

MINUTES

MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 1:00a.m.,
Thursday, April 12, 2018,
New Mexico Department of Transportation District 3 Building,
7500 Pan American Blvd., Albuquerque, NM 87199

Members Present- Julie Samora, PE, Committee Chair – via telephone
Ron Bohannon, PE
Dr. Walter Gerstle, PE
Karl Tonander, PE

Members Absent- Paul Brasher, PE

Others Present- Perry Valdez, BLPEPS, Executive Director
Angelica Urioste, BLPEPS, Executive Assistant
Felicia Martinez, BLPEPS, Licensing Administrator
Miranda Baca, BLPEPS, Compliance Officer
Marylou Poli, Legal Counsel
Joe Barela, PE, Board Investigator
Daniel Grijalva, PE, Board Investigator
Paul Swiderski, PE
Debra Manning
Tom Manning

1. Convene, Roll Call and Introduction of Audience

Mrs. Samora requested Mr. Tonander conduct the meeting since she was in attendance via phone. Mr. Tonander convened the meeting at 1:07 p.m., roll call was taken and a quorum noted. Mr. Tonander recognized Paul Swiderski, Debra Manning, and Tom Manning in the audience.

2. Meeting Notification

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

3. Approval of Agenda

MOTION by Mr. Bohannon to amend the agenda, to table items #6 and #7 until the next scheduled meeting, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

4. Approval of Minutes

a. Minutes of January 26, 2018

MOTION by Mr. Bohannon to approve the Minutes of January 26, 2018,
SECOND by Dr. Gerstle, **PASSED** unanimously.

b. Minutes of February 23, 2018

MOTION by Mr. Bohannon to approve the Minutes of February 23, 2018, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

5. Public Comment/Correspondence

a. T. Manning – Industrial Exemptions

Mr. Manning thanked the Board on allowing him to speak about Industrial Exemptions concerning the over usage. Mr. Bohannon mentioned that he has been with Board for six years and within that time has reviewed the Industrial Exemptions with Los Alamos National Laboratory, Sandia National Laboratory, along with other Government agencies. Mr. Bohannon also explained the Board has expressed to the Labs/Government the importance of ensuring the individual is qualified to perform the work. He also stated the Board is working towards clarifying the Industrial Exemptions. Mr. Manning discussed two cases in depth regarding Industrial Exemptions. Mr. Barela, the Board investigator, provided the Board with information pertaining to these cases. Mr. Bohannon suggested the staff work with the investigator to provide a detailed summary of the cases to place it on the agenda for the next scheduled meeting under “Old Business” to provide Mr. Manning with further clarification.

6. Old Business

a. “As-Built”/Pre-Fab Drawings Sub-Committee – Status Report

Tabled until next scheduled meeting.

7. New Business

a. Design Drawings Being Subject of IPRA Requests

Tabled until next scheduled meeting.

b. Procedure for License Renewals with Self-reporting

Tabled until next scheduled meeting.

8. Application Review – Recommended Approval

a. Recommended for Approval List (Exhibit A)

PE Exam Application(s)-
PE Endorsement Application(s)-
PE Additional Discipline(s)-
PE Reinstatement Application(s)-

MOTION by Mr. Bohannon to approve Exhibit A, the recommended for approval applications, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

b. PE Retired Status Request(s)

1) Hutt, A.

MOTION by Mr. Bohannon to approve the request for PE retired status, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

2) Issacson, T.

MOTION by Mr. Bohannon to approve the request for PE retired status, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

c. PE Inactive Status Request(s)

1) Mirizzi, S.

MOTION by Mr. Bohannon to approve the request for PE inactive status, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

9. **Executive Session**

MOTION by Mr. Bohannon 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. Dr. Gerstle, **PASSED** unanimously.

Roll call vote taken, voting 'Yes': Julie Samora, Karl Tonander, Ron Bohannon, Walter Gerstle

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

Mr. Tonander 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) (1)

a. Disciplinary Cases

1) **Case 4-PE-08-31-2016 – Complaint Manager’s Report**

MOTION by Mr. Bohannon to close based on no violation, **SECOND** by Dr. Gerstle, **PASSED**.

Mrs. Samora abstained from the vote

2) **Case 5-PE-08-31-2016 – Complaint Manager’s Report**

MOTION by Mr. Bohannon to refer back to investigator for more background information, **SECOND** by Dr. Gerstle, **PASSED**.

