

MINUTES

MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 1:30 p.m.,
Friday, October 9, 2015, NM DOT, Training Room,
1120 Cerrillos Rd., Santa Fe, NM

Members Present- Paul Brasher, PE
Dr. Rola Idriss, PE
Joshua Skarsgard, Public Member
Karl Tonander, PE – Via phone
Ronald Bohannon, PE – Via phone

Members Absent- Julie Samora, PE

Others Present- Perry Valdez, BLPEPS Acting Executive Director
Sami Romero, BLPEPS Executive Assistant
Ericca Lopez, BLPEPS Licensing Manager
James Aaron Ezzell, Audience
Douglas Folk, Esq., Audience - Via phone

1. Convene, Roll Call and Introduction of Audience

Meeting was convened at 1:50 pm, roll call was taken, a quorum noted, and 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 by Mr. Tonander to approve the agenda, **SECOND** by Dr. Idriss, **PASSED** unanimously.

4. Old Business

a. Review of Fees

Mr. Bohannon explains a spreadsheet that was distributed by staff to the PEC and made available to the public. Mr. Bohannon explained that the intent of the revisions to the fees schedule was to be applied over the next 2 renewal cycles to help lower the 3 million dollar surplus fund balance to an estimated 1 million. Mr. Tonander expresses his concern in such a severe reduction in application fees. Mr. Tonander believes that the renewal should be lowered more and that initial applications and comity applications should remain closer to present fees to avoid a rush of applications. Mr. Tonander also states that he believes a more gradual return to current fees would be beneficial instead of a complete revert to the original fees at the end of the reduction period. Mr. Valdez states that it would have to be a full board action to change the fees. He would like to note that the fund balance is created by an excess of funds that is not used within the fiscal year. He further explains that the board is only allowed to use 5% of the fund balance per fiscal year, as requested through the DFA. Mr. Valdez states that it could be incorporated as a budget appropriation to use the fund balance. Mr. Bohannon asks that the members of the board use the spreadsheet as a starting position and use this for further thought to be addressed at the full board meeting in November.

Enter Mr. Word and Mr. Skarsgard

5. Application Review – Recommended Approval

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

PE Exam Applications

Ms. Lopez informed the board that there were 3 PE Exam applications

MOTION by Dr. Idriss to approve all PE Exam applications,
SECOND by Mr. Tonander, **PASSED** unanimously.

PE Endorsement Applications

Ms. Lopez informed the board that there were 81 PE Endorsement applications, 68 of which used their NCEES council records.

MOTION by Dr. Idriss to approve all PE Endorsement applications, **SECOND** by Mr. Tonander, **PASSED** unanimously.

PE Reinstatement Applications

Ms. Lopez informs the board that there were 9 PE Reinstatement applications.

MOTION by Dr. Idriss to approve all PE Reinstatement applications, **SECOND** by Mr. Tonander, **PASSED** unanimously.

PE Additional Discipline Application(s)

Ms. Lopez informs the board that there was 1 PE additional discipline application.

MOTION by Dr. Idriss to approve all recommended PE additional discipline, **SECOND** by Mr. Tonander, **PASSED** unanimously.

6. Public Comment/Correspondence

a. J. Ezzell – Education Qualifications

Mr. Valdez provides a brief summary regarding Mr. Ezzell's application by endorsement, Mr. Ezzell addressed the board previously at the August 2015 meeting. Mr. Ezzell was asked by the Committee to compare his courses to an ABET accredited program.

Mr. Ezzell states that he submitted his application in April of 2014, he also applied with Arizona to add to the licenses that he holds in Maryland, Virginia, Massachusetts, Colorado, and North Carolina. He informs the Committee that he works for Terracon and oversees the construction materials, testing projects, and geotechnical reports for investigations and recommendations. Mr. Ezzell states that his related science degree was still accepted in the rules at the time he applied. He informs the Committee that he has a geology degree and not a civil engineering degree. He further states that he welcomes and would like to address any questions that the board has for him at this time.

Mr. Valdez informs the Committee that the board's administrative code, in place in 2012, was used to review Mr. Ezzell's application since that was

his initial licensure date with North Carolina in December of 2012. The acceptance of a related science degree was no longer in place in the administrative code and had been removed in 2002.

Mr. Skarsgard asks Mr. Folk to articulate his reasoning for Mr. Ezzell's application to be approved.

Mr. Ezzell states that upon his review of his credit hours he does not have all of the required engineering credit hours.

Mr. Folk, attorney for Mr. Ezzell, states that he disagrees with the board's interpretation of the rule; if Mr. Ezzell had all of the required courses then he would have obtained an Engineering degree. He would like to note that Mr. Ezzell has taken both the FE and PE and passed them. He believes that it would be setting an unacceptable standard to have the requirement of each of the Engineering degree credits. Mr. Folk states that he believes Mr. Ezzell has demonstrated that through his education and experience that he has met the qualifications to be a licensed Civil Engineer.

Mr. Brasher asks Mr. Ezzell if he has any engineering design credits. Mr. Ezzell states that he does not.

In his copy of the rules, Mr. Ezzell states that it has the acceptance of a related science degree under 16.39.3.13 – "Endorsements" Sub section C. licensure prior 2002.

Mr. Ezzell states that his interpretation is that in the rules the board has the ability to accept him as the related science degree. Mr. Skarsgard asks Mr. Folk if his client meets the ABET requirement in 2012. Mr. Folk states that he does not meet that requirement.

7. **Executive Session** –

MOTION by Dr. Rola Idriss 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. Skarsgard, **PASSED** unanimously.

Roll call vote taken

7.1 **Action on Items Discussed During Executive Session**

Mr. Brasher states 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).

a. Applications for Review
 1) PE Endorsement

MOTION by Mr. Bohannan to table the following applicants until the November meeting: Kichman, R., Michal, D., Padmanabhan, G., Peroor, R., and Valenzuela Jr., C.

a) For Reconsideration

i. **Ezzell, J.**

MOTION by Mr. Tonander to issue an NCA reflecting the Committee's intent to deny the application of licensure by endorsement for failure to meet the requirements of the Engineering and Surveying Practice Act and the Committee's Rules, **SECOND** by Mr. Bohannan, **PASSED**, with one **Nay** from Mr. Skarsgard.

a) **Brown, W.**

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

b) **Jackson, N.**

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

c) **Khamsi, A.**

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

d) **Kichman, R.**

Motion previously listed.

e) **Le, A.**

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

f) **Miatudila, S.**

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

g) **Michal, D.**

Motion previously listed.

h) **Padmanabhan, G.**

Motion previously listed

i) **Peroor, R.**

Motion previously listed.

j) **Valenzuela Jr., C.**

Motion previously listed.

2) PE Reinstatement

a) **Saber, J.**

MOTION by Mr. Bohannan to defer to the next scheduled meeting, **SECOND** by Mr. Skarsgard, **PASSED** unanimously.

8. **Next Scheduled Meeting Date:** November 5, 2015 – Las Cruces, NM

9. **Adjourn**

The meeting was adjourned at 5:01 pm.

Submitted by:

s/ Sami Romero

Ms. Sami Romero, Executive Assistant

Approved by:

s/ Karl Tonander

Mr. Karl Tonander, Committee Chair

November 5, 2015 Approved Date