

MINUTES

MEETING OF THE NEW MEXICO BOARD OF  
LICENSURE FOR PROFESSIONAL ENGINEERS  
AND PROFESSIONAL SURVEYORS held at 9:00 a.m.,  
Friday, June 3, 2016, Auditorium, NM DOT District 3  
7500 Pan American, NE, Albuquerque, NM

**Members Present-** Glen Thurow, PS, Board Chair  
Karl Tonander, PE  
David Cooper, PS  
Ronald Bohannon, PE  
Julie Samora, PE  
Cliff Spirock, PS  
Paul Brasher, PE  
Augusta Meyers, Public Member  
Joshua Skarsgard, Public Member

**Member absent-** Dr. Nadir Yilmaz, PE

**Others Present-** Perry Valdez, BLPEPS, Executive Director  
Sami Romero, BLPEPS, Executive Assistant  
Jennifer Salazar, Attorney Generals Office

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

Mr. Thurow convened the meeting at 9:02 am, no audience present, and roll call taken at this time.

**2. Meeting Notification**

Mr. Valdez informed the Board that 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 is, **SECOND** by Mr. Spirock, **PASSED** unanimously.

**4. Approval of Minutes**

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

**MOTION** by Mr. Bohannon to accept the minutes of April 15, 2016 as modified by Mrs. Samora, **SECOND** by Mr. Tonander, **PASSED** unanimously.

**5. Public Comment/Correspondence****a. Retha Shiplet - Quality New Mexico**

Mr. Valdez informed the Board that Ms. Shiplet was not yet present and requested this item be tabled until she arrives.

**6. Director's Report****a. Travel Directive**

Mr. Valdez stated he placed this item on the agenda to provide an update on the travel directive. Information was provided at a meeting, if a Board member is funded by an outside organization their travel will more than likely be approved. Mr. Bohannon stated because of this the Board should get all potential travel requests in for approval. Mr. Valdez reminded the Board that NCEES allows for 2 funded members as well as any new members. Mr. Thurow stated that the new Board member will have only one meeting prior to the NCEES annual conference. He doesn't know that the new member will be prepared for that. The Board agreed Ms. Meyers and Mr. Brasher will submit requests a funded members, Mr. Tonander, Mr. Thurow, and Mrs. Samora will submit as non-funded members.

**b. Website**

Mr. Valdez stated this was placed on the agenda to inform the Board that the licensees have complimented the new layout of the website.

**c. RFP Selection Committee Members**

Mr. Valdez stated he placed this on the agenda because the JPC is required to submit one person for RFP selection committees that deal with the professional services of engineering or surveying. Mr. Valdez stated that he sent out a mass e-mail to NM licensees to see how many people would be interested in participating. The message was well received with 56 responses. Responses came from 2 surveyors and the remainder being engineers. Mr. Thurow asked how the Board fits in with the RFP selection committee, Mr. Valdez informed the Board it's in the procurement code.

**d. Licensing Status**

Mr. Valdez stated he placed in the meeting packet, information on the licensing status reports for the Board Member's viewing.

Mr. Skarsgard entered the meeting at 9:21 am

**7. New Business****a. Quality New Mexico**

Mr. Valdez stated he placed this on the agenda for further discussion from the Board, however Mrs. Shiplet was not present.

**b. NCEES E-3 and National CPC Registry**

Mr. Thurow stated he had this placed on the agenda to inform the Board the NCEES E-3 will be live in the near future, this will be a substantial adjustment. It may provide an opportunity for our licensees to maintain and track their CPC requirements, which promotes mobility. Mr. Thurow asks that if the Board would like to opt for the licensees to enter their CPC's on the national registry and have them imported for renewal purposes. Mr. Thurow feels that option would be great for the licensees and ease of renewal. Mr. Thurow asked that this item be tabled for the August meeting that way there is a better understanding for CPC and the E-3 system. Mr. Valdez asked if there would be an option to export the CPC information from the registry. Mr. Thurow was unsure, he recommended contacting NCEES to find out if an export function would be available.

**c. Interview Committee**

Mr. Valdez informed the Board a request to fill all 3 vacancies was submitted. As of now only the Compliance Officer position was approved and posted. He expects to hold interviews during the week of the 20<sup>th</sup>. Mr. Thurow asked which members would like to be present for the interview committee. Mr. Brasher asked if there would be any involvement of the Board members in creation of the interview questions. Mr. Valdez reminded the Board that each candidate must be asked the same questions. Mr. Brasher stated that a non-state employee should not sit in the interview, however questions may be submitted in advance by the investigators.

