

MINUTES

MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 1:00 p.m.,
Thursday, August 13, 2015, Tierra West, LLC,
5571 Midway Park Pl, NE, Albuquerque, NM

Members Present- Karl Tonander, PEC Chair
Ronald Bohannan, PEC Vice-Chair
Julie Samora, PE
Joshua Skarsgard, Public Member

Members Absent- Paul Brasher, PE
Dr. Rola Idriss, PE

Others Present- Perry Valdez, BLPEPS Acting Executive Director
Sami Romero, BLPEPS Executive Assistant
Ericca Lopez, BLPEPS Licensing Manager
Peggy Jeffers – Via phone, Attorney General’s office
James Ezzell, Audience
Todd Ficken – Via Phone, Audience
Douglas Folk – Via phone, Audience (Counsel for Mr. Ezzell)

1. Convene, Roll Call and Introduction of Audience

The meeting was convened at 1:09 pm. Roll call was taken, a quorum noted.
Audience introductions were made.

2. Meeting Notification

The meeting was noticed in the Albuquerque Journal as well as the board’s
website.

3. Approval of Agenda

MOTION to approve the agenda by Mr. Bohannan, **SECOND** by Mrs. Samora,
PASSED unanimously.

4. Approval of Minutes

- a. Minutes of June 11, 2015
MOTION to approve the minutes of June 11, 2015 by Mr. Bohannan,
SECOND by Mr. Skarsgard, **PASSED** unanimously.

5. Public Comment/Correspondence

- a. J. Ezzell – Education Qualifications

Mr. Ezzell addresses the board regarding his qualifications and education in reference to his civil engineering application. He states that he provided 2 additional references and a letter to further assist the board with their decision.

Mr. Skarsgard addresses Mr. Folk as well as Mr. Ezzell in regards to 16.39.3-13 (c) education requirements, to explain how they feel that Mr. Ezzell's education complies with the education portion in the NM Engineering and Surveying Practice Act. Mr. Ezell states that he feels his geology degree would work for a related science degree. He states that other states he requested licensure in had also asked for additional information because of his geology degree. He would like to have noted that his main focus in work in soil testing, that if approved he would not practice outside of any discipline that he does not feel educated in.

Mr. Folk addresses the board that this interpretation follows the NCEES model rule for licensing across the country. Geotechnical and material testing fall under Civil, since NM does not recognize them as a separate discipline. NCEES model rule considers a related science degree in chemistry, science, mathematics or any other related curriculum. What NCEES did to assure that the applicants would be qualified is require addition work experience to take the exam and test. Mr. Tonander asks Mr. Folk, who serves on the Arizona board as a public member, if Mr. Ezzell was brought before his board his thoughts on if they would approve his application. Mr. Folk's response is yes. Mr. Skarsgard asks Mr. Ezzell and Mr. Folk to provide more research, specifically in reference to NMSA 61.23.14.21.D 1 "the standards required by the licensure or the applicant's qualifications equaled or exceeded the licensure standards in NM at the time the applicant was initially licensed"

Mr. Skarsgard asks for a side by side review of the 4 states that the applicant is licensed in (NC, CO, VA, MD) analyze if any one of those 4 states qualifications were equivalent or exceeded NM standards at the time of licensure. Mr. Skarsgard also asks for an elaborated analysis to be compared to ABET's general criteria standards, outlined in Section 5 on the ABET website.

b. T. Ficken – Education Qualifications

Mr. Ficken addresses the board and states that he has been an engineer since 1985, recognized by Colorado since 2005, and is a principle of an A&E firm. Mr. Ficken read an extract stating that 'The physics degree was designed as fundamentals of engineering', Mr. Ficken feels very confident in understanding the basics of engineering. He would like to note that he would only practice engineering in the fields in which he feels he has expertise. He feels that his educational and work background is sufficient for approval as an engineer with disciplines in structural as well as civil engineering.

Mr. Tonander thanked the corresponding applicants and counsel for the additional information to aid them in their decision.

6. - New Business

a. Peggy Jeffers, AAG

Ms. Jeffers attended the meeting by telephone. The board addressed questions to Ms. Jeffers regarding complaint cases and pending NCAs. Ms. Jeffers informs the board that she has not received the NCAs in question. Mr. Bohannon suggests to have staff to follow up and list as agenda items for follow up.

b. RFP Process

Mr. Valdez informs the board that he just needs to meet with RLD's ASD (Administrative Services Division) for the finishing processes. DFA (the Department of Finance and Administration) will review the RFP documents to ensure that this would be listed as a professional service, or

not. Mr. Valdez states that the RFP is being set up as a four year contract, a one year contract with three renewals.

