

MINUTES

**MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 1:00 p.m.,
Thursday, April 9, 2015, Toney Anaya Bldg.,
2550 Cerrillos Rd., Hearing Room 2, Santa Fe, New Mexico**

Members Present- Ronald Bohannon, PE, Committee Chair
Paul Brasher, PE
Joshua Skarsgard, Public Member
Dr. Rola Idriss, PE
Karl Tonander, PE

Members absent- Julie Petrocco-Samora, PE

Others Present- Perry Valdez, Acting Executive Director, BLPEPS
Sami Romero, Executive Assistant, BLPEPS
Ericca Lopez, Licensing Manager, BLPEPS
Naomi Velasquez, Compliance Officer, BLPEPS
Richard Word, Legal Counsel
Joe Barela, PE, Complaint Manager

1. Convene, Roll Call and Introduction of Audience

Mr. Bohannon convened the meeting at 1:13 pm, roll call was taken and a quorum noted.

2. Meeting Notification

The meeting was noticed on the board's website as well as the Albuquerque Journal.

3. Approval of Agenda

MOTION by Mr. Tonander to approve the agenda as is **SECOND** Mr. Brasher **PASSED** unanimously

4. Approval of Minutes

a. Minutes of January 22, 2015

MOTION by Mr. Skarsgard to approve the minutes of January 22, 2015 as is **SECOND** by Mr. Tonander **PASSED** unanimously

b. Minutes of February 20, 2015

MOTION by Mr. Brasher to approve the minutes of February 20, 2015 as is **SECOND** by Mr. Tonander **PASSED** unanimously

5. Public Comment/Correspondence

a. Todd Ficken – Reconsideration of Licensure by Endorsement

Mr. Valdez reports that Mr. Ficken has asked to be present during the meeting, therefore requests this item to be tabled. Mr. Bohannan tabled this item.

b. Scott Altherr – Reconsideration of Licensure by Endorsement

Mr. Valdez reports that Mr. Altherr submitted a letter reasoning with staff to accept his application because Arizona accepted his application based on his education, experience, and exams. After some discussion, the board's decision stands; Mr. Altherr's application for endorsement is not approved.

Enter Mr. Word – 1:23 pm

6. New Business

a. Requirements for PE Exam Re-takers

Mr. Valdez reports that there are applicants requesting to take the exam after failing the exam a 4th time, he requests the committee for advice on the standards if an additional test request is made. Mr. Valdez asks if an applicant must submit another request to the Board to take the exam a 5th time or is allowed to take the exam 3 more times. Mr. Brasher states that the board should enact a policy for limiting the amount of retakes allotted for applicants. Mr. Bohannan asks what discretion does the board have to ask the applicants to provide documentation that a review course has been taken to ensure that the applicant shows diligence in studying for the test. Mr. Valdez states, that in the newly adopted language from the proposed rule changes, an applicant is allowed to take the test as many times as they are able to in the 3 year application period. The requirement to request approval from the Board to retake the exam must accompany the new application.

Mr. Bohannan requests staff to bring the next application that meets the criteria to the board's attention for their review and they would decide on a case-by-case situation.

b. Disciplinary Page

- 1) Website
- 2) Newsletter

Mr. Valdez reports that the PSC tabled these items to be reviewed by the Public Relations Committee and the Legal Enforcement Committee. This item was placed on the agenda to request board directive on including a disciplinary page on the board's website and newsletter; if included what information the disciplinary page is able to provide. Dr. Idriss reports that she researched various other engineering board's websites to see what is being done. She reports each is very different in their reporting of disciplinary actions.

Mr. Bohannon states that he believes that the enforcement committee should be held responsible for the placement and retention of the disciplinary action taken; as well what information will be available to the public on the website and newsletter. Mr. Valdez informs the Committee that the information appears on the disciplinary page only if action has occurred; not if it's just been reported or un-substantiated.

Mr. Bohannon directed Dr. Idriss and Mr. Skarsgard to meet with Mr. Thurow and come up with a recommendation for how much detail and how long to leave it on the website. Then present it at the June meeting in Ruidoso.

7. Old Business

a. J. Castillo – Waiver of Penalty Fee

Mr. Valdez reports that Mr. Castillo submitted his renewal on Feb 26, 2015 and has been placed on the agenda per the Committee's decision from their last meeting.

MOTION by Dr. Idris to wave the penalty fee for Mr. Castillo **SECOND** by Mr. Skarsgard **PASSED** unanimously

Exit Mr. Brasher 1:45

b. Use of Standard Drawings

Reiteration of the previous discussion regarding stamping a modified standard drawing. Mr. Valdez reports that staff created a "Policy Advisory/ Q&A" regarding this matter as instructed by the Committee.

Re-Enter Mr. Brasher 2:09

MOTION by Mr. Tonander to accept the PE Advisory with the modification of using the word “detail” in place of “drawing”. **SECOND** by Mr. Skarsgard **PASSED** unanimously

8. **Application Review – Recommended Approval**

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

PE Exam Applications- 12

MOTION by Dr. Idriss to approve all (12) PE Exam applications **SECOND** by Mr. Skarsgard **PASSED** unanimously.

