

**MEETING OF THE NEW MEXICO BOARD OF
LICENSURE FOR PROFESSIONAL ENGINEERS
AND PROFESSIONAL SURVEYORS held at
9:00 a.m., Friday, June 5, 2020,
Virtual/Telephonic Meeting**

Members Present – Paul Brasher, PE, Board Chair
Glen Thurow, PS, Board Vice-Chair
Augusta Meyers, Public Member
Walter Gerstle, PhD, 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
Brian Robertson, PE (Colorado), NCEES WZ Vice President
Liz Compton, Executive Director of Florida PS Board
Matt Norman, PS, NMPS President
Earl Burkholder, PEPS
Adrian Baca

1. Convene, Roll Call and Introduction of Audience

Mr. Brasher convened the meeting at 9:08 a.m., roll call was taken and a quorum noted. Audience introductions made at this time. In the audience were Ms. Compton, Mr. Burkholder, Mr. Norman, and Mr. Robertson.

2. Meeting Notification

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

3. Approval of Agenda

MOTION by Mr. Bohannon to approve the agenda as presented, **SECOND** by Ms. Meyers,

Roll Call Vote:

Voting 'Aye': Mr. Thurow, Ms. Meyers, Mr. Bohannon, Mr. Spirock, Dr. Gerstle, Mr.

Tonander, Mr. Cooper, and Mrs. Samora.

PASSED unanimously.

Mr. Brasher entered the meeting at 9:12 a.m.

4. Approval of Minutes

a. Minutes April 28, 2020

MOTION by Mr. Tonander to approve the Minutes of April 28, 2020 as presented, **SECOND** by Mr. Bohannan,

Roll Call Vote:

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

PASSED unanimously.

5. Requested Public Comment

a. Presentation by Brian Robertson, PE (Colorado) NCEES Western Zone Vice President

Mr. Valdez introduced Mr. Robertson. Mr. Robertson provided a PowerPoint presentation giving an overview of the National Council of Examiners for Engineering and Surveying (NCEES). Mr. Robertson provided an overview of the following areas in his presentation (listed below) and answered board member questions during his presentation.

Visions and Mission of NCEES

Organizational Structure

NCEES Services

Committees, Task Forces, and Annual Meeting

Getting Involved with NCEES

NCEES and Public Protection

Alliance for Responsible Professional Licensing (ARPL)

NCEES Surveying Examinations (potential changes to the PS Exam)

6. Director's Report

a. Financial Report

Mrs. Thompson-Martinez presented the budget projection. She went over each category, beginning with Personnel Salary and Benefits. Mrs. Thompson-Martinez reported that at the end of the Fiscal Year, there would be projected vacancy savings of \$110,275. She continued with the Professional Contract

budget category. Mrs. Thompson-Martinez reported there would be a projected balance of \$6,706.24 reverting to the fund balance. She proceeded with the Operating Expense category; she said it would have a projected \$41,173.93 remaining balance by the end of the Fiscal Year. Next, Ms. Thompson-Martinez informed the Board on the Other Financing Uses category. She stated this category has the scholarship program funding.

Mr. Bohannon asked Mrs. Thompson-Martinez if she anticipated the State Legislature adjusting this year's budget or would it adjust next fiscal year's budget. Mrs. Thompson-Martinez responded from the information she and Mr. Valdez have received they would not adjust this year's budget; however, they may need to adjust next Fiscal Year's budget.

Mr. Brasher stated the Legislature might make sweeps next year. Mrs. Thompson-Martinez agreed with Mr. Brasher. She stated the fund balance would be slightly increasing due to vacancy savings.

Mrs. Thompson-Martinez directed the Board members to the fund balance projection she prepared for the meeting. She pointed out the expenses the office currently has, in addition to the received revenue and the projected revenue for the remainder of the month. Mrs. Thompson-Martinez said she left the projected revenue at a conservative rate of \$15,000, she explained that with the pandemic we are facing she was uncertain as to the impact on the revenue so she went with a conservative projection. She said she was not able to make a comparison as to the amount we have been receiving. She deferred to Mr. Valdez; Mr. Valdez reported that while he has been opening mail, he has not noticed a decrease in the amount of applications received.

