

MINUTES

MEETING OF THE NEW MEXICO BOARD OF
LICENSURE FOR PROFESSIONAL ENGINEERS
AND PROFESSIONAL SURVEYORS held at 9:00 a.m.,
Friday, April 15, 2016, Hearing Room 1,
Toney Anaya Building, 2550 Cerrillos Rd.,
Santa Fe, NM

Members Present- Glen Thurow, PS, Board Chair
Ronald Bohannon, PE, Board Vice-Chair
Karl Tonander, PE
Julie Samora, PE
David Cooper, PS
Cliff Spirock, PS
Dr. Rola Idriss, PE
Augusta Meyers, Public Member
Joshua Skarsgard, Public Member

Members Absent- Paul Brasher, PE

Others Present- Perry Valdez, BLPEPES, Executive Director
Annette Thompson-Martinez, BLPEPS, Deputy Director
Sami Romero, BLPEPS, Executive Assistant
Rick Word, Attorney General, Legal Counsel
Richard Notah, Navajo Nation, Housing Authority
Michael Paisano, Navajo Nation, Housing Authority

1. Convene, Roll Call and Introduction of Audience

Mr. Thurow convened the meeting at 9:00 am, roll call was taken and a quorum noted. Audience introductions were made at this time.

2. Meeting Notification

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

4. **Approval of Minutes**

a. **Minutes of January 15, 2016**

MOTION by Mr. Bohannon to approve the minutes of January 15, 2016, **SECOND** by Mr. Tonander, **PASSED** with one abstention.
Abstained vote by Mr. Spirock.

5. **Public Comment/Correspondence**

a. M. Paisano – Standards for Engineering and Surveying

Mr. Paisano introduced himself to the board and stated he lives and works on the Navajo nation that encompasses three states. Mr. Paisano informed the Board that they do not have standards for housing communities, the Natural Resources Bureau is responsible for the Land Department. He stated that they are creating standards, and reported they are modeling their standards based on New Mexico's. He questioned if standards are created, how they will be enforced. He also reported that they are using the model law standards for their process. Mr. Paisano expressed has been performing and correcting surveys for the Navajo Nation. Mr. Paisano explained he feels this is incorrect because there are no standards or recourse when issues arise. Mr. Thurow asks if he has a quality based selection criteria, Mr. Paisano stated yes, they are establishing that and is in use now. Mr. Thurow explained the Navajo Nation is a sovereign nation and therefore this Board has no jurisdiction over their land. He suggested contacting PTAB, which is the Professional Technical Advisory Board and consists of engineers, surveyors and architects; they assist government entities in the procurement of professional services, they can possibly offer guidance stated Mr. Thurow.

Mr. Cooper stated that if Mr. Paisano feels there is a substandard survey, he suggested a complaint be filed in which the Board is required to respond. The complaint would go through the process and be determined if there is Board jurisdiction, the Board can be used as an enforcement for the Navajo Nation. Mr. Bohannon communicated that if Mr. Paisano chooses to, he can speak with the tribal Nation and work in conjunction with the Board to create a Memorandum

of Understanding (an MOU) between the Navajo Nation and the Board so that the Board may be used as the enforcement arm for the Nation. Mr. Spirock agrees that an MOU would be very beneficial. Mr. Tonander questioned if any member of the Board would like to go to meet with Mr. Paisano and Tribal officials. Mr. Thurow stated that would be up to the individual members of the Board. Mr. Paisano states that their approval process is lengthy because they have to receive approval from the Department of Indian Affairs as well as the Navajo Nation.

Mr. Word and Ms. Meyers entered at 9:09am

6. Director's Report

a. Travel Directive

Mr. Valdez informed the Board of a new travel directive from the Regulation and Licensing Division being relayed from the Governor's Office. He explained out-of-state travel will not be approved due to the State's economic situation, even if a Board member is funded. If a Board member should travel on their own, they are not to represent themselves as from the State of New Mexico. The other directive, in regards to in-state travel, travel will not be approved outside of the Albuquerque or Santa Fe areas unless it can be justified.

b. Licensing Status/ 2015 License Renewals

Mr. Valdez reported from January 8, 2016 to March 31, 2016 there were: 19 EI certifications issued, 3 Professional Surveyors licensed, one being a reinstatement. He also stated 4 surveyors are pending their initial licensure fee, and 132 Professional Engineers were licensed, 3 re-activation requests and 19 reinstatements. Mr. Valdez informed the Board there is 1 engineer pending their initial licensure fee, and 4,504 generated license renewals (generated November 3, 2015), and 566 licenses in a "Lapsed" status with the expiration date of December 2015.

