

**DRAFT MINUTES**

**MEETING OF THE NEW MEXICO BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS  
held 9:00 a.m., Friday, February 14, 2020  
Conference Room of the Office of Souder Miller and Associates  
4615 Hawkins St., NE, Albuquerque, NM**

**Members Present –** Paul Brasher, Board Chair  
Glen Thurow, PS, Vice Chair  
Augusta Meyers, Public Member  
David Cooper, PS  
Karl Tonander, PE  
Cliff Spirock, PS

**Members Absent –** Ron Bohannon, PE  
Julie Samora, PE  
Walter Gerstle, PhD, PE

**Others Present –** Perry Valdez, Executive Director  
Annette Thompson-Martinez, Deputy Director  
Miranda Gonzales, Administrative Manager  
Miguel Lozano, Legal Counsel  
Eric Robinson, CPA, Auditor  
Earl Burkholder, PEPS

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

Roll call was taken at 9:08 am, it was noted a quorum was not present.

Mr. Brasher asked the individuals in the audience to introduce themselves.

Eric Robinson from Integrity Accounting introduced himself and stated he was in attendance to discuss the FY19 Audit Report.

Mr. Burkholder introduced himself and asked if he could present a handout.

Mr. Brasher stated he could proceed with the handout when the Board has a quorum established.

**2. Meeting Notification**

Mr. Valdez informed the Board the meeting was noticed in the Albuquerque Journal as well as the Board's website.

Mr. Brasher informed Mr. Burkholder to proceed with his handout.

Mr. Burkholder requested to be on the agenda for the April meeting to discuss the points summarized on his handout.

Mr. Thurow asked Mr. Burkholder if he could articulate NGS' position on the 2022 datum and explain the difference in positions regarding what they are proposing and what he is proposing.

Mr. Spirock stated he would like clarification on the process of preventing an individual to solicit contract service proposals at a public meeting.

Mr. Brasher stated Mr. Burkholder would not be paid for services for this meeting or the April meeting.

Mr. Burkholder clarified he is not requesting to be paid for his services at this time.

*\*\*Ms. Meyers arrived at 9:30 a.m., which established a quorum.\*\**

**3. Approval of Agenda**

**MOTION** by Mr. Tonander to approve the agenda as presented, **SECOND** by Mr. Thurow, **PASSED** unanimously.

**4. Approval of Minutes**

**a. Minutes of November 7, 2019**

**MOTION** by Mr. Tonander to approve the minutes of November 7, and 8<sup>th</sup>, 2019 as presented, **SECOND** by Ms. Meyers, **PASSED** unanimously

**b. Minutes of November 8, 2019**

**MOTION** by Mr. Tonander to approve the minutes of November 7<sup>th</sup>, and 8<sup>th</sup>, 2019 as presented, **SECOND** by Ms. Meyers, **PASSED** unanimously

**5. Public Comment/Correspondence**

Mr. Valdez informed the Board there were no items for discussion.

**6. Director's Report**

**a. Financial Report**

**1) FY19 Financial Audit Report**

Mrs. Thompson-Martinez informed the Board this was the second year working with Eric Robinson from Integrity Accounting & Consulting and expressed gratitude for the working relationship established with this firm. She reported the final Audit for the year ending of June 30<sup>th</sup>,

2019 is now a public document, and reported there were no audit findings identified for the Agency. Mrs. Thompson-Martinez thanked Mr. Robinson again for his professionalism and his communication during the preparation of the audits.

Mr. Robinson discussed the Audit with the Board and stated there were no issues or problems as stated in the unmodified opinion. He also reported staff responded to the requests quickly and did not have issues in obtaining the data necessary to complete the Audit.

Mr. Brasher stated the financial reporting indicates we are in a good financial position and the practices of the agency are in line with the FY19 Audit. Mr. Brasher commented the positive reporting on management reflects Mr. Valdez and Mrs. Thompson-Martinez are doing a good job.

## **2) FY21 Budget Appropriation Request**

Mrs. Thompson-Martinez reported the budget hearing took place on Tuesday, January 14th, and in attendance was Mr. Valdez, Mrs. Gonzales, Mr. Brasher, Mr. Spirock and myself. She reported the Hearing went extremely well. Representative Sanchez, who holds a license as an engineer, mentioned he spoke to Mr. Valdez on multiple occasions and thanked him for his help in obtaining his license. A couple of other questions arose regarding the disbursement of the scholarships and if it would be focused in rural areas? The vote of the House Appropriations and Finance Committee (HAFC) was to go forward with the LFC recommendation, which fully funds the Agency at the amount requested. Mrs. Thompson-Martinez asked if there were any questions or comments and if not she will discuss the next item on the agenda.