**d. FY17 Open Meetings Resolution**

Mr. Thurow stated that there will be one amendment added, that the meeting will be noticed on the website as well as a newsletter in general circulation.

**MOTION** by Mr. Brasher to adopt the FY17 Open Meetings Resolution as amended by Mr. Thurow, **SECOND** by Mr. Tonander, **PASSED** unanimously.

**e. Election of Officers****1) Board Chair**

Mr. Brasher nominates Mr. Bohannon, Mr. Bohannon accepts.

**MOTION** by Mr. Brasher to elect Mr. Bohannon, **SECOND** by Mr. Tonander, **PASSED** unanimously.

**2) Vice-Chair**

Mr. Bohannon nominates Ms. Meyers, Ms. Meyers accepts.

**MOTION** by Mr. Bohannon to elect Ms. Meyers, **SECOND** by Mrs. Samora, **PASSED** unanimously.

**3) Secretary**

Mr. Bohannon nominates Mr. Cooper, Mr. Cooper accepts.

**MOTION** by Mr. Bohannon to elect Mr. Cooper, **SECOND** by Ms. Meyers, **PASSED** unanimously.

**8. Committee Reports****a. PS Committee**

Mr. Cooper stated that he appreciated the support he received whilst he was Chair and thanks Mr. Spirock for accepting his new position. Mr. Cooper also stated that a long discussion was held with concern for PDHs/CPU's, and having pre-approved PDHs for renewal. Mr. Bohannon stated that making pre-qualified PDHs could prove to be problematic. Mr. Cooper updated the Board on the status of the Minimum Standards, stating that they are currently being reviewed for final filing. Mr. Cooper continued stating that they closed one case and issued an NCA with a settlement agreement. There were 2 applications for exam that were recommended for approval, and 9 applications for endorsement, one of which was a reinstatement.

**b. PE Committee**

Mr. Tonander began stating that there was an election of officers, and that it was decided that he would remain chair of the PE Committee. Mr. Tonander continued stating that they had 10 applications for PE Exam, 96 applications for PE Endorsement, 16 applications for PE Reinstatement. As for the disciplinary cases there was 1 accepting the settlement agreement, noting that the settlement agreement was fulfilled, 3 self-reporting cases, all being recommended for no further action; several cases are looking at reaching the statute of limitations in

July, they are being held up at the Attorney General's office. Mr. Bohannon states that there are 2 cases that are considered multiple action cases, and that there are several high profile cases that may require a surveyor to step in because of Board member recusal. Mr. Tonander stated that due to lack of information required some of the applications were tabled for further review.

**c. Executive Committee**

Mr. Thurow stated that there is no report.

**d. Joint Practice Committee**

Mr. Bohannon stated that with each year the JPC rotates and is currently in mid rotation. Mr. Bohannon continued stating that the Landscape Architects Board has the potential to be merged and that it was expressed a preference with the Engineering and Surveying Board was made and not the Architects Board. Mr. Valdez stated that could be done during the sunset. Mr. Valdez stated the Architects Board will be moving into the Toney Anaya Building. Mr. Valdez contacted the Architects Board and discovered that they will be moving in sometime in August. General Services Department had inquired if we would have space for the Architects Board as well as a separate smaller agency. Mr. Skarsgard states that it may be in our best interest to attempt to achieve a similar standard as the Architects Board, seeing that they do not have to pay an overhead cost.

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

Ms. Meyers states that before the end of this meeting she would like to find a time for the members of the Public Information Committee to meet. Mrs. Samora states that something should be placed on the newsletter that the opinions stated in articles that are submitted and published do not reflect the opinion of the Board, that way the information is not perceived as such. Mr. Bohannon stated that he believes that Mr. Valdez should contact other Boards with similar newsletters to see if they have a similar disclaimer placed on theirs.

Mr. Bohannon directed staff to add the disclaimer and have a vetting process for the newsletter by the Public Information Committee.

**f. Rules and Regulations Committee**

Mr. Bohannon deferred until 11. d) until the Engineering and Surveying Practice Act is discussed.

**g. Computer Based Testing – State Specific Exam for Surveyors**

Mr. Spirock informed the Board that yesterday Mr. Valdez was given 60 new questions for a vetting process. Mr. Spirock also stated that he believes this should be reviewed on an annual basis for updating and reviewing any changes. Mr. Thurow inquired if there has been any thought on the update of the distribution of the exam, 2017 would be a mail out test if so. At the moment the current administration process of the exam will be kept.

**h. Legal Enforcement Committee**

Mr. Thurow stated that a few minor edits have been made to avoid problematic language. Mr. Cooper asks for members to review an outside national case, it could prove beneficial on an information standpoint.

