

MINUTES

MEETING OF THE PROFESSIONAL ENGINEERING  
COMMITTEE of the Board Licensure of Professional  
Engineers and Professional Surveyors held 9:00a.m.,  
Friday, February 23, 2018,  
Conference Room, Souder Miller and Associates,  
5454 Venice Avenue NE, Suite D, Albuquerque, NM

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

**Members Absent-** Ron Bohannon, PE

**Others Present-** Perry Valdez, BLPEPS, Executive Director  
Angelica Urioste, BLPEPS, Executive Assistant  
Felicia Martinez, BLPEPS, Licensing Administrator  
Miranda Baca, BLPEPS, Compliance Officer  
Marylou Poli, Legal Counsel  
Cinthia Martinez, DFA Principal Budget Analyst

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

Mrs. Samora convened the meeting at 9:10 a.m., roll call was taken and a quorum noted.  
Mrs. Samora recognized Cinthia Martinez, DFA Analyst and thanked her for attending.

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 Dr. Gerstle to approve the agenda as presented, **SECOND** by Mr. Brasher,  
**PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of January 26, 2018**

**MOTION** by Dr. Gerstle to approve Minutes of January 26, 2018, **SECOND** by  
Mrs. Samora, **PASSED** unanimously.

5. **Public Comment/Correspondence**

No discussion.

6. **Old Business**

a. **EI Certification Applicants with Foreign Degrees**

Mr. Valdez stated the Board office has received an influx of calls concerning Foreign educated applicants pertaining to the Engineer Intern qualifications. He stated this item was put on the agenda to receive clarification on the acceptance of the letter stating the individuals are enrolled in a Master's program. The letters received from the Universities regarding the Foreign educated applicants have varied. The Committee decided the Foreign trained applicants for EI Certification be reviewed by the Committee and a suggestion was made to request a letter from the Universities asking if educational deficiencies were made up from the Foreign degree. Mr. Tonander also suggested the Board to require an affidavit from the applicant on why an official transcript could not be obtained directly from their foreign school.

7. **New Business**

a. **Review of Applicants for Civil/Structural Disciplines and Exam Options**

Mr. Valdez stated this item was put on the agenda to receive clarity from the Committee. He mentioned each applicant is applying for the Civil discipline but have experience and education in Structural. Mr. Valdez is concerned that the applicants may be applying for Civil because we don't have a Structural PE license. In many cases the applicant has taken and passed the Civil PE exam with the Structural option. Mr. Valdez suggested listing the engineering discipline as structural on the roster. Mr. Tonander stated in past situations that the applicant would be granted the discipline based on their experience and their degree. He further stated, the Committee usually recommends the applicant submit additional experience to be reviewed for an additional discipline. Mrs. Samora stated this topic should be discussed in more detail at a future meeting.

8. **Application Review – Recommended Approval**

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

PE Reinstatement Application(s)- 1

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

b. **PE Retired Status Request(s)- 1**

**MOTION** by Mr. Tonander to approve the PE retired status request, **SECOND** by Mr. Brasher, **PASSED** unanimously.

c. **PE Inactive Status Request(s)- 1**

**MOTION** by Mr. Tonander to approve the PE inactive status request, **SECOND** by Dr. Gerstle, **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. Dr. Gerstle, **PASSED** unanimously.

**Roll call vote taken, voting 'Yes':** Julie Samora, Karl Tonander, Paul Brasher, Walter Gerstle.

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 – Fulfilled pre-NCA Settlement Agreement**

**MOTION** by Dr. Gerstle to close the case, **SECOND** by Mr. Tonander, **PASSED** unanimously.

b. **Licensee Self-Reporting Issues**

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

**MOTION** by Mr. Brasher to acknowledge receipt and take no action, **SECOND** by Dr. Gerstle, **PASSED** with one nay vote from Mr. Tonander.

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

**MOTION** by Mr. Brasher to acknowledge receipt and take no action, **SECOND** by Dr. Gerstle, **PASSED** with one nay vote from Mr. Tonander.

3) **EPH-12-14-2017**

Tabled until next scheduled meeting.