Mr. Spirock commented staff did a great job and stated the material was well presented.

## **3) Scholarship Disbursement Criteria**

Mrs. Thompson-Martinez stated, based on the directive given at the November meeting she reached out to the Director of Development, Ms. Leslie Armell, with the UNM School of Engineering and Ms. Armell provided sample criteria, which was drafted and reviewed. Mrs. Thompson-Martinez said Mr. Spirock provided edits which are in

the draft criteria for the Board's review and approval. She thanked Mr. Spirock for his edits to the scholarship criteria. Mrs. Thompson-Martinez requested guidance from legal counsel to ensure the process regarding this disbursement and the criteria established by the Board. One of the questions she asked is: can the Board require a non-binding contract with language indicating a desire to practice in NM for a period of six years after graduation? She also asked if this is something the Board would like to implement, who would be responsible for ensuring these requirements are adhered to?

Mr. Lozano stated the best possible practice would be to have the individual fill out a form affirming the desire to practice in NM. He stated it would be difficult to enforce unless staff is assigned to track the individuals. The University may have a different position on the requirements.

Mr. Spirock stated he suggested these ideas using the word "nonbinding contract" to assist ensuring the licensure process and practice.

Mr. Thurow suggested revising the requirement to affirm to two years in lieu of six years.

Mr. Tonander questioned the residency requirements and asked for clarification on the intent of the language.

The Board discussed the scholarship criteria at length.

Mr. Spirock suggested this item be placed with the rules committee and discussed further at the April meeting.

Ms. Meyers suggested it may be helpful to receive the assistance in the second semester and agreed this could be discussed further in the rules committee.

Mr. Lozano stated the Universities have established requirements for residency.

Mr. Cooper stated the Board has agreed to be hands off on the details of the selection of recipients and suggested leaving the final recommendations to the University.

Mr. Tonander asked for clarification on the duration of the scholarship if it was for one year or duration of the student's participation in the program?

Mr. Brasher agreed with Mr. Cooper on the involvement of the Board in the selection process. The school will evaluate to ensure the applicants meet the specifications.

Mr. Spirock commented he agreed with the school evaluating the applicants but disagreed on the involvement since this began with Mrs. Thompson-Martinez writing the specifications for the Board to review and receive input on the criteria. He stated he was trying to expand the direction in which the scholarship was going.

Mr. Cooper clarified his opinion that the Board needs to not be involved once the disbursements are made.

Mr. Tonander expressed concerns regarding the alternative pathway for surveying and questioned how the requirement to pursue licensure will be ensured from the applicant.

The Board discussed this issue at length.

Mr. Brasher asked for concurrence on the language if this will be reviewed by the rules committee.

Mr. Thurow suggested hearing from the Deputy Director of the Board.

Mrs. Thompson expressed a concern on the timeline of getting the monies disbursed by the end of the fiscal year. She suggested the Board should agree and approve the main points on the draft criteria. She stated she would like to send the final criteria to the DFA Analyst for review which in turn she will send to the CAFR Analyst for the finalization of the disbursements. She also informed the Board since this is a new program and the process is not clear, she wants to ensure there will be enough time to submit a Budget Adjustment Request or additional steps needed along the way.

Mr. Lozano advised the Board to finalize the main points and suggested including the additional criteria the following year.

Mrs. Thompson Martinez suggested discussing the draft provided on their tablets for finalization.

The Board reviewed the draft criteria and discussed deletions and additions.

Mr. Thurow suggested deleting the related science degree option.

Mr. Valdez stated a discussion will need to take place on what qualifies as an approved related science degree.

Mr. Tonander expressed a discussion on qualified related science degrees will require an adequate amount of time.

Mrs. Thompson-Martinez asked for clarification since the disbursement approvals to the Universities have already taken place.

Mr. Thurow stated he does not want to exclude CNM although the disbursements should fund the schools with Engineering Programs and the Geomatics Program.

Mr. Spirock stated he disagreed and requested to call the question.

Mr. Tonander said we could straw poll the question. Mr. Brasher called for a straw poll.

Mr. Tonander stated he would like to leave the decision to the Surveyors since this affects their profession.

