

MINUTES

**MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 1:00 p.m.,
Thursday, April 20, 2017, Governing Body Overflow Conference Room,
City of Rio Rancho, 3200 Civic Center Circle, NE.
Rio Rancho, NM. 87144**

Members Present- Karl Tonander, PE, Committee Chair
Ron Bohannon, PE
Paul Brasher, PE
Glen Thurow, PS

Members Absent- Julie Samora, PE
Joshua Skarsgard, Public Member

Others Present- Perry Valdez, BLPEPS, Executive Director
Miranda Baca, BLPEPS, Compliance Officer
Felicia Martinez, BLPEPS, Licensing Administrator
Brian McBain, BLPEPS, Team Leader
Joe Barela, PE Investigator

1. Convene, Roll Call and Introduction of Audience

Mr. Tonander convened the meeting at 2:02 pm, roll call was taken and a quorum noted. No audience was in attendance. Due to a lack of a quorum, Glen Thurow, PS, participated in the PEC meeting, as permitted by 61-23-9. A.

2. Meeting Notification

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

3. Approval of Agenda

MOTION by Mr. Bohannon to approve the agenda as amended with the tabling of disciplinary cases 1-PE-02-19-2014, 3-PE-03-13-2015 (C), 3-PE-03-13-2015 (D), and 3-PE-03-13-2015 (E), **SECOND** by Mr. Brasher, **PASSED** unanimously.

4. Approval of Minutes

a. Minutes of February 23, 2017

MOTION by Mr. Bohannon to approve the Minutes of February 23, 2017 as presented, **SECOND** by Mr. Brasher, **PASSED** unanimously.

5. Public Comment

a. Design Drawings Question- P. Valdez and M. Baca

Mr. Valdez and Ms. Baca presented two correspondence emails to the Committee. The emails were questions regarding stamping pre-fabrication and standard design

drawings. Mr. Bohannon asked that this issue be elevated to a Board advisory opinion, and directed staff to draft this opinion and present it at the next Board meeting. Mr. Brasher agreed with this and said this was needed for protection of the public. Mr. Tonander stated his own opinions on this matter regarding non-licensed individuals submitting fire protection plans. The Committee agreed that pre-fabrication structures must be stamped by an engineer before installation on the site to ensure specific site standards are met and any engineer drawings used within the State of New Mexico must bear a licensed PE stamp.

6. Old Business

a. **Fire Protection Plan Review Update- Policy Advisories**

Mr. Brasher presented his update and gave supportive information on this issue. Mr. Bohannon stated that this type of work constitutes the act of engineering and would require licensure based on the act, the Committee then discussed this issue of implementation and who would need to be informed of these future policies. Mr. Tonander suggested some word amendments for the final version.

MOTION by Mr. Bohannon to approve this policy as amended, **SECOND** by Mr. Brasher, **PASSED** unanimously.

7. New Business

a. **Disciplinary Hearing Costs**

Mr. Valdez presented a spreadsheet created by staff member Naomi Velasquez, showing that the cost of the disciplinary hearings are far more than the monetary penalties incurred from the outcome of the hearing themselves. Ms. Baca then informed the Committee that based on the Uniform Licensing Act (ULA), section 61-1-14. G., the Board may charge the respondent the cost(s) of the hearing process, if the Board ultimately finds respondent is in violation of the rules. Mr. Bohannon directed staff to ensure the ULA language is added to the NCAs. Mr. Tonander stated he wanted this item on the June 2017 meeting agenda, under 'Old Business' for benefit of those Committee members not in attendance at the current meeting.

8. Application Review – Recommended Approval

a. **Recommended for Approval List (*Exhibit A*)**

PE Endorsement Application(s) – 84

PE Exam Application(s) – 7

PE Reinstatement Application(s) – 20

PE Additional Discipline(s) – 1

MOTION by Mr. Bohannon to approve Exhibit A, as recommended for approval applications, **SECOND** by Mr. Brasher, **PASSED** unanimously.

b. PE Retired Status Requests

- 1) Escoto, C.
- 2) Fallon, D.
- 3) Schleher, J.
- 4) Wexler, J.

MOTION by Mr. Bohannon to approve PE Retired Status requests, as recommended for approval, **SECOND** by Mr. Brasher, **PASSED** unanimously.

9. Executive Session

MOTION by Mr. Brasher 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), (3) and (7) 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': Karl Tonander, Ron Bohannon, Paul Brasher, Glen Thurow.

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 7-PE-06-11-2015

MOTION by Mr. Brasher to issue an NCA based on violation(s) of 61-23-2 and 61-23-24 1, 5 and 6, with an early settlement agreement of a \$750 fine paid within 60 days of notice and voluntary retirement of licensure within 60 days of notice, **SECOND** by Mr. Bohannon, **PASSED** unanimously.

2) Case 1-PE-02-19-2014 Hearing Officers Report

Item not discussed due to typo in agenda, not being properly noticed.