**i. Registrant Renewal Fees Committee**

Mr. Thurow stated this matter will come up again under “Old Business” and would prefer that it be discussed at that time.

**j. NCEES Committee Members**

Mr. Thurow stated he was not elected as the NCEES Western Zone Vice President at the western zone meeting.

**9. Executive Session** - The Board may enter into Executive Session to discuss the items listed on the agenda pursuant to NMSA 1978, Section 10-15-1(H) (2) to discuss limited personnel matters regarding individuals.

**a. Compliance Officer and Staff Communication.**

Mr. Thurow states that item 9. A. Under executive session will be withdrawn. Mr. Thurow stated that the Attorney General’s office would like more specification under the executive session items.

**10. Action on Items Discussed During Executive Session**

No executive session taken

**11. Old Business**

**a. Spring Newsletter**

Mr. Valdez dispersed the draft spring newsletter for the Board to review. Mr. Thurow stated there are some minor edits, and if there are any additional

materials that any member would like to submit to please do so promptly so that it may be reviewed. Mr. Thurow asked if there is a timeframe that is established to have the newsletter out before the scheduled meetings.

**b. Website – Disciplinary Actions**

Mr. Valdez stated Mrs. Samora sent an e-mail that he distributed to the Board. Mrs. Samora stated Mr. Valdez did a NCEES survey of how the other Boards publicized disciplinary action information, Mrs. Samora also stated that she went through and chose the ones that she preferred. Mr. Valdez created a draft policy that Mrs. Samora felt is acceptable. Mrs. Samora asks that the Board review that policy and provide input, she stated that her biggest question is the timeframe that the actions remain available to the public. Mr. Spirock asked if this is where the 5 year timeframe was discussed. Mrs. Samora responded informing Mr. Spirock that she's unsure about the 5 years, and believes 3 years is what is stated in the policy that Mr. Valdez created. That is also the average timeframe for other states whose policies they were reviewing. Mr. Thurow stated that he remembered a 5 year timeframe being discussed at the last meeting. Mrs. Samora responds informing Mr. Thurow that 3 years can be changed to 5 if that is what the Board wishes. Mr. Thurow feels that the 5 year timeframe is a good middle ground.

**c. Review of Fees**

Mr. Thurow stated that in order to have full staff with all 8 positions filled the budget has to be projected for all 8 positions, the surplus has been built up because of the vacancies and the budget projecting them. Mr. Thurow stated that if the budget is reduced there may be problems with getting the Board office fully staffed. Mr. Bohannon stated that we need to have our fees match our budget with all positions staffed, it's understood that until we are fully staffed we will start accumulating funds again. Mr. Bohannon believes once we are fully staffed that's when the review of fees should take place. Mr. Thurow stated that our current fee structure supports our budget. The likely hood of getting the final 2 positions filled might be problematic. Mr. Thurow asked Mr. Valdez if the Board adopts the fee reduction for the 2017 renewal cycle that will be reflected in the 2018 budget and would then reflect on the 2016 budgeting fees on a reduced renewal fee.

Mr. Bohannon asked that if maybe there were just certain sections to review to possibly to promote licensure. He would like to get as close to 0 as possible. Mr. Skarsgard stated that he feels a reduction should be made.

**MOTION** by Mr. Spirock to keep the fee schedule as is, and opt for no reduction, **SECOND** by Mr. Tonander, motion does not carry.

Mr. Bohannon suggest that the fees be looked at once again for reductions to ensure that all fees being reduced reflect the budget and the needs of the Board.

**MOTION** by Mr. Skarsgard to reduce the fees by \$25.00 for specific sections: biennial renewal fee, engineers = \$155.00, biennial renewal fee, surveyor = \$155.00, biennial renewal fee, dual licensee = \$310.00, biennial penalty to = \$155.00, inactive and retired to \$0.00, initial licensure fee for 2 years \$155.00, initial licensure fee for 1 year = \$75.50, **SECOND** by Mr. Brasher

Ms. Meyers exited the meeting at 12:32 pm

**d. Engineering and Surveying Practice Act**

An extensive review of the Engineering and Surveying Practice Act took place and will continue to be reviewed.

Ms. Salazar exited the meeting at 3:12 pm

Mr. Skarsgard exited the meeting at 3:17 pm

**12. Next Scheduled Meeting Date: August 12, 2016 – Santa Fe, NM**

**13. Adjourn**

The meeting was adjourned at 4:15 pm

Submitted by:

Approved by:

s/ Sami Romero

s/ Glen Thurow

Ms. Sami Romero, Executive Assistant

Mr. Glen Thurow, Committee Chair

August 12, 2016 Approved Date