Ms. Meyers suggested not making the criteria difficult, to avoid excluding anyone.

Mr. Thurow recommended deleting the core curriculum language.

Mr. Valdez suggested citing the section of the Administrative Code.

The Board reviewed the final edits of the scholarship criteria and included a letter of intent to pursue licensure and practice in NM.

Mrs. Thompson-Martinez stated she would email the finalized scholarship criteria to the Board and move forward on the process to disburse the scholarship amounts to the Universities.

**MOTION** by Mr. Tonander to approve the scholarship criteria with the edits made during the meeting, **SECOND** by Mr. Thurow, **PASSED** unanimously.

Mrs. Thompson-Martinez stated she would like to briefly go over the current operating budget.

Mr. Valdez informed the Board Ms. Trujillo was hired into the Financial position and stated the interviews for the licensing vacant position are in process. He also reported the reclassification for the compliance position is currently pending approval.

Mrs. Thompson-Martinez reported on each category of the budget and informed the Board the Request for Proposals (RFPs) would be worked on with procurement.

Mr. Tonander suggested the possibility of having language that would allow multiple contracts.

Mrs. Thompson-Martinez stated the remaining budget projected does not include necessary upcoming purchases of computers. She informed the Board the fund balance projection, based on expenditures through period 6 and projected revenue for the remainder of the fiscal year, is projected at \$823,900. She informed the Board the fund balance growth is mainly due to the vacancy savings from category 200 which will change as the positions are filled and the insurance costs are projected accurately. She concluded she was available to answer questions.

Mr. Brasher thanked Mrs. Thompson-Martinez for the financial report.

**b. Licensing Status**

Mr. Valdez reported the following licensing numbers:

Number of Active Licenses: 8,901 as of January 15, 2020

Professional Engineers

Number of active PEs: 8,386  
In State: 1,971  
Out of State: 6,415

Professional Surveyors

Number of active PSs: 500  
In State: 226  
Out of State: 274

Professional Engineers/Professional Surveyors

Number of active PEPS: 15  
In State: 13  
Out of State: 2

\*Of the number of engineers and surveyors listed above, these are individuals licensed as both engineers and surveyors with two separate license numbers (dual licensees).

Licensees with two numbers = 49\*

In State: 32  
Out of State: 17

Mr. Brasher thanked Mr. Valdez for his report.

**7. Old Business**

**a. Review of Engineer/Surveyor of Record Forms**

- 1) Question regarding Engineer/Surveyor of Record being a Full Time Employee or on Contract**
- 2) Advisory Opinion on Affidavits**

Mr. Valdez informed the Board that Mr. Thurow drafted the advisory opinion which is currently on their tablets for review.

Mr. Thurow clarified he was directed to work on the advisory opinion at a previous meeting and stated he received guidance from legal counsel.

The Board reviewed the advisory opinion regarding the Engineer/Surveyor of Record.

Mr. Spirock said the Rules committee could discuss the advisory opinion and it could be decided on at the April meeting



Mr. Thurow recommended this document be reviewed, and amended as needed for approval.

**MOTION** by Mr. Tonander to approve the advisory opinion to include a sentence at the end which states "This affidavit must be kept current and on file with the Board office.", **SECOND** by Ms. Meyers, **PASSED** unanimously.

**8 New Business**

**a. NCEES – Western Zone Mobility Challenge**

Mr. Valdez informed the Board the item was on the agenda because Dr. Gerstle has been involved with the mobility challenge.

Mr. Tonander shared his knowledge of the challenge since Dr. Gerstle was not present at the meeting. He reported each Board was directed to review another jurisdiction's mobility options within their statutes and rules. New Mexico was to review Utah's and Wyoming was to review New Mexico's mobility options. He also stated recommendations to expedite licensing by allowing staff to approve applications meeting specific criteria. He stated this may prevent an applicant from bidding on a project since the approval time frame is not attainable to bid on the project.

Mr. Brasher asked if the analysis is final from Wyoming.

Mr. Tonander stated Dr. Gerstle was in contact with Wyoming regarding this challenge, so only Dr. Gerstle will know if it is complete. Mr. Tonander also reported he has reviewed Utah's requirements.

**b. Question regarding PDHs for Reinstatement and Reactivation of License**

**1) Can an excess of 30 PDHs be carried over for renewal from the Reinstatement application?**

Mr. Valdez asked for clarification on carry over hours for the reinstatement process.

