lozano, Legal Counsel

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

Mr. Cooper convened the meeting at 9:12 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 Mr. Bohannon to approve the agenda as presented, **SECOND** by Mr. Tonander, **PASSED** unanimously.

4. **Approval of Minutes**

a. Minutes of April 5, 2019

MOTION by Mr. Bohannon to approve the Minutes of April 5, 2019 as presented, **SECOND** by Mr. Tonander, **PASSED** unanimously.

5. **Public Comment/Correspondence**

No items for discussion

6. Director's Report

Ms. Meyers arrived at 9:18 a.m.

Mr. Valdez informed the Board that there would not be a license status report because in the short time since the last meeting, there had not been a significant change from the numbers provided.

a. **Financial Report**

Mrs. Thompson-Martinez stated the Executive Assistant position was filled and staff were excited to have the new member on their team.

Mrs. Thompson-Martinez provided the Board with the budget projections and discussed the amounts remaining in each category for the end of the fiscal year.

She informed the Board there was a surplus of \$13,625 in the 200-category due to staffing vacancies. She stated the 300-category (the contract category) will have a balance of \$1,879 as long as the encumbered amounts were used in their entirety. She stated the 400-category (the Operating cost category) would have a balance of \$28,463. She stated that the total amount of the projected budget to revert to fund balance is estimated at \$53, 968. She also reported the budget adjustment request was approved and that the Agency was going through the process to purchase a new vehicle.

Mr. Bohannon asked if the \$53, 968 could be taken from the fund balance and be put toward the Scholarship fund. Mrs. Thompson-Martinez stated she and Mr. Valdez had talked about that and referred the Board to copies of the Legislation. Mr. Bohannon asked if the Legislature doesn't approve the full funding of the scholarship in the future, would the Board be able to pull the remaining out of the fund balance and cap it at a total of \$100,000. Legal Counsel stated they would offer the Board assistance in answering these questions. Mr. Spirock stated that the presentation at the working meeting in September should answer all these questions and give the Board an idea of the Scholarship program's structure.

Mrs. Thompson-Martinez informed the Board the FY 2020 Operating Budget is a total of \$997,600 and it contains the \$100,000 allocated for the Scholarship Program as well as funding for out-of-state travel.

Mr. Bohannon asked how the surplus of roughly \$174,000 would be affected if the Agency were fully staffed, and further noted if the Agency maintains that surplus, the Board may need to adjust the overall budget and look at lowering fees.

Mrs. Thompson-Martinez stated she did not recommend lowering fees because the surplus was tied into the staffing vacancies and expenditures in the 200-category. After further discussion it was agreed that the budget would balance if the agency were fully staffed.

7. Old Business

a. Discussion of Scholarship Program Setup

Mrs. Thompson-Martinez informed the Board that the first step of the creation of the new fund has been approved. She informed the Board that since the funding was part of the budget before the Scholarship was created, it will be at the discretion of the Board to decide what section of the budget (400-category vs. 500-category) the funds will be transferred to for distribution.

Mr. Valdez clarified that since the funds have been set aside as part of the operating budget, it is as if they are encumbrances and the funds cannot be touched by the State.

Mr. Spirock asked if there was currently a scholarship committee set up under the Board. Mr. Cooper responded no, and that it should be the responsibility of the FY 2020 Board Chair to address that.

b. Emeritus Members

1) Summary of Adopted Policy

Mr. Valdez informed the Board there were three individuals applying for Emeritus Status.

Mr. Tonander asked what was requested from the candidates for the Board's consideration of their renewals. Mr. Valdez informed Mr. Tonander that the applicants were asked to provide letters requesting their renewal if they should choose to remain an Emeritus Member. He informed the Board that staff could ask applicants to provide petition letters stating what work they've done with the Board or in support of the Board's mission to maintain Emeritus Status.