Mrs. Thompson-Martinez reported a projected approximate amount of \$852,431.48 within the fund balance, including approximately \$152,221.50 that would revert to the fund balance. Mrs. Thompson-Martinez concluded that the balance takes into account the disbursement of the scholarship amount of \$100,000.

Mr. Bohannon said the last time the Legislature swept the fund balance; it left the fund balance in the negative. He asked if there was a way to request from the Legislature not to place the fund balance in that situation again. Mrs. Thompson-Martinez replied that if she and Mr. Valdez were informed of the possibility of this happening again, they would express our concerns and make the steps to avoid a complete sweep.

Mr. Brasher responded that due to the State's overall fiscal situation the Legislature will be looking for any funds they could use to make up the

deficiency. He asked Mr. Valdez if anyone reviews the Agency's financial audit, to see that we are financially responsible. Mr. Valdez responded to his knowledge only the State Auditor reviews the audit. Mr. Brasher stated someone should review our audit to demonstrate how responsible the agency is.

Mr. Tonander added that many people, including Mr. Thurow and himself, spoke to various Legislators. He said many acknowledged the error regarding over-drawing the fund balance and would address it, however no one ever did. Mr. Tonander is afraid that there would not be a win-win situation.

Mr. Valdez informed the Board that there was some good news; the gas prices were on the rise again and the Legislature may defund some capital projects to gain some funds rather than performing a sweep. In addition, the Legislature is waiting to see how much of a federal relief package the State receives.

7. Old Business

a. Scholarship Program Report

Mrs. Thompson-Martinez reported on the status of the scholarship program. She informed the Board of the advice provided by the agency's Comprehensive Annual Financial Report (CAFR) analyst, to submit a budget adjustment request (BAR) to move the money from the 500-budget category into the 400-budget category for disbursement. Mrs. Thompson-Martinez reported that she prepared and submitted the BAR; she also provided a copy to the members for their review.

Mrs. Thompson-Martinez said the next step is to receive the necessary documentation from the schools in order to disperse the monies to them. She has requested information, from those she has been working with, to find out exactly what would be required from the schools to disperse the monies. She informed the Board she has several emails of her requests and research. Mrs. Thompson-Martinez reported that she and Mr. Valdez have been working with Mrs. Sarah Babins from NMSU. Mrs. Thompson-Martinez reported that Mrs. Babins informed her that NMSU is working on a third party scholarship agreement between the Board, the University, and the NMSU Foundation to outline the scholarship management and the criteria. Ms. Thompson-Martinez stated Mrs. Babins was asking what would be required from the Board, if an invoice would be sufficient before the agreement was in place. Mrs. Thompson-Martinez directed a question to Mr. Lozano; it was her understanding the scholarship money were to be disbursed directly to the University and not a foundation. Her question was whether the NMSU agreement, which includes the Foundation, would be legal to meet the State's requirement of how the monies are to be disbursed. Mr. Lozano responded that he was unable to answer based on the information. He replied that in general if the money was disbursed to the

University and they had a third party perform the scholarship functions, there should not be a problem since the money was given directly to the University. He stated he would have to look further into it and the agreement.

Mr. Brasher asked Mr. Lozano if it would be a breach if the money were not used according to the intent of the Board. He elaborated to ask if it would be a legal issue if the University violated the terms that were provided. Mr. Lozano answered the University would have to abide by the restrictions of how it is used and agree to it before accepting. He added that this is advisable and acceptable.

Mrs. Thompson-Martinez stated she is working to disburse the scholarship money before the end of the fiscal year, which is July 31, 2020.

Mrs. Thompson-Martinez reported that she and Mr. Valdez have a conference call scheduled after the Full Board meeting to discuss what documentation would be required. She said the Universities might need to provide an invoice.

Mr. Spirock asked if a document could be provided to the institutions to report how the scholarship money was disbursed. He stated this could satisfy Mr. Brasher's concerns.