7. **Old Business**

None to report

8. **Application Review – Recommended Approval**

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

PE Exam Applications

Ms. Lopez states that there are 24 PE exam applications

PE Endorsement Applications

91 Endorsement applications with 80 applications using NCEES council records.

PE Reinstatement Applications

22 PE Reinstatement applications with 9 applicants using NCEES council records.

PE Additional Discipline Application(s)

1 PE Additional Discipline Application

MOTION to approve items listed under Exhibit A by Mr. Bohannon,
SECOND by Mr. Skarsgard, **PASSED** unanimously.

9. **Executive Session** -

MOTION by Mr. Skarsgard that the Board go into closed executive session to discuss only those matters listed on the agenda under executive session, pursuant to NMSA 1978 Section 10-15-1 (H) (1), **SECOND** by Mr. Bohannon, **PASSED** unanimously. Roll call vote taken all present voted yes, quorum noted.

9a. **Action on Items Discussed During Executive Session**

Mr. Tonander states that the Board is back in open session and affirms 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).

1) PE Endorsement

a) For Reconsideration

i. **Ezzell, J.**

Mr. Skarsgard informs Mr. Folk and Mr. Ezzell that the Board will be deferring Mr. Ezzell's case to acquire further information to evaluate if he meets the requirements stated in 16.39.3.13 (a) of the BLPEPS administrative code.

MOTION to defer Ezzell, J. by Mr. Bohannan, **SECOND** by Mr. Skarsgard, **PASSED** unanimously.

ii. **Ficken, T.**

MOTION to approve Ficken, T. for civil discipline only by Mr. Bohannan, **SECOND** by Mr. Skarsgard, **PASSED** unanimously.

9. **Executive Session** -

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9a. **Action on Items Discussed During Executive Session**

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a. **Disciplinary Cases**

1) **Case 10-10-46 – Request closure**

MOTION to close case 10-10-46 by Mrs. Samora, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

2) **Case 11-10-05 – Request closure**

MOTION to close case 11-10-05 by Mrs. Samora, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

3) **Case 11-10-06 – Request closure**

MOTION to close case 11-10-06 by Mr. Bohannan, **SECOND** by Mr. Skarsgard, **PASSED** unanimously.

4) **Case 11-10-13 – Request closure**

MOTION to close case 11-10-13 by Mr. Bohannan, **SECOND**, by Mrs. Samora, **PASSED**, unanimously.

5) **Case 11-11-29 – Request closure**

MOTION to close case 11-11-29 by Mr. Bohannan, **SECOND** by Mrs. Samora, **PASSED** unanimously.

6) **Case 1-PE-8-16-2013**

MOTION to close case 1-PE-8-16-2013 by Mr. Skarsgard, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

b. Self Reporting

i. **DEM-12-26-2014**

No action taken

c. Status Review of Complaints and NCAs

No action taken

d. Applications for Review

1) **PE Exam and Exam Retake Request(s)**

1. Ashley, L.
2. Castaneda Jr., C.
3. Huo, Y.
4. Marez, S.
5. Montoya, W.
6. Velarde, E.

MOTION to approve the PE Exam and Exam Retakes by Mr. Bohannan, **SECOND** by Mrs. Samora, **PASSED** unanimously.

2) PE Endorsement

b) Castrejon, J.

MOTION to approve by Mr. Bohannan, **SECOND** by Mr. Skarsgard, **PASSED** unanimously.

c) Hoffmeyer, S.

MOTION to approve by Mr. Skarsgard **SECOND** by Mr. Bohannan **PASSED** unanimously.

d) Issahak, A.

MOTION to approve upon completion of the additional six months of experience by Mr. Bohannan, **SECOND** by Mr. Skarsgard, **PASSED** unanimously.

e) Latzke, R.

MOTION to approve with civil and structural disciplines only by Mr. Bohannan, **SECOND** by Mrs. Samora, **PASSED** unanimously.

f) Momtazzadeh, S.

g) Peterman, R.

h) Yerubandi, J.

MOTION to approve Momtazzadeh, S., Peterman, R., Yerubandi, J., as applied, by Mr. Bohannan **SECOND** by Mr. Skarsgard, **PASSED** unanimously.

10. Next Scheduled Meeting Date: November 5, 2015 – Las Cruces, NM. Staff instructed to look into having a special PEC meeting in September.

11. Adjourn

MOTION to adjourn the meeting by Mr. Bohannan, **SECOND** by Mrs. Samora, **PASSED** unanimously. Meeting adjourned 4:45 pm

Submitted by:

Approved by:

s/ Sami Romero

s/ Karl Tonander

Ms. Sami Romero, Executive Assistant

Mr. Karl Tonander, Committee Chair

November 5, 2015 Approved Date