

**MEETING OF THE NEW MEXICO BOARD OF  
LICENSURE FOR PROFESSIONAL ENGINEERS  
AND PROFESSIONAL SURVEYORS held at  
9:00 a.m., Tuesday, April 28, 2020,  
Virtual/Telephonic Meeting**

**Members Present –** Paul Brasher, PE, Board Chair  
Glen Thurow, PS, Board Vice-Chair  
Augusta Meyers, Public Member  
Dr. Walter Gerstle, PE  
Karl Tonander, PE  
David Cooper, PS  
Cliff Spirock, PS  
Ron Bohannon, PE  
Julie Samora, PE

**Members Absent –**

**Others Present –** Perry Valdez, Executive Director  
Annette Thompson-Martinez, Deputy Director  
Miguel Lozano, Legal Counsel  
Matt Norman, PS  
Earl Burkholder, PEPS  
Scott Farnham, PEPS

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

Mr. Brasher convened the meeting at 9:12 a.m. He read the meeting script regarding the virtual meeting protocols. (*See attachment at the end of the minutes.*)

Roll call was taken and a quorum noted. It was noted Ms. Meyers was not in attendance. Audience introductions were made at this time, in the audience were Mr. Burkholder, Mr. Norman, and Mr. Farnham.

**2. Meeting Notification**

Mrs. 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 approve the agenda as presented/amended, **SECOND** by Mr. Spirock,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Brasher, Mr. Thurow, Mr. Bohannan, Mr. Spirock, Dr. Gerstle, Mr. Tonander, Mr. Cooper, Mrs. Samora

**PASSED** unanimously.

**4. Approval of Minutes**

**a. Minutes February 14, 2020**

**MOTION** by Mr. Tonander to approve the Minutes of February 14, 2020 as presented/amended, **SECOND** by Mr. Spirock,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Brasher, Mr. Thurow, Mr. Bohannan, Mr. Spirock, Dr. Gerstle, Mr. Tonander, Mr. Cooper, Mrs. Samora

**PASSED** unanimously.

**5. Requested Public Comment**

**a. Burkholder, E.**

Mr. Brasher recognized Mr. Burkholder's request to provide public comment. Mr. Burkholder stated he had requested to speak before the Board at their February 14<sup>th</sup> meeting. He informed the Board he provided a letter at that meeting and is requesting they keep several of its subjects listed in the letter on their radar for consideration. He indicated in each category a link was provided for additional information. Mr. Burkholder listed the subjects of interest in his letter, first was the issue of basis of bearing which he will continue to follow up on this item. He informed the Board he has been challenged with the validity of his work on the subject and a link was provided with the rebuttal to the challenge. Mr. Burkholder stated the second subject was concerning the 2022 Datum which deserves attention, he sent a letter to NGS in August 2018 which contains important information. He informed the Board the third subject was regarding education. Mr. Burkholder said he taught in Oregon Tech and at NMSU, and his aspiration is that the profession of surveying adapts to new technology. He concluded by stating he is requesting the Board's consideration on these subjects, he was not asking for the Board to make a determination nor take action at this meeting. Mr. Burkholder requested the Board members look over his letter. He thanked the Board for allowing him to speak.

Mr. Brasher asked Mr. Burkholder about the challenge he received on his work. Mr. Burkholder responded the American Society of Civil Engineers and the Journal of Surveying Engineering. He stated he has successfully defended his work.

## 6. Director's Report

### a. **Staff/Work-from-home Update**

Mr. Valdez provided an update to the Board regarding the staff working from home. Mr. Valdez informed the Board that at the beginning when Governor Lujan-Grisham ordered state employees to work from home to some capacity, the staff was placed on a rotation schedule with only two employees in the office at a time. He further explained when the order came that all employees should work from he was the only one going into the office every Monday to open mail, scan documents, and initiate the deposits, so the work can continue remotely and complete the deposit.

Mr. Valdez informed the Board he has started to communicate with the staff, through a virtual platform to see how each are doing, answer any questions, and to continue to communicate with each other.

