

MINUTES

MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 1:00p.m.,
Thursday, June 7, 2018,
Toney Anaya Building, Hearing Room 1,
2550 Cerrillos Rd., Santa Fe, NM 87505

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

Members Absent-

Others Present- Perry Valdez, BLPEPS, Executive Director
Benay Ward, BLPEPS, Team Leader
Angelica Urioste, BLPEPS, Executive Assistant
Felicia Martinez, BLPEPS, Licensing Administrator
Miranda Baca, BLPEPS, Compliance Officer
Marylou Poli, Legal Counsel
Mars DeLapp

1. Convene, Roll Call and Introduction of Audience

Mrs. Samora convened the meeting at 1:09 p.m., roll call was taken and a quorum noted.
Mrs. Samora recognized Mars DeLapp 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 approve the agenda as presented, **SECOND** by Mr.
Tonander, **PASSED** unanimously.

4. Approval of Minutes

a. Minutes of May 16, 2018

MOTION by Mr. Tonander to approve the Minutes of May 16, 2018, **SECOND**
by Mr. Brasher, **PASSED** unanimously.

5. **Public Comment/Correspondence**

a. **Industrial Exemptions**

Mr. Valdez stated he placed on the agenda for a place holder in case a guest speaker attended the meeting and would have liked to further discuss this topic. This item will be placed on the August meeting agenda. Mrs. Samora acknowledged Mr. DeLapp in the audience. He stated he was in attendance to observe the meeting.

6. **Old Business**

No discussion.

7. **New Business**

a. **Design Drawings Being Subject of IPRA Requests**

Mr. Valdez mentioned this was an item that was discussed at the Joint Practice Committee Meeting and was brought forth from CID as a question. CID wanted to see how the Professional Engineering Committee felt about the topic and wanted feedback. Mr. Valdez stated the concern regarding the security and safety pertaining to IPRA Requests. Ms. Poli explained Counsel wouldn't allow any committee to give a response and/or an opinion and stated it is not an IPRA exemption.

b. **Procedure for License Renewals with Self-reporting**

Mr. Valdez stated this was an item from a previous meeting. He further stated Ms. Poli requested that this be placed on the agenda. Ms. Poli stated this was a discussion on license renewals being renewed when a licensee self-reported any disciplinary or violation, based on her research, the answer is "yes" the license must be renewed. She clarified the Board should continue with their process to renew licenses with self-reporting, as previously done.

c. **Election of Officers**

1) **Committee Chair**

2) **Vice Chair**

MOTION by Mr. Bohannon to nominate Mr. Brasher for Committee Chair and Dr. Gerstle for Vice Chair, **SECOND** by Mr. Tonander, **PASSED** unanimously.

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

b. PE Retired Status Request(s)

1) Burkholder, D.

MOTION by Mr. Bohannon to approve the PE retired status request, **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) 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. Bohannon, **PASSED** unanimously.

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

Mrs. Samora departed the meeting at 4:10p.m.

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. **Medical Exemption**

1) **C. Bacchus – Renewal of License Request**

MOTION by Mr. Bohannon to approve for renewal with penalty fee of \$310.00, has until September 1, 2018, **SECOND** by Mr. Tonander, **PASSED** unanimously.

2) **G. Krenik – Retired Status**

MOTION by Mr. Brasher to grant inactive status retroactively from 2013 and grant retired status as of today, **SECOND** by Mr. Tonander, **PASSED**.

Mr. Bohannon abstained

b. **Disciplinary Cases**

1) **Case 5-PE-08-31-2016 – Complaint Manager's Report**

MOTION by Mr. Bohannon to close the case with no violation, **SECOND** by Dr. Gerstle, **PASSED** with one nay vote from Mr. Tonander.