3) Case 3-PE-07-02-2014 Hearing Officers Report

MOTION by Mr. Brasher for disciplinary action requiring: a \$1,500 fine paid within 60 days of notice, payment of all administrative hearing costs as determined by Board administrative staff within 60 days of notice and the suspension of licensure for the period of 1 year after notice, **SECOND** by Mr. Bohannon, **PASSED** unanimously.

- 4) **Case 8-PE-10-21-2014 Fulfilled Default Order**
MOTION by Mr. Bohannon to close this case based on fulfillment of default order, **SECOND** by Mr. Brasher, **PASSED** unanimously
- 5) **Case 3-PE-03-13-2015(C) Request Closure**
Item not discussed in order to allow counsel to be included in the discussion, also due to a typo in the case number.
- 6) **Case 3-PE-03-13-2015(D) Request Closure**
Item not discussed in order to allow counsel to be included in the discussion, also due to a typo in the case number.
- 7) **Case 3-PE-03-12-2015(E) Request Closure**
Item not discussed in order to allow counsel to be included in the discussion, also due to a typo in the case number.
- 8) **Case 4-PE-04-20-2015(A) -Settlement Agreement**
MOTION by Mr. Bohannon to accept the Settlement Agreement of a cease and desist order and \$300 fine, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- 9) **Case 4-PE-04-20-2015(B) -Settlement Agreement**
MOTION by Mr. Bohannon to accept the Settlement Agreement of a cease and desist order and \$300 fine, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- 10) **Case 4-PE-04-20-2015(C) -Settlement Agreement**
MOTION by Mr. Bohannon to accept the Settlement Agreement of a cease and desist order and \$300 fine, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- 11) **Case 4-PE-04-20-2015(D) -Settlement Agreement**
MOTION by Mr. Bohannon to accept the Settlement Agreement of a cease and desist order and \$300 fine, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- 12) **Case 4-PE-04-20-2015(E) -Settlement Agreement**
MOTION by Mr. Bohannon to accept the Settlement Agreement of a cease and desist order and \$300 fine, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- 13) **Case 4-PE-04-20-2015(F) -Settlement Agreement**
MOTION by Mr. Bohannon to accept the Settlement Agreement of a cease and desist order and \$300 fine, **SECOND** by Mr. Brasher, **PASSED** unanimously.

14) Case 4-PE-04-20-2015(G) -Settlement Agreement

MOTION by Mr. Bohannon to accept the Settlement Agreement of a cease and desist order and \$300 fine, **SECOND** by Mr. Brasher, **PASSED** unanimously.

15) Case 4-PE-04-20-2015(H) -Settlement Agreement

MOTION by Mr. Bohannon to accept the Settlement Agreement of a cease and desist order and \$300 fine, **SECOND** by Mr. Brasher, **PASSED** unanimously.

16) Case 4-PE-04-20-2015(I) -Settlement Agreement

MOTION by Mr. Bohannon to accept the Settlement Agreement of a cease and desist order and \$300 fine, **SECOND** by Mr. Brasher, **PASSED** unanimously.

17) Response to Engineer on Record

MOTION by Mr. Bohannon to refer this information to the PE Investigator, **SECOND** by Mr. Thurow, **PASSED** unanimously.

b. Self-Reporting

1) MLM-11-18-2016

MOTION by Mr. Brasher to issue an NCA based on violation(s) of 61-23-24-A 8 & 9, for failure to disclose the proper information on two previous renewals, with an early settlement agreement of a \$450 fine paid within 60 days of notice, **SECOND** by Mr. Bohannon, **PASSED** unanimously.

c. Status Review of Complaints and NCA's

No action taken, for informative purposes only.

d. Applications for Review

1) EI Certification

a) Piya, A.

MOTION by Mr. Bohannon to defer and not approve until applicant receives their Master's Degree or gets an NCEES transcript evaluation completed, **SECOND** by Mr. Brasher, **PASSED** unanimously.

2) PE Exam

a) Gallegos, E.

MOTION by Mr. Bohannon to approve bypassing the FE exam after the 12 years of experience requirement is met, **SECOND** by Mr. Brasher, **PASSED** unanimously.

b) Lara, D.

MOTION by Mr. Bohannon to approve for PE exam in the Structural discipline, **SECOND** by Mr. Brasher, **PASSED** unanimously.

c) Malcolm, J.

MOTION by Mr. Bohannon to approve bypassing of the FE exam and approve the application for the PE exam, **SECOND** by Mr. Brasher, **PASSED** unanimously.

d) Pacheco, D.

MOTION by Mr. Bohannon to not approve the application for the PE exam and ask applicant to supply new references, **SECOND** by Mr. Thurow, **PASSED** unanimously.

3) Additional Discipline

a) Anthony, J.- Reconsideration

MOTION by Mr. Bohannon to approve the reconsideration request for the additional discipline of Fire Protection, **SECOND** by Mr. Brasher, **PASSED** unanimously.

4) PE Endorsements for Reconsideration

a) Elaksher, A.

MOTION by Mr. Brasher to not approve the reconsideration request to bypass the FE exam, **SECOND** by Mr. Bohannon, **PASSED** unanimously.

b) Levar, J.

