

MINUTES

MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 1:00 p.m.,
Thursday, January 26, 2017, Hearing Room 1,
Toney Anaya Building, 2550 Cerrillos Rd.
Santa Fe, New Mexico

Members Present- Karl Tonander, PE, Committee Chair
Ron Bohannon, PE
Paul Brasher, PE
Dr. Nadir Yilmaz, PE
Julie Samora, PE
Josh Skarsgard, Public Member

Others Present- Perry Valdez, BLPEPS, Executive Director
Miranda Baca, BLPEPS, Compliance Officer
David Montoya, BLPEPS, Licensing Manager
Sami Romero, BLPEPS, Executive Assistant
Joe Barela, PE, Investigator
Kara Szkotak, Legal Counsel
Wayne Yevoli, NMSPE, Audience

1. Convene, Roll Call and Introduction of Audience

Mr. Tonander convened the meeting at 1:03 pm, roll call was taken and a quorum noted. Audience introductions made at this time.

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. Bohannon to approve the agenda as amended moving 'Public Comments/Correspondence' after 'Old Business', **SECOND** by Dr. Yilmaz, **PASSED** unanimously.

4. Approval of Minutes

a. Minutes of November 3, 2016

MOTION by Mr. Bohannon to approve the minutes of November 3, 2016 as presented, **SECOND** by Mr. Brasher, **PASSED** unanimously.

5. New Business

No items to discuss

6. Old Business

a. **Licensure by Endorsement Reconsideration – W. Yevoli**

Mr. Yevoli asked for reconsideration and stated that he is licensed in 3 other states, and has been licensed for more than 18 years. He submitted a letter to the Board providing additional information including experience. He stated that he's worked under several notable engineers and has also listed a number of courses for an engineering degree. He expressed that his degree in economics with a math minor would be a related science degree. Mr. Bohannon asked if Mr. Yevoli listed a comparison of the engineering curriculum requirements and the courses he has completed. Dr. Yilmaz stated the courses that he has supplemented are acceptable for mechanical engineering. Dr. Yilmaz asked where his exams were taken, Mr. Yevoli responded both exams were taken in Colorado.

Mr. Skarsgard entered the meeting at 1:13 pm.

b. **Fire Protection Plan Review Update**

Mr. Tonander stated he has no information to provide at this time. Mr. Brasher stated he was working on this item for some time, there seems to be some confusion on who is to stamp fire protection plans. At the time Mr. Brasher was looking into the fire protection issue, the City of Albuquerque was requiring a NICET stamp in lieu of a fire protection engineer. Mr. Brasher added that he has a roster of fire protection engineers and he will solicit some comments for the fire protection codes and of who stamps these drawings. A response will then be made as to who is able to stamp and coordinate with counties to inform them. Mr. Tonander questioned "is it an engineer's job to stamp?", and if so what would happen with the NICET stamp. Dr. Yilmaz stated regardless of who is going to stamp, an engineer would be the one to review the plans. Mr. Tonander asked Mr. Brasher and Dr. Yilmaz to work together and have a decision by the April meeting on whether fire protection plans are engineering work. An advisory opinion will be drafted for clarification purposes once the Committee has finalized their opinion.

7. Public Comment/Correspondence

No public comment or Correspondence

8. Application Review – Recommended Approval

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

PE Endorsement Application(s) – 82

PE Exam Application(s) – 26

PE Reinstatement Application(s) – 17

PE Additional Discipline(s) – 1

MOTION by Mr. Bohannon to approve Exhibit A, the recommended for approval applications, **SECOND** by Dr. Yilmaz, **PASSED** unanimously.

Mrs. Samora entered the meeting at 1:33 pm.

b. PE Inactive Status Requests (List) – 52

MOTION by Mr. Bohannon to approve the inactive status request, **SECOND** by Dr. Yilmaz, **PASSED** unanimously.

c. PE Retired Status Requests (List) – 45

MOTION by Mr. Bohannon to approve the retired status requests, **SECOND** by Mr. Skarsgard, **PASSED** unanimously.