Mr. Valdez also informed the Board of the hiring of a new employee for licensing, Maria Ruiz. Mr. Brasher informed the Board the State Government has placed a freeze on new hiring.

Mr. Brasher asked Mr. Valdez when he goes in on Mondays. Mr. Valdez responded that he goes in at six in the morning. Mr. Brasher asked Mr. Valdez if he is alone or if he leaves prior to anyone coming into the office. Mr. Valdez answered he does not run into anyone at that time.

Mr. Brasher asked if there were any questions. Mr. Cooper asked Mr. Valdez if he has been notified if there might be any furloughs. Mr. Valdez responded he has not heard of any at this date. Mr. Cooper further questioned if Mr. Valdez anticipated any. Mr. Valdez responded he has not heard any official word of any anticipation of such.

Mrs. Thompson-Martinez stated Mr. Valdez has done a good job keeping everyone connected during this time. She further reported she identified a 15% savings in the budget and is prepared if requested for this information. Mr. Brasher asked where was the savings identified. Mrs. Thompson-Martinez answered mostly in the 200 category of the budget for personnel salaries and benefits, which was based on vacancy savings.

## 7. New Business

### a. **Correspondence – Request of Reduction of PDH Requirement for the 2020 and 2021 Renewal Cycles**

Mr. Valdez presented the correspondence from Mr. Norman requesting if the Board would consider reducing the PDH requirements for the renewal of 2020 and possibly 2021. Mr. Valdez introduced Mr. Norman to speak on behalf of his request.

Mr. Norman informed the Board he made this request due to the hardships brought on by COVID-19 and because the society of New Mexico Professional Surveyors (NMPS) is unable to host their annual conference this year. He stated they have explored other means to hold a meeting, but nothing has been decided upon at this time. Mr. Norman indicated he is aware there are other means of acquiring the required PDHs but they wanted to put the request to the Board and open up the discussion.

Mr. Spirock stated Mr. Lozano provided an email to the Board which addressed the same issue for another board, with a request similar to Mr. Norman's request. Mr. Spirock said with minor edits it could suffice to address this request. Mr. Brasher asked what Mr. Lozano's email indicate.

Mr. Spirock read what the email stated regarding adjusted renewal requirements. Mr. Brasher responded it wasn't a reduction of hours, it still requires the same number of hours but provides an extended period of time to achieve those hours. Mr. Spirock responded in the affirmative.

Mr. Spirock said that Mr. Norman is correct that the annual conference for surveyors is lost for this year. He added many surveyors gain their hours at the conference, which is probably the case with the engineers.

*\*\*\*Ms. Meyers entered the meeting at 9:45 a.m.\*\*\**

Mr. Cooper responded that it would be difficult and place a burden on staff to track the hours for the 2020 and 2021 renewal cycle. He recommended to cut the 30-hour requirement in half to 15 hours, this would be the simplest solution. Mr. Spirock agreed with Mr. Cooper.

Mr. Bohannan suggested waiting to see what happens, the restrictions for meetings could be lifted in the summer or fall.

Mr. Tonander stated many professionals that he knows acquire their hours online. He said the restriction of no public gatherings mainly affect the professional organizations.

Mrs. Samora indicated the Board should hold off making a decision. She added the Board does need to be considerate of what the licensees are going through during this time.

Mr. Spirock recommended placing this item as an 'Old Business' item for the next meeting.

Mr. Lozano indicated he posed a few options for the Board's consideration. He added the Board has the ability to provide exemptions individually, so if the Board takes no action on this request a licensee can petition the Board that they were not able to obtain the required hours due to exigent circumstances or illness related to the virus.

Mr. Brasher indicated there are still seven months until the end of the year so there is still time. He stated he doesn't think there is a need to rush to make a decision at this time.

Mr. Bohannan stated to Mr. Norman if he wanted to he could advise his members that the Board is going to continue looking at the issue throughout the year and make a decision.

Mr. Brasher asked for a poll of how the Board members feel about postponing a decision.