Mr. Valdez informed the Board that e-mail renewal reminders were sent out. Mr. Bohannon asked Mr. Valdez if this is an improvement. Mr. Valdez expressed there is a substantial improvement because of the effort to inform the licensees of the status of their license. Mr. Thurow stated he feels read receipts are helpful when informing the licensees of the status of their license.

c. Status Reports**1) Minimum Standards for Surveying**

Mr. Valdez informed the Board that there was a rule hearing on March 22, 2016. He stated staff is currently working on verifying all changes are correct. Once the rules have been verified they will then be sent to State Records and Archives for filing.

2) Website

Mr. Valdez stated the new website is live and has been receiving positive feedback. The licensees like the new format and accessibility to the forms. Mr. Tonander questioned if there has been a large notification of this update and suggests an e-mail blast. Mr. Valdez stated that he has looked into large emailing or e-newsletters systems, and will continue looking into this once the budget restrictions have been lifted.

d. Financial Report(s)**1) FY15 Audit Report**

Mr. Valdez stated the financial audit was done and informed the Board there were no audit findings.

2) Budget Projection

Mrs. Thompson-Martinez reviewed the budget projections with the Board and reported there are currently 3 vacant positions which have been budgeted. She explained each budget category and stated she did not foresee any issues from now until the end of the fiscal year.

7. Old Business**a. Review of Fees**

Mr. Thurow stated it was understood in January that the Board would be implementing the new fee schedule. House Bill 311 was implemented and a sweep of \$1,000,000 had been taken from the fund balance, this will require a review of the fee schedule that had previously been agreed upon. Mr. Valdez stated he and Mrs. Thompson-Martinez reviewed the fee schedule and made proposed adjustments to ensure that the Board would have the necessary funds for the Agency to operate efficiently. Mr. Tonander asked what the review of this fee schedule is intended to accomplish, lowering the fund balance or have a balanced budget. The purpose of the review of the fee schedule was to assist in

lowering the fund balance and to ensure the fees paid by licensees are being used. He questioned the way that the financial budgeting works if it's seen that there is an excessive use of the fund balance then there could be a possible problem with funding for the vacancies present within the Agency. Mr. Thurow explained it is necessary to fill our vacancies, without filling them the excess revenue is reverted into the fund balance, but at the same time we need to reduce the fund balance. He expressed further adjustments made need to be fully reviewed. There was discussion as to the use of the fund balance and the Agency's vacancies. Mr. Thurow informed the Board that if the vacancies are not budgeted for, we could lose those positions. Mr. Bohannon asked how much of the fund balance can be used, Mrs. Thompson-Martinez explained the use of the fund balance. Mr. Tonander stated the analysis needed more finesse. Mrs. Samora stated she is a little confused because the analysis shows renewal fees not being reduced until 2018 and 2019. Mrs. Thompson-Martinez explained the last two columns were not adjusted, only the 2017 column was adjusted with fee reductions. Mrs. Samora asked if there was a proposed reduction in the annual renewal rate, Mrs. Thompson-Martinez replied that adjustments were made elsewhere and not in the renewal fees. Mr. Bohannon added Mr. Thurow stated he would like to address this topic again later in the agenda.

b. Website – Disciplinary Actions

Mr. Thurow expressed he would like to have something articulated and created to guide the public on disciplinary actions and how the information is being dispersed. Mr. Thurow stated he would like only final actions posted on the website for an arbitrary amount of time. He suggested 5 years, and informed the board this topic could be discussed further. Mr. Spirock stated there are other state Boards that have the disciplinary actions published with no removal or as long as 10 years. He did not recall of a term as short of 5 years. Ms. Meyers stated there should be a descriptor on the website preferably on the page stating that the actions are published for whichever the desired amount of the time that the Board decides. Mr. Word informed the members this issue has been looked at by other boards. He also suggested that there be established levels for the transgressions for ease of public information. Mr. Thurow suggested the Board have a policy for the disciplinary page, on how the disciplinary actions will be placed on the website and the Board go back 2 years for all disciplinary information that's been received, he would like it understood that it's not for complaints filed, but only for final Board actions. He confirmed who was on the Enforcement Committee: Dr. Idriss, Mr. Skarsgard and Mr. Spirock. Mr. Thurow