MOTION by Mr. Bohannon to approve reconsideration request for PE Endorsement in Civil and Structural disciplines, **SECOND** by Mr. Brasher, **PASSED** unanimously.

c) Richards, R.

MOTION by Mr. Bohannon to approve reconsideration request for PE Endorsement in Civil discipline, **SECOND** by Mr. Brasher, **PASSED** unanimously.

5) PE Endorsement

a) Bauer, T.

MOTION by Mr. Bohannon to approve for PE Endorsement and issue license in Electrical, if applicant wishes to proceed with a Petroleum discipline, more information must be sent to certify experience, **SECOND** by Mr. Brasher, **PASSED** unanimously.

- b) **DeAngelis, L.**
MOTION by Mr. Bohannon to approve FE waiver, and for PE Endorsement and issue license in Environmental, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- c) **Dietrick, L.**
MOTION by Mr. Bohannon to approve for PE Endorsement and issue license in Civil with Structural, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- d) **Dorau, S.**
MOTION by Mr. Bohannon to approve for PE Endorsement and issue license in Civil, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- e) **Dudek, J.**
MOTION by Mr. Brasher to approve for PE Endorsement and issue license in Civil with Structural, **SECOND** by Mr. Bohannon, **PASSED** unanimously.
- f) **Estrada, G.**
MOTION by Mr. Brasher to approve for PE Endorsement and issue license in Mechanical, **SECOND** by Mr. Bohannon, **PASSED** unanimously.
- g) **Hanslik, J.**
MOTION by Mr. Bohannon to approve for PE Endorsement and issue license in Mechanical, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- h) **Hird, D.**
MOTION by Mr. Bohannon to approve for PE Endorsement and issue license in Civil, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- i) **Hussein, O.**
MOTION by Mr. Bohannon to approve for PE Endorsement and issue license in Electrical, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- j) **Iton, K.**
MOTION by Mr. Bohannon to defer this application until next meeting and ask applicant to provide an application update, **SECOND** by Mr. Brasher, **PASSED** unanimously.

k) Klein, M.

MOTION by Mr. Brasher to approve for PE Endorsement and issue license in Civil, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

l) Martyn, D.

MOTION by Mr. Bohannan to approve for PE Endorsement and issue license in Naval Architecture & Marine Engineering, **SECOND** by Mr. Brasher, **PASSED** unanimously.

m) Perez, L.

MOTION by Mr. Bohannan to approve for PE Endorsement and issue license in Mechanical, **SECOND** by Mr. Brasher, **PASSED** unanimously.

n) Prianto, R.

MOTION by Mr. Bohannan to approve for PE Endorsement and issue license in Civil, **SECOND** by Mr. Brasher, **PASSED** unanimously.

o) Robinson, J.

MOTION by Mr. Bohannan to approve for PE Endorsement and issue license in Control Systems, **SECOND** by Mr. Brasher, **PASSED** unanimously.

p) Rogers, K.

MOTION by Mr. Bohannan to approve for PE Endorsement and issue license in Civil with Structural, **SECOND** by Mr. Brasher, **PASSED** unanimously.

q) Sweeney, J.

MOTION by Mr. Bohannan to approve for PE Endorsement and issue license in Control Systems, **SECOND** by Mr. Brasher, **PASSED** unanimously.

r) Uhrich, B.

MOTION by Mr. Bohannan to approve for PE Endorsement and issue license in Mechanical, **SECOND** by Mr. Brasher, **PASSED** unanimously.

s) Vandenende, J.

MOTION by Mr. Bohannan to approve for PE Endorsement and issue license in Electrical, **SECOND** by Mr. Brasher, **PASSED** unanimously.

- t) **Vidyasagara, P.**
MOTION by Mr. Bohannon to approve for PE Endorsement and issue license in Electrical, **SECOND** by Mr. Brasher, **PASSED** unanimously.

- u) **Weidner, L.**
MOTION by Mr. Bohannon to approve for PE Endorsement and issue license in Electrical, **SECOND** by Mr. Brasher, **PASSED** unanimously.

- v) **Westbrook, J.**
MOTION by Mr. Bohannon to approve for PE Endorsement and issue license in Civil with Structural, **SECOND** by Mr. Brasher, **PASSED** unanimously.

- w) **Wilcoxson, D.**
MOTION by Mr. Bohannon to approve for PE Endorsement and issue license in Control Systems, **SECOND** by Mr. Brasher, **PASSED** unanimously.

6) PE Renewal Exemption/Retired Status

- a) **Sierra, P.**
MOTION by Mr. Bohannon to approve for retirement status, **SECOND** by Mr. Brasher, **PASSED** unanimously.

11. Next Scheduled Meeting Date: June 1, 2017 –Santa Fe, NM

12. Adjourn

Mr. Tonander adjourned the meeting at 5:38 pm.

Submitted by:

Approved by:

s/ Brian McBain
 Mr. Brian McBain, Team Leader

s/ Karl Tonander
 Mr. Karl Tonander, Committee Chair

June 1, 2017 Approved Date