Mrs. Thompson-Martinez replied that she would comply with whatever the Board wishes her to do. She added, at this point it is important to figure out the specifics on how to pay out the monies before creating this document. Mr. Lozano recommended waiting until after the phone conference to determine what is going to be required, then at that point Mrs. Thompson-Martinez, Mr. Valdez, and he can meet to draft something.

Mr. Brasher stated his concern about requiring an invoice from the institutions. He explained it would be easier to provide them the money. Mr. Brasher expounded working with invoices gets complicated.

Mr. Valdez informed Mrs. Thompson-Martinez that Mr. Tonander may be able to assist with a contact from New Mexico Institute of Mining and Technology. Mr. Valdez also suggested contacting Dr. Amy Ballard from Central New Mexico Community College. Dr. Gerstle suggested contacting Ms. Leslie Curry from the University of New Mexico.

b. Verification Process Report

Mr. Valdez reminded the Board at the April meeting it was decided to eliminate the verification fees for those New Mexico licensees requesting verification through the NCEES verification system. He reported that he and Mr. Tonander worked with Ms. Stephanie Goodnow from NCEES. Mr. Valdez said a new

message on the NCEES site informs those using the verification system of the new process.

Mr. Tonander reported most states utilize the NCEES verification system, that it works pretty well for NCEES and expects it to work well for the Board.

Mr. Brasher asked Mr. Tonander if other states charge for verifications. Mr. Tonander replied that, of the several states he is registered in, to his knowledge only Arizona. He indicated the adjoining states do not charge and at least a few other states do not.

Mr. Brasher asked Mr. Valdez how much do we charge for the verification. Mr. Valdez responded verifications through the NCEES verification system are not charged.

c. Correspondence – Request of Reduction of PDH Requirement for the 2020 and 2021 Renewal Cycles

Mr. Brasher introduced the item. He reported the Board discussed the reduction of PDHs or an extension of time at the last meeting and he is aware each Committee discussed this topic in their meetings this week. He reported the Professional Engineering Committee (PEC) decided not to reduce the number of PDHs for the renewal cycle.

Mr. Spirock reported the Professional Surveying Committee (PSC) voted to approve a reduction of PDHs for the 2020 and 2021 renewal cycles. He explained they reduced the PDHs from 30 to 15 for the renewal cycles of 2020 and 2021. Mr. Spirock also stated he looked over the document Mr. Lozano and Mr. Valdez created regarding a waiver of PDHs. He said the drafted language would fit if it were for Surveyors only.

Mr. Brasher stated he asked Mr. Lozano during the PEC meeting if the engineers and surveyors could act independently on this matter, for their respective professions. Mr. Lozano articulated the advice he provided each Committee. He explained that his interpretation of the statute regarding Committee authority and subsequent rule regarding PDH requirements are not applicable to specifically engineers or surveyors in a distinctive manner. Mr. Lozano expressed that this would have to be a Board vote and the Committees do not have the authority to act independently on this matter. He added the Board could acquiesce to a separation of PDH requirements for engineers and/or surveyors, but it would have to be the Board to make that decision.

Mr. Brasher solicited discussion and opinions from the members on the subject.

Mr. Spirock explained the rationale behind the PSC's decision. He articulated in the case of the state surveyors, NMPS offers an annual conference where most surveyors earn the required PDHs, including ethics. He added, since the conference was canceled due to the coronavirus pandemic the surveyors do not have the same opportunity as the engineers to complete their PDH requirements through other alternative courses.

Mrs. Samora said she was comfortable with the surveyors being able to provide the reduction.

Mr. Thurow stated the PSC voted for the reduction of PDHs for which he voted against the motion. He explained his reason for doing so was due to the reasons Mr. Lozano articulated, however it was his intention to make a motion during this meeting. Mr. Thurow made the following motion:

MOTION by Mr. Thurow to allow the PSC to set PDH requirements, by accepting 15 PDHs, for the for the 2020 and 2021 renewal cycles, independent from the requirements for engineers, **SECOND** by Mr. Bohannan,

Mr. Bohannan requested to amend the motion to include a waiver of PDHs. He explained that you would have a reduction but it would also have to include a waiver of the PDH requirement for the surveyors. Mr. Thurow amended his motion.