Mr. Spirock responded to postpone the decision and for Mr. Norman to advise the NMPS members the Board is working on this, as Mr. Bohannan said.

Mr. Bohannan agreed to postpone a decision.

Mr. Tonander agreed.

Mrs. Samora agreed.

Dr. Gerstle agreed to delay a decision, he stated he did not want to act prematurely.

Ms. Meyers agreed with what everyone else said.

Mr. Thurow does not support delaying a decision. He stated Mr. Norman deserves a response and that response should be a reduction of hours in half for this cycle. He further added these are extraordinary times and kicking the can down the road when the professionals need a response is inappropriate.

**MOTION** by Mr. Thurow that the Board reduce the number of Professional Development Hours required for the 2020 and 2021 renewal cycle from 30 to 15, **SECOND** by Mr. Cooper.

**Discussion** of the Motion:

Mr. Bohannan indicated he would not vote for the motion because there will

probably be a modified order where the restrictions will be lifted or modified. He stated there are still seven months to acquire the hours and that is plenty of time. He stated he would not support the motion.

Mr. Spirock asked if the motion would include engineers as well as surveyors. Mr. Brasher directed the question to Mr. Thurow. Mr. Thurow responded he does include engineers and surveyors in the motion.

Further discussion by the Board regarding Mr. Lozano's email regarding proposed options for further time to earn hours.

Mr. Brasher stated everyone has two years to earn their hours.

Mr. Bohannan requested for the motion to be restated. Mr. Thurow replied that he would do so.

**MOTION** by Mr. Thurow that the Board reduce the number of required Professional Development Hours from 30 to 15, for both engineers and surveyors, for the 2020 and 2021 renewal cycle, **SECOND** by Mr. Cooper,

**Roll call vote taken:**

Mr. Brasher – No  
Mr. Thurow – Yes  
Ms. Meyers – Yes  
Mr. Bohannan – No  
Mr. Spirock – No  
Dr. Gerstle – No  
Mr. Tonander – No  
Mr. Cooper – Yes  
Ms. Samora – No

Mr. Valdez informed Mr. Brasher the motion failed with a vote of six for no and three for yes.

Mr. Cooper requested this item be placed on the next agenda. Mr. Brasher agreed with Mr. Cooper. Mr. Spirock requested the email provided by Mr. Lozano be edited to fit the Board. Mr. Valdez responded that he and Mr. Lozano will work on those edits for the next meeting.

Mr. Thurow requested the roll call vote appear in the minutes. Mr. Valdez indicated the roll call vote will be added.

Mr. Bohannon requested Mr. Valdez to place this item on the PEC agenda for the next meeting as well. Mr. Valdez replied that he will.

**b. Fiscal Year 2021 Meeting Calendar**

Mr. Valdez presented the draft Fiscal Year 2021 calendar. Mr. Brasher looked over the dates and locations, he was fine with the meeting calendar as presented.

Mr. Spirock agreed and asked Mr. Tonander about the ethics presentation he provides, if he has eliminated them or modified their schedule. Mr. Tonander responded that he has not modified his schedule. He stated Mr. Valdez has presented an option from NCEES to provide a webcast of the ethics presentation. Mr. Tonander further stated he had planned on doing a live session as he's been doing, but based on the situation that has been placed on hold for now. Mr. Spirock asked if Mr. Tonander will still work around the meeting dates. Mr. Tonander answered yes.

**MOTION** by Ms. Meyers to approve the Fiscal Year 2021 meeting calendar as presented, **SECOND** by Mr. Cooper.

**Roll call vote taken:**

**Voting 'Aye':** Mr. Brasher, Mr. Thurow, Ms. Meyers, Mr. Bohannon, Mr. Spirock, Dr. Gerstle, Mr. Tonander, Mr. Cooper, Mrs. Samora

**PASSED** unanimously.

**c. NCEES Annual Meeting – August 26-29, 2020, Chicago, IL**

Mr. Valdez informed the Board of a virtual meeting he attended with NCEES. He reported that NCEES continues to have their annual meeting tentatively scheduled. Mr. Valdez informed the Board that the hotel being used for the meeting is currently closed due to the COVID-19 pandemic. He said NCEES is requesting the member boards to continue submitting names of attendees in the event the annual meeting is still convened.