PE Endorsement Applications - 93

MOTION by Dr. Idriss to approve 92 PE Endorsement applications with the exception of M. Benuega (Staff will pull the application for further review by the committee) **SECOND** by Mr. Brasher **PASSED** unanimously

MOTION by Mr. Tonander to approve M. Benuega’s application **SECOND** by Dr. Idriss **PASSED** unanimously

PE Reinstatement Applications - 21

MOTION by Mr. Skarsgard to approve all (21) PE Reinstatement applications **SECOND** by Mr. Brasher **PASSED** unanimously

b. **PE Retirement Requests - 3**

MOTION by Dr. Idriss to accept all (3) retirement requests. (Edwin Little, Harold E. Larson, Charles R. Hoessel II) **SECOND** by Mr. Tonander **PASSED** unanimously

c. **PE Inactive Requests - 2**

MOTION by Mr. Brasher to approve 1 Inactive request (Ramon Wong). **SECOND** by Dr. Idriss **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. Brasher.

Roll Call was taken, voting 'Yes': Mr. Bohannan, Mr. Brasher, Ms. Samora, Mr. Tonander, Dr. Idriss, and Mr. Skarsgard.

9a. Action on Items Discussed During Executive Session

Mr. Bohannan states the board is back in open session and I affirm 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) Case 4-PE-07-25-2014 – Complaint Manager’s Report

MOTION by Mr. Brasher to issue NCA based on the managers’ report provided **SECOND** by Mr. Tonander **PASSED** unanimously.

Exit Mr. Skarsgard 3:08

2) Case 8-PE-10-21-2014 – Complaint Manager’s Report

MOTION by Mr. Brasher to issue NCA recommending settlement agreement between \$2,000-\$3,000 **SECOND** by Dr. Idriss **PASSED** unanimously.

3) Case 1-PE-02-19-2015 – Complaint Manager’s Report

MOTION by Mr. Brasher to issue NCA with an early settlement agreement option between \$750 and \$1,250 for practicing while license was lapsed. **SECOND** by Mr. Tonander **PASSED** unanimously.

4) Case 9-PE-03-12-2012 – BLPEPS vs Loughead – Settlement Agreement

MOTION by Mr. Tonander to close the case after fulfilling the terms of the settlement agreement **SECOND** by Mr. Brasher **PASSED** unanimously.

5) **Case 11-PE-09-24-2012 – Sheets vs Richards – Settlement Agreement**
MOTION by Mr. Tonander to close the case after fulfilling the terms of the settlement agreement **SECOND** by Dr. Idriss **PASSED** unanimously.

6) **Case 3-PE-12-19-2014 – Requesting Board Directive**

Mr. Bohannon directs staff to formally write up a complaint, for Mr. Barela to investigate the company as well as the individuals listed.

b. Self-Reporting

1) **MBP-03-02-2015**

Mr. Bohannon directs staff to create a letter letting the client know that the board acknowledges his self-reporting and that no further action is taken.

c. Status Review of Complaints and NCAs

Ms. Velasquez reports cases are up to date and the status of NCAs.

d. Applications for Review

1) **PE Exam**

a) **Degreeff, J.**

MOTION by Mr. Brasher to approve the PE Exam application **SECOND** by Dr. Idriss **PASSED** unanimously.

2) **PE Endorsement**

a) **Reconsideration Request(s)**

i. **Ficken, T.**

Mr. Tonander request for this item to be tabled.

ii. **Altherr, S.**

Mr. Tonander states that the board's previous decision is upheld.

b) **Reevaluation from February 20, 2015**

i. **Bertolino, T.**

MOTION by Mr. Tonander to approve the application **SECOND** by Mr. Brasher **PASSED** unanimously

ii. Downham, A.

MOTION by Mr. Brasher to approve the application
SECOND by Dr. Idriss **PASSED** unanimously

iii. Holeman, R.

MOTION by Dr. Idriss to approve the application
SECOND by Mr. Brasher **PASSED** unanimously

iv. Jackson, K.

MOTION by Dr. Idriss to approve the application
SECOND by Mr. Brasher **PASSED** unanimously

v. Longest, J.

MOTION by Mr. Tonander to approve the application
SECOND by Mr. Brasher **PASSED** unanimously

c) Bogale, N.

MOTION by Dr. Idriss to approve the application **SECOND** by
Mr. Brasher **PASSED** unanimously

d) DeVera, A.

MOTION by Dr. Idriss to approve the application **SECOND** by
Mr. Brasher **PASSED** unanimously

e) Millot, G.

MOTION by Mr. Tonander to approve the application **SECOND**
by Mr. Brasher **PASSED** unanimously

f) Ristow, A.

MOTION by Dr. Idriss to approve the application **SECOND** by
Mr. Brasher **PASSED** unanimously

g) Stanley, J.

MOTION by Mr. Brasher to approve the application for
mechanical discipline **SECOND** by Dr. Idriss **PASSED**
unanimously

3) **Inactive Status Request**

a) **Stelling, M.**

MOTION by Mr. Brasher request not approved for not meeting requirements of ten (10) consecutive years of being active
SECOND by Dr. Idriss **PASSED** unanimously

10. **Next Scheduled Meeting Date:** June 11, 2015, Ruidoso

11. **Adjourn**

MOTION by Mr. Brasher to adjourn the meeting **SECOND** by Mr. Tonander **PASSED** unanimously. Meeting adjourned at 5:10 pm.

Submitted by:

Approved by:

s/Sami Romero

s/ Ronald Bohannan

Ms. Sami Romero, Executive Assistant

Mr. Ronald Bohannan, Committee Chair

June 11, 2015 Approved Date