

MINUTES

MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board of Licensure for Professional
Engineers and Professional Surveyors held 9:00 a.m.,
Thursday, September 27, 2018,
Souder Miller & Associates Building,
5454 Venice Ave NE, Ste. D., Albuquerque, NM 87113

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

Members Absent- Ron Bohannon, PE

Others Present- Perry Valdez, BLPEPS, Executive Director
Benay Ward, BLPEPS, Team Leader
Angelica Urioste, BLPEPS, Executive Assistant
Miranda Baca, BLPEPS, Licensing Administrator
Marylou Poli, Legal Counsel
Joe Barela, PE, Board Investigator
Thomas Hopkins

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

Mr. Brasher convened the meeting at 9:00 a.m., roll call was taken and a quorum noted.
Mr. Brasher recognized Thomas Hopkins 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. Tonander to amend the agenda, to table item d. #2 (a) Payton, T.,
SECOND by Mrs. Samora, **PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of August 9th and 10th, 2018**

MOTION by Mr. Tonander to approve the Minutes of August 9th and 10th, 2018,
SECOND by Dr. Gerstle, **PASSED** unanimously.

5. **Public Comment/Correspondence**

Mr. Hopkins introduced himself and stated he received a letter on September 5th, 2018 denying his EI Certification. He mentioned the letter he received stating why he did not qualify with his Master's in Civil engineering and citing the Administrative Code. Mr. Hopkins provided a letter to the Committee regarding his qualifications, signed by the

UNM Thesis Committee. The Board Committee requested to review Mr. Hopkins' file, Mr. Valdez informed the Committee the file was scanned and available on the tablets. Mr. Brasher informed Mr. Hopkins the Committee will review and discuss his file during the Executive Session. He further invited Mr. Hopkins to remain for the remainder of the meeting so he could hear the outcome of their decision.

6. **Old Business**

No discussion.

7. **New Business**

No discussion.

8. **Application Review – Recommended Approval**

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

PE Exam Application(s)- 2

PE Endorsement Application(s)- 67

PE Reinstatement Application(s)- 12

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

9. **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 Mr. Tonander, **PASSED** unanimously.

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

10. **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)

a. **Disciplinary Cases**

1) **Case 1-PE-02-20-2018 - CMR**

MOTION by Mr. Tonander to offer a Pre-NCA Settlement Agreement to be executed within 30 days or an automatic referral for an NCA, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

2) **Case 9-PE-10-31-2017 - CMR**

MOTION by Mrs. Samora to close the case due to no violation of the Act, by the Engineer, **SECOND** by Mr. Tonander, **PASSED** unanimously.

3) **Case 10-PE-12-05-2017 - CMR**

MOTION by Mr. Tonander to offer a Pre-NCA Settlement Agreement to be executed within 30 days or an automatic referral for an NCA, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

4) **Case 9-PE-09-28-2015 (A&B) – Fulfilled Default Order**

Acknowledged Default Order has been fulfilled.

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

MOTION by Mr. Tonander to extend the offer period for entering into a Pre-NCA Settlement Agreement to be extended until October 31, 2018 or else an automatic referral for an NCA, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

b. **Licensee Self-Reporting Issues**

1) **CJS-08-10-2018**

MOTION by Mr. Tonander to offer a Pre-NCA Settlement Agreement to be executed within 30 days or else an automatic referral for an NCA, **SECOND** by Mrs. Samora, **PASSED** unanimously.

2) **MZ-08-27-2018**

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

3) **RSP-08-20-2018**

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

c. **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.

d. **Applications for Review**

1) **EI Certification**

a) **Hopkins, T.**

MOTION by Mr. Tonander to approve for EI certification, pending the submittal of the additional documents of final transcripts posting the conferred degree and a reference, **SECOND** by Mrs. Samora, **PASSED** unanimously.

b) Khadka, M.

MOTION by Mr. Tonander to approve for EI certification, **SECOND** by Mrs. Samora, **PASSED**.

Dr. Gerstle noted that he recused himself from the discussion of applicant Khadka, M..

c) Vemuganti, S.

MOTION by Mr. Tonander to approve for EI certification, **SECOND** by Mrs. Samora, **PASSED**.

Dr. Gerstle noted that he recused himself from the discussion of applicant Vemuganti, S.

Mr. Hopkins was invited back into the meeting room and was informed of the Committee's decision regarding his EI certification.

Mrs. Samora excused herself from the meeting at 11:16 a.m.

Meeting re-entered into Executive Session at 11:17 a.m.

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 Mr. Tonander, **PASSED** unanimously.

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

11. 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)

1) PE Exams

a) Payton, T.

Tabled to next scheduled meeting.

b) Sultana, S.

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

2) PE Endorsement

a) Betzold, B.

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

b) Goldsmith, K.

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

c) Karlberg, J.

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

d) Leapley, M.

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

e) Marcomb, R.

MOTION by Mr. Tonander to not approve and request additional verification of a minimum of four (4) years of Mechanical Engineering experience, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

f) Nagy, P.

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

g) Ofoche, P.

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

h) Shafii, A.

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

i) Stites, J.

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

3) PE Reinstatement

a) Kerr, D.

MOTION by Mr. Tonander to allow Mr. Kerr to pay a reactivation fee, to complete and submit both a PE reactivation form and a retirement request form, waive the PDH requirements and grant retired status concurrent with license reactivation, **SECOND** by Dr. Gerstle, **PASSED** unanimously.

12. Next Scheduled Meeting Date:

- a. November 8, 2018 – Albuquerque, NM

13. Adjourn

The meeting adjourned at 12:28 p.m.

Submitted by:

s/Angelica Urioste

Angelica Urioste, Executive Assistant

Approved by:

s/ Paul Brasher

Paul Brasher, PE, Committee Chair

November 8, 2018 Approved Date