

MINUTES

MEETING OF THE PROFESSIONAL ENGINEERING  
COMMITTEE of the Board Licensure of Professional  
Engineers and Professional Surveyors held 9:00a.m.,  
Friday, January 26, 2018,  
CID/MHD Conference Room, 3<sup>rd</sup> Floor, Toney Anaya Building,  
2550 Cerrillos Rd, Santa Fe, NM 87505

**Members Present-** Julie Samora, PE, Committee Chair  
Ron Bohannon, PE  
Dr. Walter Gerstle, PE  
David Cooper, PS

**Members Absent-** Paul Brasher, PE  
Karl Tonander, PE

**Others Present-** Annette Thompson-Martinez, BLPEPS, Deputy 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

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

Mrs. Samora convened the meeting at 9:01 a.m., roll call was taken and a quorum noted. Mrs. Samora recognized Martin Romero and Daniel Grijalva, and requested the staff members provide a brief introduction.

2. **Meeting Notification**

Mrs. Thompson-Martinez 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 approve the agenda as presented, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of November 2, 2017**

**MOTION** by Mr. Bohannon to approve Minutes of November 2, 2017, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

**b. Minutes of November 15, 2017**

**MOTION** by Mr. Bohannon to approve Minutes of November 15, 2017,  
**SECOND** by Dr. Gerstle, **PASSED** unanimously.

**5. Public Comment/Correspondence**

**a. B. Hickman – Regarding the Requirements for Retired Status**

Mrs. Thompson – Martinez informed the Committee Ms. Hickman provided the Board with a letter explaining the reasons she did not agree with 20 year requirement. She stated this item was placed on the Agenda for guidance as to how the Board would like staff to respond. Mr. Bohannon suggested Ms. Hickman submit the required documentation for renewal and a request for a waiver of the fees and the Inactive request. Once the request is received, it can be placed on the agenda for the following meeting to be reviewed. Mr. Bohannon clarified Ms. Hickmans’s license status should be changed to Active until the next regular scheduled meeting.

**6. Old Business**

**a. Petroleum and Gas Pipeline Safety**

Mrs. Thompson-Martinez stated this topic was tabled from the previous meeting, and requested an update on directives to ensure completion of the tasks assigned. Mr. Bohannon mentioned this came from an actual Notice of Contemplated Action (NCA), it was testified under oath that there was no stamped drawings being done when it came to Petroleum and Gas Pipe line Safety. Being that this was done, Mr. Bohannon expressed this issue should be investigated. Mrs. Samora stated this is a work in progress and Mr. Brasher can provide the Committee additional information since he is familiar with the issues at a later date.

**7. New Business**

**a. Clarification/Guidance on Ethic Courses**

Mrs. Thompson-Martinez stated a request to utilize reading material to meet the ethic requirement. She explained the requirement specifies the word course and asked for clarification from the Committee. Mrs. Samora stated the Administrative Code should provide guidance and mentioned the individual does not need to take an actual “course” for it to count towards the Ethics requirements. She also stated reading material should be credited as an activity. Mr. Bohannon suggested the licensees document the reading material for the purpose of an audit.

**b. Engineer or Architect Seals on Structural Lumber Grading Report**

Mrs. Thompson-Martinez explained Mr. Romero is present to elaborate on this item. Mr. Romero stated he is requesting guidance from the Board regarding this issue and asked for clarification on the requirements. He explained the requirements of the 2009 Codes and asked for direction regarding the requirements of the Structural Discipline. Mr. Romero indicated the Code could

specify a Structural Discipline or allow other Engineer Discipline based on the guidance received by Board. Mr. Bohannon suggested staff draft a letter to be sent to CID quoting The Act. He indicated the individual must be qualified to practice in their specific discipline.

**c. Required Seals on Control Sheets for Plan Sets**

The Board briefly discussed this issue and decided to table the item until the next scheduled Full Board Meeting.

**8. Application Review – Recommended Approval**

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

PE Exam Application(s)- 12

PE Endorsement Application(s)- 64

PE Additional Discipline(s)- 1

PE Reinstatement Application(s)- 9

**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)**

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

**c. PE Inactive Status Request(s)**

**MOTION** by Mr. Bohannon to approve the PE inactive status requests, **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, Ron Bohannon, Walter Gerstle, David Cooper

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

Mrs. Samora 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 1-PE-01-26-2016 – Pre-NCA Settlement Agreement**

**MOTION** by Mr. Bohannon to accept the Settlement Agreement, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

2) **Case 8-PE-06-26-2015(B)**

**MOTION** by Mr. Bohannon to reject the offer, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

3) **MAR-12-28-2016-CMR**

**MOTION** by Mr. Bohannon to defer the case until further investigation, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

4) **Case 4-PE-08-23-2017-CMR**

**MOTION** by Mr. Bohannon to close the case and direct staff to write a letter stating this is based on industrial exemption and send to Mr. Bohannon for approval. **SECOND** by Dr. Gerstle, **PASSED** unanimously.

5) **Case 6-PE-09-01-2017-CMR.**

**MOTION** by Mr. Bohannon to close the case and direct staff to write a letter stating this is based on industrial exemption and send to Mr. Bohannon for approval. **SECOND** by Dr. Gerstle, **PASSED** unanimously.