replaced Dr. Idriss with Ms. Samora. Ms. Samora said a policy could be drafted and ready for the June meeting. Mr. Mr. Tonander suggested looking at the web page to determine if it's setup in a way that an article posting can expire on a specific date; in that way future diligence is not needed and the article will remove itself from public view at the pre-approved time.

c. Spring Newsletter

Mr. Thurow explained that now that the website is up the newsletter be placed on the website. He suggested committee reports be present in the newsletter to increase information going out to the licensees.

d. Engineering and Surveying Practice Act

Mr. Thurow stated this will be in Sunset during 2017, he's submitted the 2 sections that he feels would need to be adjusted. He asks the Engineering Committee to review the Act for sections they feel would need to be adjusted during that time. Mr. Valdez stated he would like this to be established as a permanent Agency so we do not have to Sunset every 5 years.

8. New Business

a. Proposed FY 2017 Meeting Calendar

Mr. Thurow stated the proposed calendar is available. The Board reviewed the proposed dates.

MOTION by Mr. Tonander to adopt the 2017 schedule as proposed, **SECOND** Ms. Meyers, **PASSED** unanimously.

9. Committee Reports

a. PS Committee

Mr. Cooper stated the PS Committee meeting was held yesterday and had been recessed to continue after the full Board meeting. There are 4 cases left for the investigator to investigate. Mr. Cooper stated the Minimum Standards were taken to a rule hearing and are currently going through the process for formal adoption.

b. PE Committee

Mr. Tonander reported that the meeting went generally well; there were 5 members of the public that attended. The proposed violations fee table was

adopted with one edit. He stated there were a few applicants that were denied due to lack of the PE exam.

c. Executive Committee

Mr. Thurow stated the Committee met on March 23, 2016 in response to a meeting he had on March 17th with Mr. Larrañaga, Mr. Enrique Knell, the Director of Regulation and Licensing Boards and Commissions, as well as Mike Unthank, the Superintendent of Regulation and Licensing, and Mr. Ed Burckle, the Cabinet Secretary of the General Services Department. During the March 17th meeting they talked about some issues, the majority of them being the autonomy of the Agency from the Regulation and Licensing Department (“RLD”). A cost benefit analysis was prepared by RLD saying that we are saving an estimated \$500,000 being within RLD. Mr. Thurow requested a copy of the analysis and has not received the report to date. It was understood that Mr. Thurow and Superintendent Mr. Unthank will meet with a representative of the Governor’s Office.

Dr. Idriss and Mrs. Samora exit the meeting at 11:55 am

d. Joint Practice Committee

Mr. Bohannon stated Mr. Ray Vigil informed him the Architectural Board will be moving into RLD.

e. Public Information, Exam and Licensure Promotion Committee

No discussion taken.

f. Rules and Regulations Committee

No discussion taken.

g. Computer Based Testing – State Specific Exam for Surveyors

Mr. Spirock stated there are 108 questions and 60 new questions, the next task is to integrate them and edit them.

h. Legal Enforcement Committee

No discussion taken.

i. Registrant Renewal Fees Committee

Consensus was taken that a vote will not be made at this time concerning the fees, this item was tabled for members of the Board to further review.

Motion by Mr. Spirock to table this item, **Second** by Mr. Bohannon, **Passed** unanimously.

j. NCEES Committee Members

Mr. Thurow states that the new NCEES computer system will be online in June, the system will include a CPC registry.

10. Executive Session

11. Action on Items Discussed During Executive Session

No Executive Session taken.

12. Next Scheduled Meeting Date: June 3, 2016 – Rio Rancho, NM

13. Adjourn

Mr. Thurow adjourned the meeting at 12:25 pm.

Submitted by:

Approved by:

s/ Sami Romero

s/ Glen Thurow

Ms. Sami Romero, Executive Assistant

Mr. Glen Thurow, Board Chair

June 3, 2016 Approved Date