

MINUTES

MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 1:00 p.m.,
Thursday, April 4, 2019,
Electrical Conference Room, Thomas and Brown Hall, Room 207,
New Mexico State University, Las Cruces, NM 88001

Members Present- Dr. Walter Gerstle, PE, Committee Vice-Chair
Ron Bohannon, PE
Julie Samora, PE

Members Absent- Paul Brasher, PE, Committee Chair
Karl Tonander, PE

Others Present- Perry Valdez, BLPEPS, Executive Director
Angelica Urioste, BLPEPS, Licensing Administrator
Miranda Gonzales, BLPEPS, Compliance Officer
Delilah Tenorio, Legal Counsel
Joe Barela, PE, Board Investigator

1. Convene, Roll Call and Introduction of Audience

Dr. Gerstle convened the meeting at 1:17 p.m., roll call was taken and a quorum noted.
Mr. Burkholder was recognized 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 move item #9 a. to item #9 e. and approve the agenda as amended,
SECOND by Mrs. Samora, **PASSED** unanimously.

4. Approval of Minutes

a. Minutes of January 17, 2019

MOTION by Mrs. Samora to approve the minutes of January 17, 2019, **SECOND** by
Mr. Bohannon, **PASSED** unanimously.

b. Minutes of February 1, 2019

MOTION by Mr. Bohannon to approve the minutes of February 1, 2019, **SECOND**
by Mrs. Samora, **PASSED** unanimously.

c. Minutes of February 21, 2019

MOTION by Mr. Bohannon to approve the minutes of February 21, 2019, **SECOND**
by Mrs. Samora, **PASSED** unanimously.

5. **Public Comment/Correspondence**

a. **SPCC Plan Requirements and the Practice of Engineering**

Mr. Valdez informed the Committee this item came to the Board office in the manner of a question to Mrs. Thompson-Martinez. The Staff requested assistance from Mr. Bohannan to respond to the question. Mr. Valdez stated, Mr. Bohannan requested this question be placed on the agenda for the Committee's discussion and response.

Mr. Bohannan responded the question being asked is if the signing of the Spill Prevention plans is an act of engineering. He doesn't have any firsthand knowledge experience with these types of documents, thus the reason for his requesting this to be brought to the Committee.

Mrs. Samora asked what the policies state regarding these plans. After some discussion, it was decided to table this question until the next scheduled meeting. Mrs. Samora will do research on this topic.

MOTION by Mr. Bohannan to table this item until the next scheduled meeting and have Mrs. Samora research this topic and report at the next meeting, **SECOND** by Ms. Samora, **PASSED** unanimously.

6. **Old Business**

No items for discussion.

7. **New Business**

No items for discussion.

8. **Application Review – Recommended Approval**

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

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

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

b. **PE Retired Status Request(s)**

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

9. **Executive Session**

MOTION by Mrs. Samora 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. Bohanan, **PASSED** unanimously.

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

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

Dr. Gerstle 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).

b. **Licensee Self-Reporting Issues**

1) **AA-02-20-2019**

MOTION by Mr. Bohannan to acknowledge receipt and take no further action, **SECOND** by Ms. Samora, **PASSED** unanimously.

2) **DB-12-11-2018**

MOTION by Mr. Bohannan to acknowledge receipt and take no further action, **SECOND** by Ms. Samora, **PASSED** unanimously.

3) **MJW-01-17-2019**

MOTION by Mr. Bohannan to acknowledge receipt and take no further action, **SECOND** by Ms. Samora, **PASSED** unanimously.

4) **RLB-02-28-2019**

MOTION by Mr. Bohannan to direct staff to conduct further investigation, **SECOND** by Ms. Samora, **PASSED** unanimously.