4) **JSE-12-04-2017**

**MOTION** by Mr. Brasher to acknowledge receipt and take no action, **SECOND** by Dr. Gerstle, **PASSED** with one nay vote from Mr. Tonander.

5) **JSH-05-12-2017**

**MOTION** by Mr. Brasher to acknowledge receipt and take no action, **SECOND** by Dr. Gerstle, **PASSED** with one nay vote from Mr. Tonander.

6) **LKP-12-22-2017**

**MOTION** by Mr. Brasher to direct the Executive Director to attempt a pre-settlement agreement for failure to report a violation pursuant to NMAC 16.39.7.9.C. An Agreement must be reached within 60 days otherwise it will be referred to the Attorney General's Office for an NCA, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

7) **LSE-12-04-2015**

**MOTION** by Dr. Gerstle to acknowledge receipt and take no action, **SECOND** by Mr. Brasher, **PASSED** with one nay vote from Mr. Tonander.

8) **POF-12-05-2017**

**MOTION** by Dr. Gerstle to acknowledge receipt and take no action, **SECOND** by Mr. Brasher, **PASSED** with one nay vote from Mr. Tonander.

9) **RLB-12-05-2017**

**MOTION** by Dr. Gerstle to acknowledge receipt and take no action, **SECOND** by Mr. Brasher, **PASSED** with one nay vote from Mr. Tonander.

10) **SPM-12-05-2017**

Tabled until next scheduled meeting.

c. **Status Review of Complaints and NCAs**

No discussion.

d. **Applications for Review**

1) **PE Endorsement**

a) **Ataiyan, F.**

**MOTION** by Mr. Brahser to approve for Fire Protection and Civil disciplines, **SECOND** by Mr. Tonander, **PASSED** unanimously.

b) **Castellanos, F.**

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

c) **Fick, D.**

**MOTION** by Dr. Gerstle to approve for Mechanical discipline, **SECOND** by Mr. Brasher **PASSED** unanimously.

d) **Hansen, D.**

**MOTION** by Dr. Gerstle to approve for Structural discipline and not approve for Civil discipline, **SECOND** by Mr. Tonander, **PASSED** unanimously.

- e) **Hedrick, S.**  
MOTION by Dr. Gerstle to approve for Civil discipline, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- f) **Hieb, E.**  
MOTION by Mrs. Samora to approve for Environmental discipline, **SECOND** by Mr. Tonander, **PASSED** unanimously.
- g) **Kabir, M.**  
MOTION by Mr. Tonander to approve for Structural discipline, **SECOND** by Dr. Gerstle, **PASSED** unanimously.
- h) **Kugel, J.**  
MOTION by Dr. Gerstle to approve for Civil discipline, **SECOND** by Mr. Tonander, **PASSED** unanimously.
- i) **LaBiche, M.**  
MOTION by Dr. Gerstle to approve for Mechanical discipline, **SECOND** by Mrs. Samora, **PASSED** unanimously.
- j) **Needles, S.**  
MOTION by Dr. Gerstle to approve for Civil discipline, **SECOND** by Mr. Tonander, **PASSED** unanimously.
- k) **Nieman, A.**  
MOTION by Dr. Gerstle to approve for Civil discipline, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- l) **Pavel, R.**  
MOTION by Dr. Gerstle to approve for Structural discipline, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- m) **Peterson, J.**  
MOTION by Dr. Gerstle to approve for Civil discipline, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- n) **Piersall, R.**  
MOTION by Mr. Tonander to approve for Structural and Civil disciplines, **SECOND** by Dr. Gerstle, **PASSED** unanimously.
- o) **Racz, P.**  
MOTION by Dr. Gerstle to approve for Structural discipline, **SECOND** by Mr. Tonander, **PASSED** unanimously.

**p) Rawlings, M.**

**MOTION** by Mr. Tonander to approve for Structural discipline and not approve for Civil discipline, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

**q) Richter, M.**

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

**2) PE Reinstatement**

**a) Migliaccio, J.**

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

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

**12. Adjourn**

The meeting adjourned at 1:48 p.m.

Submitted by:

s/ Angelica Urioste  
Angelica Urioste, Executive Assistant

Approved by:

s/ Julie Samora  
Julie Samora, PE, Committee Chair

April 12, 2018 Approved Date