Mr. Lozano clarified hours could be used to reinstate and the remaining hours allowed by the Administrative Code could be carried over. He stated hours cannot be used for a renewal and again reused for reinstatement.

The Board discussed the process for PDH hours reported when an individual reinstates the license.

**2) Can PDHs for Reactivation be used for renewal, or carryovers?**

Mr. Valdez stated based on the previous discussion, the clarification will be applied for renewals.

**c. NCEES Western Zone Meeting – April 23-25, 2020, Houston, TX**

Mr. Valdez stated the Out of State Travel Requests have been submitted and will notify the attendees of approvals upon receipt.

**9. Committee Reports**

**a. PS Committee**

Mr. Spirock stated his report is on the tablets for the Board's review. One application was approved for exam three for retirement, three for endorsement and three inactive requests were approved. A case was reviewed at the last meeting since the Board's levy was decided to be reduced, he requested legal counsel provide his knowledge regarding this case.

Mr. Lozano stated the Hearing took place and the Board decided to suspend for two years and to include a fine for \$7,500.00. When reviewing the findings of facts, he stated he received guidance from other colleagues and requested the Committee reconvene to discuss the possibility of revising their decision to alleviate any future complications.

**b. PE Committee**

Mr. Brasher reported the Committee met to discuss cases which had resolved in court and for which the complainant requested criminal prosecution. The Board reviewed all of the material and decided to not pursue since it would be unlikely to prevail.

Mr. Lozano added that the scope of the discipline would not fall under the scope of this Board.

Mr. Brasher stated the Committee reviewed applications involving structural disciplines and foreign trained applicants. He also stated the majority of the applications with questions involve disciplines requested not matching the work experience.

**c. Executive Committee**

**1) Meeting Report**

The Committee had not met, no report was not provided

**d. Joint Practice Committee**

**1) Meeting Report**

Mr. Lozano stated the Board of Landscape Architects does not have a quorum for their Board, so at this time if a meeting should be needed it would be with only the Architects Board.

Mr. Valdez stated he received information that the Board of Landscape Architects Administrator position is currently vacant.

Mr. Thurow stated he does not have knowledge of any pressing issues that would need to be discussed at this time.

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

**1) Meeting Report**

**2) Newsletter – Status Report**

Mr. Tonander stated a few articles have been received and the investigator did prepare a summary as requested, for the newsletter. He also reported an advisory opinion will be included in the next newsletter to further explain the issue of licensure including contract work on federal installations for Engineering.

**3) Licensure Brochure – Status Report**

Mr. Tonander requested this item be removed from further agendas as existing NCEES materials should suffice.

**4) Presentations – Status Report**

No report provided.

**f. Rules and Regulations Committee**

**1) Meeting Report**

Mr. Spirock stated there is a bucket list of ideas in a folder to allow edits for the upcoming meeting in April. He informed the Committee if anyone is interested to review the revisions, a link can be obtained by Mr. Valdez.

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

**2) Meeting Report**

No report provided.

**h. NCEES Committee Members**

**1) Meeting Report(s)**

Mr. Brasher inquired with Mr. Valdez on the Committees he is involved in.

Mr. Valdez stated he currently sits on the NCEES MBA Committee and he informed the Board he attended a meeting in Savannah, Georgia. He stated the discussions involved the NCEES E3 system and the resolution language. He reported he was asked to attend the NCEES Board of Directors meeting in Tucson, AZ and stated the meeting was interesting regarding the governance of the meetings. He also informed the Board, the annual meeting will include a speaker to assist with bridging the gap between generations.

Mr. Thurow stated a discussion regarding the modules would be included in the NCEES topics. He said a questionnaire will be received in April and one Board member will be required to submit to NCEES. ABET accreditation was also discussed and the possibility of a Board member observation.

Mr. Tonander stated he attended the Western Zone awards committee meeting and reported three submittals have been received and that Ms. Shannon Stanfill, the Executive Director from Wyoming, is involved as well.

Mr. Valdez also reported the presidential nominations are being received and stated he would be happy to share those nominations with the Board for the August meeting.

**10. Next Scheduled Meeting Date:**

- a. April 17, 2020 – Ruidoso, NM

**11. Adjourn**

The meeting adjourned at 12:45 pm

**Submitted by:**

**Approved by:**

\_\_\_\_\_  
Annette Thompson-Martinez, Deputy Director

\_\_\_\_\_  
Paul Brasher, Board Chairman

\_\_\_\_\_ **Approved Date**