

MINUTES

MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 1:00 p.m.,
Thursday, January 17, 2019,
Training Room #2, NM DOT General Office,
1120 Cerrillos Rd., Santa Fe, NM 87505

Members Present- Paul Brasher, PE, Committee Chair
Dr. Walter Gerstle, PE
Karl Tonander, PE
Julie Samora, PE

Members Absent- Ron Bohannon, PE

Others Present- Perry Valdez, BLPEPS, Executive Director
Angelica Urioste, BLPEPS, Executive Assistant
Stephanie Trujillo, BLPEPS, Licensing Administrator
Miranda Baca, BLPEPS, Compliance Officer
Marylou Poli, Legal Counsel
Joe Barela, PE, Board Investigator
Richard Stevenson
Munaf Alalossi
Brian McWilliams

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

Mr. Brasher convened the meeting at 1:05 p.m., roll call was taken and a quorum noted. There were three individuals 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. Brasher to move item #9 d. to item #9 b. on the agenda, **SECOND** by Mr. Tonander, **PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of November 8, 2018**

MOTION by Mr. Tonander to approve the minutes of November 8, 2018, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

5. **Public Comment/Correspondence**

a. **R. Stevenson – PE Exam Application Reconsideration**

Mr. Valdez introduced Mr. Stevenson and his request for the Committee to reconsider his experience. Mr. Stevenson provided background information to the Committee regarding his local and international experience. He explained his engineering experience from Australia, with aviation and airports.

Mr. Brasher explained the Committee will be entering into Executive Session, at which time he would be called in to answer any questions the members may have.

b. **M. Alalossi – EI/PE Application Reconsideration**

Mr. Valdez introduced Mr. Alalossi and his request for the Committee to reconsider his EI certification and PE exam application. Mr. Alalossi began to explain his request for reconsideration.

Mr. Brasher informed Mr. Alalossi the Committee will be entering into Executive Session; at which time he would be called in to answer any questions the members may have.

c. **B. McWilliams – PE Exam Application and Required Experience**

Mr. Tonander asked Mr. McWilliams if he would be willing to wait to state his request during the Executive Session. Mr. McWilliams responded he would be in agreement to that.

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) (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 Mrs. Samora, **PASSED** unanimously.

Roll call vote taken, voting ‘Yes’: Mrs. Samora, Mr. Tonander, Dr. Gerstle, and Mr. Brasher

Action on Items Discussed During Executive Session

Mr. Brasher 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).

Applications for Review

1) **Stevenson, R.**

MOTION by Mr. Tonander to approve for PE licensure, **SECOND** by Mrs. Samora, **PASSED** unanimously.

2) **Alalossi, M. – Reconsideration**

MOTION by Mrs. Samora to approve for EI certification and for the PE exam, **SECOND** by Dr. Gerstle, **PASSED** with one nay vote from Mr. Tonander.

***Mr. Brasher abstained from voting and discussion. ***

3) **McWilliams, B.**

MOTION by Mrs. Samora to not approve for the April 2019 PE exam until the applicant meets the experience requirement, based on the New Mexico Administrative Code, **SECOND** by Mr. Tonander, **PASSED** unanimously.

6. **Old Business**

No items for discussion.

7. **New Business**

a. **NTSB Report Concerning Gas Explosions Emphasizing Role of Licensed PEs**

Mr. Valdez reported that NCEES provided an announcement and a response to the NTSB report regarding gas explosions in Massachusetts. NTSB recommended those who inspect gas lines be licensed engineers. Mr. Valdez informed the Committee this item was placed on the agenda for informational purposes.

Mr. Tonander informed the Committee that over a year ago, the NM Public Regulation Commission's (PRC) Pipeline Safety Bureau Chief requested an ethics session, from him, for his group, in conjunction with another event. Mr. Tonander expressed his opinion, to the Bureau Chief, that the Board not eliminate the industrial exemption but that other bureaus within the State Government, such as the Drinking Water Bureau, have a licensed engineer on staff, to stamp the plans. The Bureau Chief thought it may be a good idea, Mr. Tonander wasn't aware if this was ever followed up on.

Mr. Brasher asked if the NTSB report is suggesting or defining the role of the licensed PE. Mr. Valdez responded the report is suggesting that there shouldn't be an industrial exemption for these individuals who inspect the gas lines.