Mr. Thurow stated that the policy makes it seem as though any Board member who leaves in good standing may receive the honorary title of Emeritus status and suggested a change in the language. After further discussion, Mr. Valdez agreed to draft the suggested changes and email them to the Board for further input and approval. It was decided that Mr. Thurow would work with Mr. Valdez to finalize the Emeritus Member Policy.

a) Cala, Chuck (Charles), PS - #11184

MOTION by Mr. Tonander to approve for renewal of Emeritus status, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

b) Chavez, Gilbert, PS - #6832

MOTION by Mr. Tonander to approve for renewal of Emeritus status, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

c) Vigil, Salvador I., PS - #10988

MOTION by Mr. Tonander to approve for renewal of Emeritus status, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

c. Discussion of Engineer/Surveyor Record Affidavits

Mr. Valdez informed the Board this item was rolled over from a previous Board meeting. The discussion had surrounded the question as to whether a short-term contract employee of a firm may be the Engineer or Surveyor of record on file. He stated a meeting will be planned with Secretary of State to receive information regarding the corporation requirements. Mr. Valdez expressed this would assist staff in answering the questions Board frequently receives.

Mr. Thurow stated this issue depended on whether or not a Surveyor of record needed to be a full time employee of the firm. He stated if a firm was advertising as a surveying firm, there would need to be a surveyor of record on file who was a full time employee to bid on surveying contracts. If the business is a contracting business or a construction business that accepts project bids on a case by case basis, and does not explicitly advertising surveying services or have a surveyor on as full time staff, they may accept a specific contract that has a surveying element, but are required to hire a short-term contract surveyor who would be the surveyor of record for that specific time period. He further stated if a firm did not have a licensed surveyor on staff, they could not explicitly advertise surveying services.

If they were to accept a contract with a surveying element, they would have to identify a surveyor of record prior to accepting the contract and maintain the same surveyor throughout the project to fulfill the contract.

Mr. Brasher noted the affidavit surveyors and engineers fill out may apply to short term contracts as well as full time employment with a firm. Mr. Valdez confirmed the affidavit forms allow for the individual and the business to indicate the length of time they will serve as the surveyor or engineer of record.

Mr. Cooper noted Mr. Valdez and staff ultimately needed to know how to answer questions coming from the public regarding this issue and volunteered to work with Mr. Valdez and staff to come up with scenarios involving surveyors to use for the frequently asked questions sheet regarding this issue. Mr. Brasher agreed to assist in the same manner with scenarios involving engineers.

8. New Business

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

Mr. Valdez directed the Board to look at documents provided by Mr. Spirock, containing suggestions by the Rules Committee for future actions. He suggested the Legal Enforcement Committee should be rolled into the Rules Committee. He informed the Board that there are changes to the New Mexico Administrative Code and the Minimum Standards that should be made. The documents he provided had the suggested language changes that should be taken to a public Rules hearing.

Mr. Spirock noted an example of one issue that would be worked on at the rules hearing would be the Basis of Bearing as there are multiple language suggestions that have been accepted and need to be consolidated.

Mr. Cooper stated it should be up to the discretion of the FY 2020 Full Board Chair to take action on combining the Law Enforcement and Rules Committees.

b. FY 2020 Open Meetings Resolution

Mr. Valdez directed the Board to view the FY 2020 Open Meetings Resolution and informed the Board that the language of the Resolution had not changed since the last time it was approved by the Board.

MOTION by Mr. Bohannon to approve the Open Meetings Resolution as provided, **SECOND** by Mr. Thurow, **PASSED** unanimously.

c. Changes to Geospatial Argument Datum

Mr. Bohannon informed the Board he had requested this item to be on the Agenda because it was his wish for the Surveyor Members of the Board to inform the rest of the Board of the changes so that they could better understand how it will impact their own profession. Mr. Bohannon also stated that he believed it would be an issue for discussion at the working meeting in September.

Mr. Spirock recommended inviting Mr. Bill Stone because of his work on this issue at a Federal level. Mr. Cooper concurred that it was appropriate due to Mr. Stone's extensive experience.

d. Election of Officers

1) Board Chair

MOTION by Mr. Bohannon to nominate Mr. Brasher for Board Chair, **SECOND** by Mr. Thurow, **PASSED** unanimously.

2) Vice-Chair

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

3) Secretary

MOTION by Mr. Thurow to nominate Ms. Meyers for Board Secretary, **SECOND** by Mr. Tonander, **PASSED** unanimously.