- 2) **Case 6-PE-09-01-2017 – Complaint Manger’s Report**
MOTION by Mr. Bohannan to close the case with no further action,
SECOND by Dr. Gerstle, PASSED unanimously.
 - 3) **Case 7-PE-10-14-2016 – Complaint Manager’s Report**
Tabled until next scheduled meeting.
 - 4) **Case 3-PE-04-21-2017 – Complaint Manager’s Report**
MOTION by Mr. Tonander for a pre-Notice of Contemplated Action
Settlement to Cease and Desist with use of the title including the term
Engineer within seven days or will automatically be referred to the Attorney
General’s Office for issuance of a Notice of Contemplated Action, SECOND
by Dr. Gerstle, PASSED unanimously.
 - 5) **Case 1-PE-03-03-2017 – Complaint Manager’s Report**
MOTION by Mr. Bohannan for a pre-Notice of Contemplated Action
Settlement discussion within 30 days with a proposed fine of \$250.00,
SECOND by Mr. Tonander, PASSED unanimously.
 - 6) **Case 7-PE-09-12-2017 – Complaint Manger’s Report**
MOTION by Dr. Gerstle for a pre-Notice of Contemplated Action Settlement
for \$1,000 to be settled in 30 days, SECOND by Mr. Tonander, PASSED
unanimously.
 - 7) **Case 3-PE-06-09-2016 – Fulfilled Pre-NCA Settlement Agreement**
MOTION by Dr. Gerstle to close the case, SECOND by Mr. Tonander,
PASSED unanimously.
 - 8) **Case 7-PE-06-11-2015**
MOTION by Mr. Brasher to authorize Counsel to enforce the Default Order
in District Court, SECOND by Mr. Bohannan, PASSED unanimously.
 - 9) **Case 8-PE-06-26-2015(B)**
MOTION by Mr. Brasher to authorize Counsel to enforce the Default Order
in District Court, SECOND by Mr. Bohannan, PASSED unanimously.
- MOTION by Mr. Tonander when a pre-Notice of Contemplated Action
Settlement Agreement is fully executed the case is automatically closed,
SECOND by Mr. Bohannan, PASSED unanimously.

c. **Licensee Self-Reporting Issues**

1) **AKL-05-09-2018**

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

2) **ARM-04-18-2018**

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

d. **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.

e. **Applications for Review**

1) **EI Certification**

a) **Britvec, E.**

MOTION by Dr. Gerstle to not approve, request a written explanation of non-licensed references, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

b) **Perez, S.**

MOTION by Dr. Gerstle to accept the non-PE reference and approve for Engineer Intern Certification, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

2) **PE Exams**

a) **Chigbrow, M.**

MOTION by Mr. Bohannan to approve for the PE exam, **SECOND** by Mr. Tonander, **PASSED** unanimously.

b) **Lopez, A.**

MOTION by Mr. Bohannan to approve for the PE exam, **SECOND** by Mr. Tonander, **PASSED** unanimously.

c) **Perez, S.**

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

d) **Serrano de Rivera, A.**

MOTION by Mr. Bohannan to defer, request an update application with updated work experience, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

3) PE Endorsement

- a) **Adams, B.**
Tabled until next scheduled meeting.

- b) **Arafeh, K.**
Tabled until next scheduled meeting.

- c) **Bokaie, M.**
Tabled until next scheduled meeting.

- d) **Cinco, M.**
Tabled until next scheduled meeting.

- e) **Connor III, J.**
Tabled until next scheduled meeting.

- f) **Fluckey, J.**
Tabled until next scheduled meeting.

- g) **Johnson, A.**
Tabled until next scheduled meeting.

- h) **KC, M.**
Tabled until next scheduled meeting.

- i) **Liu, J.**
Tabled until next scheduled meeting.

- j) **Marcomb, R.**
Tabled until next scheduled meeting.

- k) **McCalmont, A.**
Tabled until next scheduled meeting.

- l) **McCarver, L.**
Tabled until next scheduled meeting.

- m) **Pandya, N.**
Tabled until next scheduled meeting.

- n) **Parent, G.**
Tabled until next scheduled meeting.

o) **Rennison, R.**

MOTION by Mr. Bohannan to approve for Civil discipline, **SECOND** by Mr. Tonander, **PASSED** unanimously.

p) **Seager, J.**

Tabled until next scheduled meeting.

q) **Stewart, L.**

Tabled until next scheduled meeting.

4) PE Reinstatement

a) **Dunmack, H.**

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

11. Next Scheduled Meeting Date: June 22, 2018 – Albuquerque, NM

12. Adjourn

The meeting adjourned at 4:45 p.m.

Submitted by:

Approved by:

s/ Angelica Urioste

s/ Julie Samora

Angelica Urioste, Executive Assistant

Julie Samora, PE, Committee Chair

June 22, 2018 Approved Date