Mrs. Samora suggested that the question of the industrial exemption be charged to the Rules Committee to consider. Dr. Gerstle suggested a letter to the regulators, or industry, regarding the need and use of a licensed engineer. Mr. Tonander recommended the public utilities and possibly the oil and gas industry. Dr. Gerstle agreed to that. After some discussion on the subject, Mr. Tonander suggested inviting the PRC's Pipeline Safety Bureau Chief to a future meeting to discuss this issue and see what his opinion is on the subject. Dr. Gerstle stated that the Board should be seen as helping, and not interfering or enforcing this issue.

b. Oregon Board - Federal Case Outcome - Regarding Engineering

Mr. Valdez informed the Committee of the outcome of the Federal Case regarding the use of the term "engineer" and calling yourself an "engineer". Mrs. Samora provided a summary of the incident that occurred that prompted the individual to file a case in Federal Court. Mr. Tonander responded what he discovered from his research regarding the Court's judgement and the use of the term "engineer". The term "engineer" cannot be restricted because it is a common term, "engineer" proper. The judgement doesn't go in depth as to the use of the term. Dr. Gerstle suggested expanding the term "engineer". Mr. Tonander stated the Oregon Board has similar language as the New Mexico Engineering and Surveying Practice Act. The Federal judge struck some of the Oregon Board language. Dr. Gerstle stated there are some individuals who are educated in engineering and offer services. Mrs. Samora responded that is a problem. Mr. Tonander stated he would present this at the NCEES Law Enforcement Committee meeting he will be attending.

8. Application Review – Recommended Approval

a. Recommended for Approval List (Exhibit A)

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

MOTION by Mrs. Samora to approve Exhibit A, the recommended for approval applications, **SECOND** by Mr. Tonander, **PASSED** unanimously.

b. PE Retired Status Request(s)

MOTION by Dr. Gerstle to approve the requests for retired status, **SECOND** by Mrs. Samora, **PASSED** unanimously.

c. PE Inactive Status Request(s)

MOTION by Mr. Tonander to approve the requests for PE inactive status, **SECOND** by Mrs. Samora, **PASSED** unanimously.

9. Executive Session

MOTION by Dr. Gerstle 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. Tonander, **PASSED** unanimously.

Roll call vote taken, voting 'Yes': Mrs. Samora, Mr. Tonander, Dr. Gerstle, and Mr. Brasher

10. Action on Items Discussed During Executive Session

Mr. Brasher 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 5-PE-08-28-2017 – Complaint Manager’s Report

MOTION by Mr. Tonander to close the case, **SECOND** by Mrs. Samora, **PASSED** unanimously.

2) Case 8-PE-10-04-2017 – Complaint Manager’s Report

Tabled until the next scheduled meeting.

3) Case 8-PE-10-24-2016

MOTION by Mr. Brasher to close the case, **SECOND** by Mrs. Samora, **PASSED** unanimously.

4) Case 10-PE-12-05-2017

MOTION by Mr. Brasher to close the case, **SECOND** by Mrs. Samora, **PASSED** unanimously.

5) Case MAR-12-28-2016

Tabled until the next scheduled meeting.

6) Case MLM-11-18-2016

Tabled until the next scheduled meeting.

b. Applications for Review

1) EI Certification

1) Alalossi, M. - Reconsideration

Review and discussion was held during an earlier agenda item and voted upon.

2) PE Exams

1) Alalossi, M. – Reconsideration

Review and discussion was held during an earlier agenda item and voted upon.

2) Ferenchak, N.

MOTION by Mr. Tonander to approve for the PE Exam, **SECOND** by Mrs. Samora, **PASSED**.

Dr. Gerstle recused himself because he knows the applicant.

3) Gustafson, C.

MOTION by Mr. Tonander to not approve for the PE exam and request additional detail on specific engineering activity such as design and analysis, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

Mrs. Samora abstained from the vote.

4) Kim, J.

MOTION by Dr. Gerstle to approve the bypassing of the FE exam and for the PE Exam, **SECOND** by Mr. Tonander, **PASSED**.

Mrs. Samora abstained from the vote.

5) Limon, C.

MOTION by Dr. Gerstle to approve the bypassing of the FE exam and for the PE Exam, **SECOND** by Mr. Tonander, **PASSED**.

Mrs. Samora abstained from the vote.

6) McWilliams, B.

Review and discussion was held during an earlier agenda item and voted upon.