Mr. Brasher asked Mr. Valdez how NCEES would propose to hold an annual meeting if it were not possible to hold one where everyone gathered in one location. Mr. Valdez answered that NCEES would not have the annual meeting and was researching the possibility of voting for the proposals on their agenda.

Mr. Brasher asked Mr. Valdez if we were to decide who would be attended at this meeting. Mr. Valdez responded he was correct. Mr. Valdez added those attending from the staff would be Mrs. Thompson-Martinez, Ms. Urioste, and himself. Mr. Brasher asked Mr. Valdez how many funded positions are

available, Mr. Valdez responded three funded positions are available. Mr. Tonander stated NCEES funds those who are chairs on their committees, which he is currently.

Mr. Brasher asked the Board members for their availability to attend the NCEES annual meeting.

Mr. Bohannon responded he is available.

Mr. Thurow asked Mr. Valdez, as the Executive Director if he was automatically funded. Mr. Valdez responded he was. Mr. Thurow then asked if the staff would be taking any of the funding positions. Mr. Valdez answered that two of the funded positions would be available for Mrs. Thompson-Martinez and Ms. Urioste. Mr. Thurow indicated, based on Mr. Valdez' response, two of the three funded positions would be filled by staff, therefore leaving one funded position for a board member. He said he would defer to Mr. Bohannon to take the funded position and would be an alternate if Mr. Bohannon could not attend for some reason.

Mr. Bohannon said based on Mr. Thurow's information the Board keep the positions open until it was known if the meeting was being held. Mr. Brasher suggested tentatively naming the members. He said there are uncertainties such as if the meeting is being held and if the Legislature sweeps our budget.

Mr. Spirock said he would not be attending.

Ms. Meyers said she would be interested in attending.

Mr. Cooper said he would not be attending.

Mrs. Samora said she would not be attending.

Dr. Gerstle said he would like to attend.

Mr. Brasher said he would not be attending.

**d. Review of Verification Process and Fee**

Mr. Valdez informed the Board the item was requested by Mr. Tonander. Mr. Valdez explained the process board staff does when verifications are received in the office.

Mr. Tonander stated this topic came up when he was registering in another state using an NCEES Council Record. He indicated he was required to update his record with new verifications of holding an active license. He informed the Board the NCEES record portal informed him two of the states he needed verifications from, New Mexico being one, required a separate form and fee besides the NCEES site to be completed. Mr. Tonander spoke with Mr. Valdez regarding this. Mr. Tonander explained the verification process through the



NCEES site. He said the state receiving the verification request will receive an email from NCEES informing them a verification request has been submitted for their state. He further added, that state board simply goes into the portal and processes the verification. Mr. Tonander is requesting the New Mexico board office follow the same procedure for those verifications to NCEES without a fee and those requesting a paper verification continue to be charged the verification fee.

Mr. Brasher asked Mr. Valdez how many verifications are received. Mr. Valdez responded the office averages between 40 to 30 verification requests a month. He stated he requested Ms. Thompson-Martinez generate the revenue reports, last fiscal year the Board earned \$14,100 in verification fees and this year we have received \$9,450.

Mr. Tonander asked Mr. Valdez how many verifications are for the NCEES portal and those that are paper verifications. Mr. Valdez responded he did not have a number, but he placed the tracking spreadsheet on the screen to show the verifications received and the recipient of the verification. The spreadsheet demonstrated the majority of the verifications were completed and submitted through the NCEES verification portal.

Mr. Brasher asked how the verification fee is paid. Mr. Valdez responded the fee is paid through check or money order. Mr. Brasher inquired how much time it takes to complete. Mr. Valdez responded that the amount of time depends on the research if there is information missing from the system.