Mrs. Samora abstained from the vote

- 3) **Case 3-PE-06-09-2016 – Complaint Manager’s Report**
MOTION by Mr. Bohannon to authorize the Board Executive Director to negotiate a pre-Notice of Contemplated Action agreement, if there is no signed agreement within 30 days the case will automatically be referred to the Attorney General’s Office for unlicensed activity, **SECOND** by Dr. Gerstle, **PASSED** unanimously.
- 4) **Case 6-PE-09-08-2016 – Complaint Manager’s Report**
MOTION by Mr. Bohannon to authorize the Board Executive Director to negotiate a pre-Notice of Contemplated Action agreement, if there is no signed agreement within 60 days the case will automatically be referred to the Attorney General’s Office for issuance of a Notice of Contemplated Action for unlicensed activity, **SECOND** by Dr. Gerstle, **PASSED** unanimously.
- 5) **Case 8-PE-10-24-2016 – Complaint Manager’s Report**
MOTION by Mr. Bohannon to refer to the Attorney General’s Office for issuance of a Notice of Contemplated Action pursuant to violation NMSA-61-23-1 and 61-23-21, **SECOND** by Dr. Gerstle, **PASSED** unanimously.
- 6) **Case MAR-12-28-2016 – Complaint Manager’s Report**
MOTION by Mr. Bohannon to authorize the Board Executive Director to negotiate a pre-Notice of Contemplated Action agreement, if there is no signed agreement within 60 days the case will automatically be referred to the Attorney General’s Office for issuance of a Notice of Contemplated Action for unlicensed activity, **SECOND** by Dr. Gerstle, **PASSED** unanimously.
- 7) **LPK-12-22-2017**
MOTION by Mr. Bohannon to accept the proposed counter offer of \$750.00 to be paid within 90 days and direct the Chair to sign the settlement agreement to include compliance of the Texas PE Board order, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

b. Licensee Self-Reporting Issues

- 1) **EPH-12-14-2017**
MOTION by Mr. Bohannon to authorize the Board Executive Director to negotiate a pre-Notice of Contemplated Action agreement, if there is no signed agreement within 60 days the case will automatically be referred to the Attorneys General’s Office for unlicensed activity, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

- 2) **JCC-03-09-2018**
MOTION by Mr. Tonander to acknowledge receipt and take no action,
SECOND by Dr. Gerstle, **PASSED** unanimously.
- 3) **JMS-02-09-2018**
MOTION by Mr. Tonander to acknowledge receipt and take no action,
SECOND by Dr. Gerstle, **PASSED** unanimously.
- 4) **RVN-02-01-2018**
MOTION by Mr. Bohannon to authorize the Board Executive Director to negotiate a pre-Notice of Contemplated Action agreement, if there is no signed agreement within 60 days the case will automatically be referred to the Attorney's General's Office for unlicensed activity, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

c. Status Review of Complaints and NCAs

Ms. Baca provided a report to the Committee on the status of pending cases and referrals for Notice of Contemplated Actions.

d. Applications for Review

- 1) **PE Inactive Status Request(s)**
 - a) **Hickman, B.**
MOTION by Mr. Bohannon to waive the renewal fee and approve for inactive status, by Dr. Gerstle, **PASSED** unanimously.
- 2) **EI Certification**
 - a) **Bista, A.**
Tabled until next scheduled meeting.
 - b) **Khadka, M.**
Tabled until next scheduled meeting.
- 3) **PE Exams**
 - a) **Dickey, O.**
Tabled until next scheduled meeting.
 - b) **Hayden, K.**
Tabled until next scheduled meeting.
 - c) **Leuthard, M.**
Tabled until next scheduled meeting.

d) **Wosick, E.**
Tabled until next scheduled meeting.

4) **PE Endorsement**

a) **Bark, F.**
Tabled until next scheduled meeting.

b) **Barbour, J.**
Tabled until next scheduled meeting.

c) **Bosse, D.**
Tabled until next scheduled meeting.

d) **Church, J.**
Tabled until next scheduled meeting.

e) **De, A.**
Tabled until next scheduled meeting.

f) **Del Toro Gomez, R.**
Tabled until next scheduled meeting.

g) **Draper, J.**
Tabled until next scheduled meeting.

h) **Dusenbery, B.**
Tabled until next scheduled meeting.

i) **Fanfan, D.**
Tabled until next scheduled meeting.

j) **Gallagher, S.**
Tabled until next scheduled meeting.

k) **Godwin, M.**
Tabled until next scheduled meeting.

l) **Gruman, D.**
Tabled until next scheduled meeting.

m) **Johansson, J.**
Tabled until next scheduled meeting.

- n) **Klewecki, J.**
Tabled until next scheduled meeting.
- o) **Kummeth, B.**
Tabled until next scheduled meeting.
- p) **Massie, A.**
Tabled until next scheduled meeting.
- q) **Mitchell, T.**
Tabled until next scheduled meeting.
- r) **Peace, R.**
Tabled until next scheduled meeting.
- s) **Tan, V.A.**
Tabled until next scheduled meeting.
- t) **Taylor, B.**
Tabled until next scheduled meeting.
- u) **Wills, H.**
Tabled until next scheduled meeting.

5) **PE Reinstatement**

- a) **Schelton, G.**
Tabled until next scheduled meeting.

11. Next Scheduled Meeting Date: June 7, 2018 – Santa Fe, NM

12. Adjourn

The meeting adjourned at 4:24 p.m.

Submitted by:

Approved by:

s/ Angelica Urioste

s/ Julie Samora

Angelica Urioste, Executive Assistant

Julie Samora, PE, Committee Chair

_____ May 16, 2018 _____ Approved Date