MOTION by Mr. Thurow to allow the PSC to set PDH requirements, by accepting 15 PDHs, for the for the 2020 and 2021 renewal cycles, independent from the requirements for engineers and to include a waiver for surveyors only, in which the Full Board approves the waiver, **SECOND** by Mr. Bohannan,

Discussion of the motion:

Mr. Brasher stated those who hold dual licenses would fall under engineering and therefore be required to complete the required 30 PDHs. He said it would be necessary to state that. Mr. Brasher asked Mr. Thurow if he would amend his motion to include that.

Mr. Thurow asked if an individual held dual licenses if they have to satisfy PDH requirements on both licenses or one or the other. Mr. Brasher replied the requirement is for both licenses. He anticipates there will be some who will ask Mr. Valdez this question and would like to provide guidance on this.

Mr. Lozano explained the rules regarding a dual licensee indicates half of the PDH units should be in each profession. He elaborated the individual would be

meeting their obligation with 15 and 15, but it is up to the Board to decide to make that distinction. Mr. Brasher asked if anyone has any thoughts on the matter. Mr. Thurow amended his motion to include those who hold dual licenses.

MOTION by Mr. Thurow to allow the PSC to set PDH requirements, by accepting 15 PDHs, for the for the 2020 and 2021 renewal cycles, independent from the requirements for engineers and to include a waiver for surveyors only; in which the Full Board approves the waiver. Dual licensees are required to follow the engineering requirements for PDHs, for engineering, **SECOND** by Mr. Bohannon,

Mr. Brasher asked if there was any discussion on the motion.

Mr. Tonander stated he received an email from NSPS dated May 27th, the headline read "State Societies Adapt to Covid-19 Impact on Continuing Education Courses". He added that this email is stating the state societies have adapted how to provide continuing education remotely. Mr. Tonander questioned the necessity for New Mexico since our state is in the minority on granting a reduction.

Mr. Thurow responded to Mr. Tonander stating there are some state societies in surveying have much more developed online offerings to their members. He further explained New Mexico's society does not have the amount of courses online as other state society's do. Mr. Thurow said he understands there are online providers; however, the surveyors in New Mexico generally rely upon the annual conference to earn their PDHs. He continued, the quality of the continuing education offered at the conference are far superior to the other options.

Mr. Cooper asked if he could provide a thought for discussion, if the hours for the dual licensee, specifically for surveyor licenses, be reduced in half to 7.5 or 8 PDHs.

Mrs. Samora called for the vote on the motion. Mr. Spirock supports calling for the vote on the motion.

Mr. Valdez asked the question if someone has a carryover of 15, how would the Board direct the he and the staff to handle this situation. He continued, would the carryover be sufficient to renew the surveyor's license or do they need to earn 15 PDHs in the current cycle.

Mr. Brasher responded the PSC decided that 15 should be sufficient to renew.

Mr. Lozano added there would be no carryover unless the individual obtains over 30 PDH hours, according to the rules.

Mr. Norman asked to make a statement. Mr. Brasher allowed him to. Mr. Norman stated the conference is there to help people be involved.

Mrs. Thompson-Martinez stated she has received calls from individuals who are engineers and do not have access to a computer. She continued explaining this individual is uncertain if he would be able to attain the required hours by December. She asked if this individual or individuals such as this engineer request on a case-by-case basis, or an extension. Mr. Brasher would request on a case-by-case.

Roll Call Vote:

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

Voting 'Nay': Mr. Tonander

Absent from vote: Mr. Spirock

The motion **PASSED**.

8. New Business

a. NCEES Western Zone Vice President Nominations

Mr. Valdez reported he provided two nominations in the meeting packet for the Board's consideration.

b. Emeritus Member Renewal Requests

1) Charles (Chuck) Cala, PS #11184

2) Gilbert Chavez, PS #6832

3) Salvador Vigil, PS #10988

The members discussed each of the request letters and their contribution to help promote licensure.