9. Executive Session

MOTION by Mr. Bohannon 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), (3) and (7) to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license and to deliberate on pending cases. **SECOND** by Dr. Yilmaz, **PASSED** unanimously.

Roll call vote taken, voting ‘Yes’: Karl Tonander, Ron Bohannon, Dr. Nadir Yilmaz, Julie Samora, Paul Brasher, Joshua Skarsgard.

10. Action on Items Discussed During Executive Session

Mr. Tonander brought the Committee back into open session and affirmed that while in closed session it 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) 2-PE-03-13-2015 (A)

MOTION by Mr. Bohannon to issue an NCA under 16.39.8.9 A. (1) (a), A. (1) (b), A. (1) (g), sections 16.39.8.9 C., D, and F., **SECOND** by Dr. Yilmaz, **PASSED** unanimously.

2) 2-PE-03-13-2015 (B)

MOTION by Mr. Bohannon to issue an NCA under 16.39.8.9 A. (1) (e) and A. (1) (f), **SECOND** by Mr. Brasher, **PASSED** unanimously.

3) 2-PE-03-13-2015 (C)

MOTION by Mr. Bohannon to issue an NCA under 16.39.8.9 A. (1) (e) and A. (1) (f), **SECOND** by Mr. Brasher, **PASSED** unanimously.

4) 2-PE-03-13-2015 (D)

MOTION by Mr. Bohannon to issue an NCA under 16.39.8.9 A. (1) (e) and A. (1) (f), **SECOND** by Mr. Brasher, **PASSED** unanimously.

- 5) **2-PE-03-13-2015 (E)**
MOTION by Mr. Bohannan to issue an NCA under 16.39.8.9 A. (1) (e) and A. (1) (f), **SECOND** by Mr. Brasher, **PASSED** unanimously.
- 6) **2-PE-03-13-2015 (F)**
MOTION by Mr. Bohannan to decline to issue an NCA and to close the case, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- 7) **3-PE-04-07-2015**
MOTION by Mr. Bohannan to issue an NCA with an early settlement agreement with a fine of \$1,500, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- 8) **5-PE-04-28-2015**
MOTION by Mr. Bohannan to decline to issue an NCA and to close the case, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- 9) **8-PE-06-26-2015**
MOTION by Mr. Bohannan to issue an NCA and a cease and desist letter, **SECOND** by Mr. Brasher, **PASSED** unanimously.
- 10) **8-PE-06-26-2015 (B)**
MOTION by Mr. Bohannan issue an NCA and a cease and desist letter along with a \$5,000 fine, **SECOND** by Mr. Brasher, **PASSED** unanimously.

Mr. Skarsgard exited the meeting at 3:26pm.

- 11) **1-PE-06-26-2014 Fulfilled Default Order**
MOTION by Mr. Brasher to note that the respondent complied with the Default Order and to close the case, **SECOND** by Mr. Bohannan, **PASSED** unanimously
- 12) **8-PE-10-21-2014 Proposed Default Order**
Mr. Tonander stated this is following a motion from a prior meeting to approve the default order, he requested staff to issue the Default Order.
- 13) **4-PE-07-25-2014 Hearing Officer's Report**
Mr. Tonander stated this item will be tabled until the next special PEC meeting.

b. Self-Reporting

1. **BRC-12-16-2016**
2. **BW-12-19-2016**

3. **DRA-01-10-2017**
4. **DWS-11-22-2016**
5. **JCR-12-19-2016**
6. **JRS-12-08-2016**
7. **KJS-12-20-2016**
9. **LRB-11-18-2016**
12. **MWH-11-14-2016**
13. **NCH-12-20-2016**
15. **SMJ-12-30-2016**
16. **WRB-12-30-2016**

MOTION by Mr. Bohannan to acknowledge receipt and take no further action, Mr. Bohannan requested a letter from staff be sent on all self-reporting cases, **SECOND** by Mr. Brasher, **PASSED** unanimously.