5) **TRS-12-14-2018**

MOTION by Mr. Bohannan to rescind the action made at the February 1st meeting and to acknowledge receipt and take no further action, **SECOND** by Ms. Samora, **PASSED** unanimously.

e. **Disciplinary Cases**

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

MOTION by Mr. Bohannon to close the case with no further action, **SECOND** by Mrs. Samora, **PASSED** unanimously.

c. **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.

d. **Applications for Review**

1) **EI Certification**

a) **Sabih, G.**

MOTION by Mrs. Samora to approve for EI Certification, **SECOND** by Mr. Bohannon, **PASSED**.

Dr. Gerstle recused himself because he knows the applicant.

2) **PE Exams**

a) **Genedy, M. – Reconsideration**

MOTION by Mrs. Samora to not approve for lack of experience, **SECOND** by Mr. Bohannon, **PASSED**.

Dr. Gerstle recused himself because he knows the applicant.

b) **McGuire, P.**

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

c) **Miskarov, A. – Reconsideration**

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

d) **Ramirez, A.**

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

e) **Sabih, G.**

MOTION by Mrs. Samora to not approve for lack of experience, **SECOND** by Mr. Bohannon, **PASSED**.

Dr. Gerstle recused himself because he knows the applicant.

- f) Silva, H.
MOTION by Mrs. Samora to approve for the PE Exam, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

3) PE Endorsement

- a) **Andrzejczak, J.**
MOTION by Mr. Bohannan to approve for endorsement for Mechanical discipline, **SECOND** by Mrs. Samora, **PASSED** unanimously.
- b) **Beck, D.**
MOTION by Mr. Bohannan to approve for endorsement for Chemical discipline, **SECOND** by Mrs. Samora, **PASSED** unanimously.
- c) **Born, T.**
MOTION by Mr. Bohannan to approve for endorsement for Structural discipline, **SECOND** by Mrs. Samora, **PASSED** unanimously.
- d) **Bredfeldt, P. – Reconsideration**
MOTION by Mr. Bohannan to approve for endorsement for Environmental discipline, **SECOND** by Mrs. Samora, **PASSED** unanimously.
- e) **Davisson, D.**
MOTION by Mr. Bohannan to approve for endorsement for Civil discipline, **SECOND** by Mrs. Samora, **PASSED** unanimously.
- f) **Dewey, R.**
MOTION by Mr. Bohannan to approve for endorsement for Structural discipline, **SECOND** by Mrs. Samora, **PASSED** unanimously.
- g) **Gard, M.**
MOTION by Mr. Bohannan to approve for endorsement for Electrical discipline, **SECOND** by Mrs. Samora, **PASSED** unanimously.

The remaining items were tabled until a special meeting could be scheduled.

- h) Ghosh, A.
- i) Hespeler, H.
- j) Lewis, T.
- k) Marcomb, R. - Reconsideration
- l) McMillan, H.
- m) Monaco, P.
- n) Palo, D.

- o) Prosseda, S.
- p) Pruitt, M. - Reconsideration
- q) Shah, M.
- r) Sharhan, H.
- s) Siemon, R.
- t) Taylor, J.
- u) Tompkins, D.
- v) Trask, J.
- w) Upadhye, S.
- x) Wu, Y.

4) PE Reinstatement
a) Durham, M.

5) PE Retired Status
a) DiDomenico, C.

6) PE Renewal Status
a) Eberhart, D.

e. Disciplinary Cases

- 1) Case 7-PE-10-14-2016 – Settlement Agreement
- 2) Case 7-PE-09-26-2014
- 3) Case 7-PE-06-11-2015
- 4) Case MAR-12-28-2016
- 5) Case MLM-11-18-2016

11. Next Scheduled Meeting Date: June 7, 2019 – Santa Fe, NM

12. Adjourn

MOTION by Mrs. Samora to adjourn, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

The meeting adjourned at 3:49 p.m.

Submitted by:

s/ Perry Valdez

Perry Valdez, Executive Director

Approved by:

s/ Walter Gerstle

Walter Gerstle, Committee Vice-Chair

May 30, 2019 **Approved Date**