7) Stevenson, R.

Review and discussion was held during an earlier agenda item and voted upon.

- 8) **Storey, R.**
MOTION by Dr. Gerstle to approve for the PE Exam, **SECOND** by Mrs. Samora, **PASSED**.

Mr. Tonander abstained from the vote.

- 9) **Sutliff, A.**
MOTION by Dr. Gerstle to approve for the PE Exam, **SECOND** by Mr. Tonander, **PASSED**.

Mrs. Samora abstained from the vote.

3) PE Endorsement

- 1) **Bailey, Q.**
MOTION by Dr. Gerstle to approve for endorsement for Mechanical discipline, **SECOND** by Mr. Tonander, **PASSED**.

Mrs. Samora abstained from the vote.

- 2) **Chokshi, V.**
MOTION by Dr. Gerstle to approve for endorsement for Mechanical discipline, **SECOND** by Mr. Tonander, **PASSED**.

Mrs. Samora abstained from the vote.

- 3) **Lee, R.**
MOTION by Dr. Gerstle to approve the bypassing of the FE exam and approve for endorsement, **SECOND** by Mr. Tonander, **PASSED**.

Mrs. Samora abstained from the vote.

- 4) **Marcus, M.**
MOTION by Dr. Gerstle to approve for endorsement for Civil discipline, **SECOND** by Mr. Tonander, **PASSED**.

Mrs. Samora abstained from the vote.

- 5) **Minich, C.**
MOTION by Dr. Gerstle to approve the bypassing of the FE exam and approve for endorsement for Control Systems discipline, **SECOND** by Mr. Tonander, **PASSED**.

Mrs. Samora abstained from the vote.

6) **Shanbhogue, S.**

MOTION by Mr. Tonander to approve for endorsement for Civil discipline, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

7) **Tecson, F.**

MOTION by Mr. Tonander to approve for endorsement for Structural discipline, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

8) **Woodward, G.**

MOTION by Mr. Tonander to approve for endorsement for Environmental discipline, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

4) **PE Additional Discipline**

1) **Brogger, M.**

MOTION by Mrs. Samora to approve for the additional discipline of Mechanical, **SECOND** by Mr. Tonander, **PASSED** unanimously.

5) **PE Reinstatement**

1) **O'Neill, M.**

MOTION by Dr. Gerstle to approve for reinstatement of the PE license, **SECOND** by Mr. Tonander, **PASSED** unanimously.

2) **Phelps, L.**

MOTION by Mrs. Samora to approve for reinstatement of the PE license, **SECOND** by Mr. Tonander, **PASSED** unanimously.

6) **PE Retired Status Request(s)**

1) **Edwards Jr., J.**

MOTION by Mrs. Samora to approve for inactive status, then to approve for retired status once Mr. Edwards Jr. reaches the required age for retired status, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

2) **Roberts, K.**

MOTION by Mrs. Samora to approve for retired status, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

c. **Licensee Self-Reporting Issues**

- 1) AA-11-26-2018
- 2) ARM-11-14-2018
- 3) ARM-12-11-2018
- 4) AT-12-12-2018
- 5) DB-12-11-2018

- 6) DBK-01-02-2019
- 7) DNS-11-27-2018
- 8) ES-12-27-2018
- 9) GRV-12-31-2018
- 10) JDC-12-01-2018
- 11) MFS-12-04-2018
- 12) NES-12-21-2018
- 13) RLB-12-03-2018
- 14) SML-12-21-2018
- 15) TDO-12-11-2018
- 16) TRS-12-14-2018
- 17) WBB-12-12-2018
- 18) WNV-12-14-2018
- 19) ZBU-12-31-2018

Licensee Self-Reporting Issues were tabled until the next scheduled meeting.

d. Status Review of Complaints and NCA Referrals

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

11. Next Scheduled Meeting Date(s):

A tentative scheduled Special Meeting on February 1, 2019 at 9:00 a.m., in Albuquerque, in regards to the exam applications.

- a. March 7, 2019 (*if required*) – Albuquerque, NM
- b. April 11, 2019 – Las Cruces, NM

12. Adjourn

The meeting adjourned at 5:12 p.m.

Submitted by:

s/Perry Valdez

Perry Valdez, Executive Director

Approved by:

s/ Walter Gerstle

Walter Gerstle, Committee Vice-Chair

_____ April 4, 2019 _____ Approved Date