8. **LLM-01-12-2017**

MOTION by Mr. Bohannan to acknowledge receipt and no further action be taken, for staff to send a letter about conduct unbecoming a professional engineer to the licensee, **SECOND** by Mr. Brasher, **PASSED** unanimously.

10. **MAR-12-28-2016**

MOTION by Mr. Bohannan to defer until the next meeting. **SECOND** Mr. Brasher, **PASSED** unanimously.

11. **MLM-11-18-2016**

MOTION by Mr. Bohannan to defer until the next meeting. **SECOND** by Mr. Brasher, **PASSED** unanimously.

14. **RW-12-08-2016**

MOTION by Mr. Bohannan to acknowledge receipt and no further action be taken, **SECOND** by Mr. Brasher, **PASSED** unanimously.

c. Status Review of Complaints and NCAs

Mr. Tonander reported that the Committee is on target with regard to statute of limitations and currently working on with the Office of the Attorney General.

d. Applications for Review

1) EI Certification

a) Ghimire, S.

MOTION by Dr. Yilmaz to approve for EI certification, **SECOND** by Mr. Brasher, **PASSED** unanimously.

b) Padilla, G.

MOTION by Dr. Yilmaz to approve for EI certification, **SECOND** by Mr. Brasher, **PASSED** unanimously.

2) Additional Discipline

a) Anthony, J.

MOTION by Mr. Brasher to not approve for additional discipline due to lack of demonstrated experience, **SECOND** Mr. Bohannan, **PASSED** unanimously.

3) PE Exam

a) Ali, A.

MOTION by Dr. Yilmaz to bypass the FE exam and approve to take the PE exam, **SECOND** Mr. Bohannan, **PASSED** unanimously.

b) Louise, A.

MOTION by Dr. Yilmaz to bypass the FE exam and approve to take the PE exam, **SECOND** Mr. Brasher, **PASSED** unanimously.

4) PE Endorsement for Reconsideration

a) Nasrollahi, M.

Item deferred until next meeting to thoroughly review the applicant's education.

b) Seale, J.

MOTION by Dr. Yilmaz to approve for PE Endorsement with structural discipline, **SECOND** by Mr. Brasher, **PASSED** unanimously.

c) Yevoli, W.

MOTION by Dr. Yilmaz to approve for PE endorsement with mechanical discipline, **SECOND** by Mr. Brasher, **PASSED**.

1 Abstained vote by Mr. Bohannan.

5) PE Endorsement

a) Ahmad, N.

b) Azzam, S.

c) Bodenschatz, A.

d) Choren, J.

e) Covinton, T.

f) Dunn, J.

g) Elaksher, A.

h) Fakih, A.

- i) Fernandez, N.
- j) Griffin, M.
- k) Hamilton, S.
- l) Hann, C.
- m) Jackson, D.
- n) Jiang, P.
- o) Johnson, P.
- p) Jorgensen, S.
- q) Klein, R.
- r) Laufs, W.
- s) Levar, J.
- t) Mallinckrodt, J.
- u) Miano, L.
- v) Nelson, R.
- w) Rennison, R.
- x) Schall, A.
- y) Snyder, J.
- z) Spencer, M.
- aa) Thornton, D.
- bb) Weller, K.
- cc) Wilson, G.
- dd) Higgins, S.

Items under 9) d) 5) PE Endorsement are deferred until next meeting.

6) Renewal Exemption Request

a) Simmons. E

MOTION by Mr. Bohannon to approve the military exemption request for PDHs, **SECOND** by Mr. Brasher, **PASSED** unanimously.

11. Next Scheduled Meeting Date: April 21, 2017 –Rio Rancho, NM

It was discussed and decided to hold a special meeting on February 23, 2017 in Albuquerque, New Mexico.

12. Adjourn

MOTION by Mr. Bohannon to adjourn, **SECOND** by Dr. Yilmaz, **PASSED** unanimously.

Submitted by:

Approved by:

s/ Sami Romero
Ms. Sami Romero, Executive Assistant

s/ Karl Tonander
Mr. Karl Tonander, Committee Chair

February 23, 2017 Approved Date