MOTION by Mr. Bohannon to approve Mr. Cala for renewal of Emeritus status and request additional information from Mr. Chavez and Mr. Vigil for further consideration, **SECOND** by Mr. Thurow,

Roll Call Vote

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

PASSED unanimously.

c. Fiscal Year 2021 Open Meetings Resolution

Mr. Brasher asked Mr. Lozano if anything changed in the Resolution. Mr. Lozano pointed out the only change to the resolution was the addition of 'Virtual' to the 'Telephonic' attendance.

MOTION by Mr. Bohannon to approve the Fiscal Year 2021 Open Meetings Resolution, **SECOND** by Mr. Spirock,

Roll Call Vote

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

Absent from vote: Mr. Brasher and Mrs. Samora.

PASSED unanimously.

d. Election of Officers

1) Board Chair

MOTION by Mr. Bohannon to **nominate Mr. Brasher for Board Chair**, **SECOND** by Mr. Spirock,

Roll Call Vote

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

Absent from vote: Mr. Brasher and Mrs. Samora.

PASSED unanimously.

2) Vice Chair

MOTION by Mr. Bohannon to nominate Mr. Thurow for Vice Chair,
SECOND by Mr. Spirock,

Roll Call Vote

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

Absent from vote: Mr. Brasher and Mrs. Samora.

PASSED unanimously.

3) Secretary

MOTION by Mr. Bohannon to nominate Ms. Meyers for Secretary,
SECOND by Mr. Spirock,

Roll Call Vote

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

Absent from vote: Mr. Brasher and Mrs. Samora.

PASSED unanimously.

9. Committee Reports

a. PS Committee

Mr. Spirock reported he provided an emailed report that is in everyone's meeting packet. He reported the Committee closed one disciplinary case and another is under appeal. Mr. Spirock reported the Committee approved one exam applicant along with four applicants for endorsement.

b. PE Committee

Mr. Bohannon reported the Committee approved 76 applications. He noted the approval of the engineer investigator's contract. Mr. Bohannon also reported the Committee elected him and Dr. Gerstle as Chair and Vice-chair, respectively.

Mr. Brasher added that there were two disciplinary cases, five endorsements, and a reinstatement application.

Mr. Tonander informed the Board the Committee delegated the authority to the Executive Director to approve those applicants on the consent agenda, the Exhibit A – “Recommended Approval List”.

c. Executive Committee

Mr. Valdez reported the Committee met to discuss the June meetings and if they should be held or not. He said they also discussed who would potentially attend the NCEES Annual meeting in Chicago, IL.

d. Joint Practice Committee

Mr. Thurow informed the Board the Committee had not met and therefore a report was not 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 a report was not provided.

f. Rules and Regulations Committee

Mr. Spirock reported he provided a written report of the Committee’s activities that is in the meeting packet. He stated the PSC discussed the two versions of basis of bearing proposed language changes, which the Rules Committee drafted. Mr. Spirock explained the PSC decided to keep the two versions for consideration, one version from NMPS and one from the Chair.

Mr. Bohannon praised Mr. Spirock on the good job he has done as Chair and keeping everyone on track.

g. Policies, Advisories, and Legal Enforcement Committee

Dr. Gerstle informed the Board the Committee had not met and therefore a report was not provided.

h. NCEES Committee Members

Mr. Thurow reported his re-appointment to the NCEES Examination for Professional Surveyors Committee.

Dr. Gerstle informed the Board of a letter received from the Wyoming Board. He reported they concluded their portion of the mobility challenge. Mr. Brasher asked Mr. Valdez what the outcome of our part in the review. Mr. Valdez reported the New Mexico Board was to review the Utah Board’s language. He

added that he and Mr. Tonander were to review the engineering language and Mr. Thurow was to review the surveyor language. Mr. Tonander reported he completed his review, and Mr. Thurow stated he had not conducted his review.

Mr. Brasher requested Mr. Valdez to place this item on the agenda for the next meeting.

10. Next Scheduled Meeting Date: August 7, 2020 – Albuquerque or Virtual

11. Adjourn

Meeting adjourned at 12:09 p.m.