6) **Case 9-PE-09-28-2015**

**MOTION** by Mr. Bohannon to issue a default order with a penalty fee of \$2,500 and to be paid within six months, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

7) **Case 9-PE-09-28-2015(B)**

**MOTION** by Mr. Bohannon to issue a default order with a penalty fee of \$2,500 and to be paid within six months, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

8) **9-PE-10-31-2017**

**MOTION** by Mr. Bohannon to table the case, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

b. **Licensee Self-Reporting Issues**

1) **AWL-06-23-2017**

Tabled until next scheduled meeting.

2) **DJK-12-28-2017**

Tabled until next scheduled meeting.

- 3) **EPH-12-14-2017**  
Tabled until next scheduled meeting.
- 4) **JSE-12-04-2017**  
Tabled until next scheduled meeting.
- 5) **JSH-05-12-2017**  
Tabled until next scheduled meeting.
- 6) **LKP-12-22-2017**  
Tabled until next scheduled meeting.
- 7) **LSE-12-04-2015**  
Tabled until next scheduled meeting.
- 8) **POF-12-05-2017**  
Tabled until next scheduled meeting.
- 9) **RLB-12-05-2017**  
Tabled until next scheduled meeting.
- 10) **SPM-12-05-2017**  
Tabled until next scheduled meeting.

c. **Status Review of Complaints and NCAs**  
Tabled until next scheduled meeting.

d. **Applications for Review**

1) **PE Licensure**

a) **Starrett, E.**

**MOTION** by Mr. Bohannon to approve for Structural Discipline,  
**SECOND** by Dr. Gerstle, **PASSED** unanimously.

b) **Johnson, M.**

**MOTION** by Mr. Bohannon to not approve for licensure based on  
insufficient experience due to the Act, **SECOND** by Dr. Gerstle,  
**PASSED** unanimously.

2) **PE Exams**

a) **Ahmed, M.**

**MOTION** by Mr. Bohannon to approve the application for the PE  
exam, **SECOND** by Mr. Cooper, **PASSED** with three in favor and Dr.  
Gerstle abstaining.

- b) **Benson, H.**  
MOTION by Mr. Bohannon to approve the application for the PE exam, **SECOND** by Dr. Gerstle, **PASSED** unanimously.
- c) **Ellison, J.**  
MOTION by Mr. Bohannon to approve the application for the PE exam, **SECOND** by Dr. Gerstle, **PASSED** unanimously.
- d) **Grover, J.**  
MOTION by Mr. Bohannon to approve the application for the PE exam, **SECOND** by Dr. Gerstle, **PASSED** unanimously.
- e) **Lee, D.**  
MOTION by Mr. Bohannon to approve the application for the PE exam, **SECOND** by Dr. Gerstle, **PASSED** unanimously.
- f) **McVey, S.**  
MOTION by Mr. Bohannon to approve the application for the PE exam, **SECOND** by Mr. Cooper, **PASSED** with three in favor and Dr. Gerstle abstaining.
- g) **Nail, C.**  
MOTION by Mr. Bohannon to approve the application for the PE exam, **SECOND** by Dr. Gerstle, **PASSED** unanimously.
- h) **Peacock, T.**  
MOTION by Mr. Bohannon to approve the application for the PE exam, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

### 3) PE Endorsement

- a) **Cotton, S.**  
MOTION by Mr. Bohannon to approve for Structural Discipline, **SECOND** by Dr. Gerstle, **PASSED** unanimously.
- b) **Ataiyan, F.**  
Tabled until next scheduled meeting.
- c) **Castellanos, F.**  
Tabled until next scheduled meeting.
- d) **Fick, D.**  
Tabled until next scheduled meeting.

- e) **Gupta, M.**  
MOTION by Mr. Bohannan to approve for Electrical Discipline,  
SECOND by Dr. Gerstle, PASSED with three in favor and Mrs. Samora  
abstaining.
- f) **Hansen, D.**  
Tabled until next scheduled meeting.
- g) **Hedrick, S.**  
Tabled until next scheduled meeting.
- h) **Hieb, E.**  
Tabled until next scheduled meeting.
- i) **Kabir, M.**  
Tabled until next scheduled meeting.
- j) **Kugel, J.**  
Tabled until next scheduled meeting.
- k) **LaBiche, M.**  
Tabled until next scheduled meeting.
- l) **Magenes, L. – Reconsideration**  
MOTION by Mr. Bohannan to approve for Structural Discipline,  
SECOND by Dr. Gerstle, PASSED unanimously.
- m) **Needles, S.**  
Tabled until next scheduled meeting.
- n) **Nieman, A.**  
Tabled until next scheduled meeting.
- o) **Pavel, R.**  
Tabled until next scheduled meeting.
- p) **Peterson, J.**  
Tabled until next scheduled meeting.
- q) **Piersall, R.**  
Tabled until next scheduled meeting.
- r) **Racz, P.**  
Tabled until next scheduled meeting.

s) **Rawlings, M.**  
Tabled until next scheduled meeting.

t) **Richter, M.**  
Tabled until next scheduled meeting.

**4) PE Reinstatement**

a) **Migliaccio, J.**  
Tabled until next scheduled meeting.

**11. Next Scheduled Meeting Date: April 12, 2018 – Rio Rancho, NM**

**12. Adjourn**

The meeting adjourned at 12:30 p.m.

**Submitted by:**

s/ Angelica Urioste  
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Angelica Urioste, Executive Assistant

**Approved by:**

s/ Julie Samora  
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Julie Samora, PE, Committee Chair

April 12, 2018 Approved Date