Mr. Brasher asked Mr. Tonander to state what he is proposing. Mr. Tonander responded the NCEES Council Record always requires an updated verification to ensure an individual has a current license. He stated it is quicker through the NCEES site, than the process now. He added that with COVID-19 and staff working from home the current process takes a little longer.

Mr. Spirock asked Mr. Valdez if the Board did not have access to NCEES [Enforcement Exchange] to track disciplinary actions, how would the Board verify any disciplinary actions? Mr. Valdez responded it would be dependent upon the individual to self-report.

*\*\*\*Ms. Meyers left the meeting at 10:30 a.m.\*\*\**

Mr. Brasher asked the Board members how they felt about the proposal:

Mr. Thurow agreed to waive the fee

Mr. Spirock agreed to waive the fee

Mr. Tonander agreed to waive the fee

Mr. Bohannon agreed to waive the fee

Dr. Gerstle stated he is unsure why it needs to be accomplished, if we are going to be waive we need to be careful of waiving fees we may need.

Mr. Cooper agreed to waive the fee

Ms. Samora agreed to waive the fee

Mr. Brasher said he could accept either decision

Mr. Tonander asked what the Agency's budget was. Ms. Thompson-Martinez responded that last fiscal year the Agency brought in close to one million dollars in revenue. Mr. Tonander stated the revenue from the verifications represents about one and a half percent of our budget, as it stands.

**MOTION** by Mr. Tonander to eliminate the verification fees for those New Mexico licensees requesting verification through the NCEES verification system, **SECOND** by Dr. Gerstle.

**Roll call vote taken:**

**Voting 'Aye':** Mr. Brasher, Mr. Thurow, Mr. Bohannan, Mr. Spirock, Dr. Gerstle, Mr. Tonander, Mr. Cooper, Mrs. Samora

**PASSED** unanimously.

## **8. Committee Reports**

### **a. PS Committee**

Mr. Spirock stated he provided a written report of the PS Committee meeting and is included in the meeting packet. He summarized his report by stating there was one surveyor intern certification applicant which was not approved. Mr. Spirock reported there were no PS exam, retired, inactive, and reinstatement applicants. He informed the Board there were five endorsement applicants approved and two were not approved. The non-approved were due to insufficient education.

### **b. PE Committee**

Mr. Bohannan provided a report of the PE Committee. He reported the Committee met and limited the meeting to applications. Mr. Bohannan informed the Board that the Committee reviewed four PE exam applications, 87 endorsements, eight reinstatements, and one additional discipline applications. He stated there was one disciplinary case on the agenda that had to be postponed for a special meeting, to be scheduled at a later date. He reported there were seven individual applications that required the Committee's attention to be reviewed individually.

### **c. Executive Committee**

Mr. Brasher informed the Board the Committee had not met and therefore no report was provided.

**d. Joint Practice Committee**

Mr. Valdez informed the Board the Committee had not met and therefore no report was provided.

**e. Public Information, Exam and Licensure Promotion Committee**

**1) Meeting Report**

**a) Newsletter**

**b) Presentations**

Mr. Tonander informed the Board the Committee had not met and therefore no report was provided.

**f. Rules and Regulations Committee**

Mr. Spirock stated he provided a written report of the Committee meeting and is included in the meeting packet. He added there has not been any new items to report until a regular meeting can happen. Mr. Spirock mentioned a letter received from Mr. Lozano regarding electronic signatures, as well as, addressing the issue of the basis of hearings petitioned by Mr. Burkholder and NMPS.

**g. Policies, Advisories, and Legal Enforcement Committee**

Dr. Gerstle informed the Board the Committee had not met and therefore no report was provided.

**h. NCEES Committee Members**

Mr. Valdez informed the Board that NCEES has suspended all meetings due to the COVID-19 pandemic and the meeting restrictions outlined by each state.

Mr. Brasher asked Mr. Valdez the scheduled date of the next Western Zone meeting. Mr. Valdez responded it is scheduled for May 13-15, 2021 in Bozeman, MT.

**9. Next Scheduled Meeting Date: June 5, 2020 – TBD**

**10. Adjourn**

Meeting adjourned at 11:12 a.m.