9. Committee Reports

a. PS Committee

Mr. Spirock distributed a Committee Report to the Board and informed the Board the disposition of the PSC's cases were enumerated. He also informed the Board that they had one SI from New Mexico and no New Mexico exam applicants.

b. PE Committee

Mr. Brasher informed the Board of the PEC meeting on May 30, 2019 which included the election of new officers. He stated the PEC reviewed a list of 15 exam applicants for recommended approval, one retirement application, 6 disciplinary cases, 13 reinstatement applications, 1 additional discipline application, and 98 applicants for PE Endorsement.

c. Executive Committee

1) Meeting Report

Mr. Cooper informed the Board that he did not have a report. Mr. Valdez confirmed the Executive Committee did meet. He informed the Board that CID he and Ms. Thompson-Martinez to split financially three ways to build a security wall at staff offices in Santa Fe. He informed the Board that the Agency agreed and the project would be built by the end of the fiscal year so as to meet procurement requirements. Mr. Valdez also informed the Board the Agency was working to acquire another cubicle space to give all Board Staff their own work space.

d. Joint Practice Committee

1) Meeting Report

Mr. Thurow informed the Board he did not have a report as they had not met since the last Board meeting.

e. Public Information, Exam and Licensure Promotion Committee

1) Meeting Report

Ms. Meyers informed the Board that there was not a report as they had not met since the last Board meeting.

2) Newsletter – Status Report

Mrs. Thompson-Martinez informed the Board she was in the process of collecting articles for the newsletter. Dr. Gerstle recommended placing a reminder in the newsletter regarding self-reporting. Mr. Tonander stated that self-reporting information had been in the Newsletter in recent history and suggested using that language in the next publication. Dr. Gerstle recommended a flexible word limit for articles. Ms. Meyers agreed to assist with finalizing the newsletter based on her experience in communication and media.

Mr. Valdez recommended the Newsletter contain student profiles to highlight students in the surveying and engineering fields. Dr. Gerstle suggested having the Emeritus members make this one of their action items.

Mrs. Thompson-Martinez suggested including the Scholarship initiative in the Newsletter.

3) Licensure Brochure – Status Report

Mr. Valdez informed the Board that a Licensure Brochure was recommended by the Public Information Committee but that no action had been taken yet.

4) Presentations – Status Report

Mr. Thurow informed the Board that he had made one presentation to the New Mexico Professional Surveyor's Annual Conference on ethics. Dr. Gerstle informed the Board that he, Mr. Valdez, and Ms. Samora gave several presentations at the New Mexico Society of Professional Engineer's Conference that were well-received.

f. Rules and Regulations Committee

1) Meeting Report

Mr. Spirock informed the Board that he had already presented the information he had regarding the Rules and Regulations Committee Meeting Report.

g. Legal Enforcement Committee

1) Meeting Report

2) Stamping Control Sheets – Status Report

Mr. Spirock informed the Board that this issue had been hanging around the Legal Enforcement and Rules Committee for a while and requested that Mr. Bohannon expedite action being taken on it. Mr. Bohannon agreed.

h. NCEES Committee Members

1) NCEES WZ Meeting Report

Mr. Thurow informed the Board there would be proposed changes to the NCEES bylaws at the Annual Meeting and suggested the Board review them in preparation to vote on them at the Annual Meeting in August. He also informed the Board about suggestions and changes to the FS and PS exams, including changes that may affect state-specific exams.

10. Executive Session

MOTION by Mr. Tonander 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) (2), to discuss limited personnel matters regarding its staff.

Roll call vote taken, voting ‘Yes’: Mr. Cooper, Mr. Bohannon, Dr. Gerstle, Mr. Tonander, Mr. Brasher, Ms. Meyers, Mr. Spirock, and Mr. Thurow.

11. Action on Items Discussed During Executive Session

Mr. Cooper brought the Committee back into open session and affirmed that while in closed session it discussed only those matters specified in the motion to close the meeting and listed on the agenda under executive session, in accordance with NMSA 1978, Section 10-15-1 (H) (2). No action taken.

- a. Staffing Vacancy Updates

12. Next Scheduled Meeting Date

- a. **August 9, 2019 – Albuquerque. Specific location TBD.**
- b. **September 2019 – Working Meeting, Date and Location TBD.**

The Board discussed the pros and cons of having a one or two-day meeting, as well as the pros and cons of having the meeting in a more isolated location. A Doodle Poll shall be sent to the Board Members to get their preference of location (city) and dates.

13. Adjourn

The meeting adjourned at 12:30 p.m.

Submitted by:

s/ Gabrielle Schultz
Gabrielle Schultz, Executive Assistant

Approved by:

s/ David Cooper
David Cooper, PS, Board Chair

August 9, 2019 **Approved Date**