

MINUTES

MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board of Licensure for Professional
Engineers and Professional Surveyors held 9:00 a.m.,
Friday, February 1, 2019,
Conference Room, NM DOT District 3 Office,
7550 Pan American Blvd., Albuquerque, NM 87199

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

Members Absent- Karl Tonander, PE

Others Present- Perry Valdez, BLPEPS, Executive Director
Miranda Gonzales, BLPEPS, Acting Compliance Officer
Stephanie Trujillo, BLPEPS, Licensing Administrator
Marylou Poli, Legal Counsel

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

Mr. Brasher convened the meeting at 9:12 a.m., roll call was taken and a quorum noted.

2. **Meeting Notification**

Mr. Valdez informed the Committee the meeting was noticed on the Board's website.

3. **Approval of Agenda**

MOTION by Mr. Bohannon to approve the agenda, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

4. **Application Review – Recommended Approval**

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

PE Exam Application(s)

PE Endorsement Application(s)

MOTION by Mr. Bohannon to approve Exhibit A, the Recommended Approval applications, **SECOND** by Mrs. Samora.

Mr. Brasher stated he would like to move applicant Archuleta, A. to item 5. d. 1) PE Exams, for further discussion.

MOTION by Mr. Bohannon to amend his previous motion to move applicant Archuleta, A. to item 5. d. 1) PE Exams and approve Exhibit A, the Recommended Approval applications, **SECOND** by Mrs. Samora, **PASSED** unanimously.

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

MOTION by Mr. Bohannan to approve the three requests from Roy Robinson, Edward Motley, and Thomas McGovern for retired status, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

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

MOTION by Mr. Bohannan to approve the request of Patrick Scharff for inactive status, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

5. **Executive Session**

MOTION by Dr. Gerstle 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 Dr. Gerstle, **PASSED** unanimously.

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

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

Mr. Brasher brought the Committee back into open session and affirmed that while in closed session the Committee 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) and (3).

a. **Disciplinary Cases**

1) **Case MLM-11-18-2016 – Settlement Agreement**

MOTION by Mr. Bohannan to accept the settlement agreement, **SECOND** by Mrs. Samora, **PASSED** unanimously.

2) **Case 3-PE-04-21-2017**

MOTION by Mr. Bohannan to close the case, **SECOND** by Mrs. Samora, **PASSED** unanimously.

3) **Case RVN-02-01-2018**

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

b. **Licensee Self-Reporting Issues**

1) **AA-11-26-2018**

MOTION by Mr. Bohannan to defer the case until the next meeting for additional research, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

2) **ARM-11-14-2018**

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

- 3) **ARM-12-11-2018**
MOTION by Mrs. Samora to acknowledge receipt and no action,
SECOND by Mr. Bohannan, **PASSED** unanimously.
- 4) **AT-12-12-2018**
MOTION by Mrs. Samora to acknowledge receipt and no action,
SECOND by Mr. Bohannan, **PASSED** unanimously.
- 5) **DB-12-11-2018**
MOTION by Mr. Bohannan to attempt to enter into a pre-NCA
settlement agreement and that if no agreement is executed within 30
days, the matter will be automatically referred to the Attorney
General's Office for the issuance of an NCA, **SECOND** by Mrs. Samora,
PASSED unanimously.
- 6) **DBK-01-02-2019**
MOTION by Mr. Bohannan to acknowledge receipt and no action,
SECOND by Dr. Gerstle, **PASSED** unanimously.
- 7) **DNS-11-27-2018**
MOTION by Mr. Bohannan to attempt to enter into a pre-NCA
settlement agreement and that if no agreement is executed within 30
days, the matter will be automatically referred to the Attorney
General's Office for the issuance of an NCA, **SECOND** by Dr. Gerstle,
PASSED unanimously.
- 8) **ES-12-27-2018**
MOTION by Mr. Bohannan to acknowledge receipt and no action,
SECOND by Mrs. Samora, **PASSED** unanimously.
- 9) **GRV-12-31-2018**
MOTION by Mr. Bohannan to attempt to enter into a pre-NCA
settlement agreement and that if no agreement is executed within 30
days, the matter will be automatically referred to the Attorney
General's Office for the issuance of an NCA, **SECOND** by Dr. Gerstle,
PASSED unanimously.
- 10) **JDC-12-01-2018**
MOTION by Mr. Bohannan to acknowledge receipt and no action,
SECOND by Mrs. Samora, **PASSED** unanimously.

11) MFS-12-04-2018

MOTION by Mr. Bohannon to attempt to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 days, the matter will be automatically referred to the Attorney General's Office for the issuance of an NCA, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

12) NES-12-21-2018

MOTION by Mr. Bohannon to attempt to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 days, the matter will be automatically referred to the Attorney General's Office for the issuance of an NCA, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

13) RLB-12-03-2018

MOTION by Mr. Bohannon to acknowledge receipt and no action, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

14) SML-12-21-2018

MOTION by Mr. Bohannon to attempt to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 days, the matter will be automatically referred to the Attorney General's Office for the issuance of an NCA, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

15) TDO-12-11-2018

MOTION by Mr. Bohannon to attempt to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 days, the matter will be automatically referred to the Attorney General's Office for the issuance of an NCA, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

16) TRS-12-14-2018

MOTION by Mr. Bohannon to attempt to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 days, the matter will be automatically referred to the Attorney General's Office for the issuance of an NCA, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

17) WBB-12-12-2018

MOTION by Mr. Bohannon to attempt to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 days, the matter will be automatically referred to the Attorney

General's Office for the issuance of an NCA, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

18) WNV-12-14-2018

MOTION by Mr. Bohannon to attempt to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 days, the matter will be automatically referred to the Attorney General's Office for the issuance of an NCA, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

19) ZBU-12-31-2018

MOTION by Mr. Bohannon to attempt to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 days, the matter will be automatically referred to the Attorney General's Office for the issuance of an NCA, **SECOND** by Dr. Gerstle, **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) PE Exams

1) Archuleta, A. – moved from item 4. a.

MOTION by Mr. Bohannon to table pending more information on his work experience, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

2) Artery, A.

MOTION by Mrs. Samora to table and request additional information regarding the lack of PE references, **SECOND** by Mr. Bohannon, **PASSED**.

****Dr. Gerstle abstained. ****

3) Genedy, M.

MOTION by Mrs. Samora to table pending more information on his work experience, **SECOND** by Mr. Bohannon, **PASSED**.

****Dr. Gerstle abstained. ****

4) Gustafson, C. – Reconsideration

MOTION by Mrs. Samora to approve for the PE exam, **SECOND** by Mr. Bohannon, **PASSED** with one nay vote from Mr. Brasher.

- 5) **Hill, L.**
MOTION by Dr. Gerstle to approve for the PE exam, **SECOND** by Mr. Bohannan, **PASSED**.

****Mrs. Samora abstained. ****

- 6) **Lowery, J.**
MOTION by Mrs. Samora to not approve for the PE exam because the application experience does not meet the required minimum 2-year experience, **SECOND** by Mr. Bohannan, **PASSED**.

****Dr. Gerstle abstained. ****

- 7) **McCormick, J.**
MOTION by Mrs. Samora to approve for the PE exam, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

- 8) **Soliman, E.**
MOTION by Mr. Bohannan to approve for the PE exam, **SECOND** by Mrs. Samora, **PASSED**.

****Dr. Gerstle abstained. ****

- 9) **Tello, L.**
MOTION by Mrs. Samora to approve for the PE exam, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

2) PE Endorsement

- 1) **Zadehgol-Mohammadi, A.**

MOTION by Mrs. Samora to approve for the PE endorsement in Electrical, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

3) PE Additional Discipline

- 1) **Reed, J.**

MOTION by Dr. Gerstle to approve for the additional discipline of Architectural, **SECOND** by Mrs. Samora, **PASSED** unanimously.

4) PE Retired Status Request(s)

1) Ollerich, A.

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

2) Metheny, S.

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

5) PE Inactive Status Request(s)

1) Hendricks, E.

MOTION by Mr. Bohannan to approve for inactive status,
SECOND by Dr. Gerstle, **PASSED** unanimously.

7. Next Scheduled Meeting Date(s):

- a. April 4, 2019 – Las Cruces, NM

8. Adjourn

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

Meeting adjourned at 1:00 p.m.

Submitted by:

s/Perry Valdez
Perry Valdez, Executive Director

Approved by:

s/Paul Brasher
Paul Brasher, Committee Chair

April 4, 2019 Approved Date