

## MINUTES

## MEETING OF THE PROFESSIONAL ENGINEERING COMMITTEE of the Board Licensure of Professional Engineers and Professional Surveyors held 1:00 p.m., Thursday, June 11, 2015, Best Western Plus, 97 Camelot Drive, Ruidoso, New Mexico

**Members Present-** Ronald Bohannon, PE, Committee Chair  
Dr. Rola Idriss, PE  
Karl Tonander, PE  
Joshua Skarsgard, Public Member – via telephone

**Members absent-** Julie Petrocco-Samora, PE  
Paul Brasher, PE

**Others Present-** Perry Valdez, Acting Executive Director, BLPEPS  
Naomi Velasquez, Compliance Officer, BLPEPS  
David Montoya, Licensing Manager, BLPEPS  
Richard Word, Legal Counsel – via telephone  
J. Aaron Ezzell, Audience member  
Douglas Folk, Esq., Audience member  
Todd Ficken, Audience member

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

Mr. Bohannon convened the meeting at 1:27 pm, roll call was taken and a quorum noted.  
Mr. Folk, Mr. Ezzell and Mr. Ficken introduced themselves as being in the audience.

### 2. Meeting Notification

Mr. Valdez informs the Committee that the meeting was noticed in the Albuquerque  
Journal as well the board's website.

### 3. Approval of Agenda

**MOTION** by Mr. Tonander to approve the agenda as is, **SECOND** Dr. Idriss, **PASSED**  
unanimously

### 4. Approval of Minutes

#### a. Minutes of April 9, 2015

MOTION by Mr. Tonander to approve the minutes of April 9, 2015 as is  
SECOND by Dr. Idriss, PASSED unanimously

5. Public Comment/Correspondence

a. **Reconsideration of Licensure by Endorsement**

1) **Todd Ficken – Reconsideration of Licensure by Endorsement**

Mr. Ficken provides a brief background regarding the submittal of his application and the Board not approving his application for endorsement. Mr. Ficken looked at the State's statutes and rules, based upon his research he feels he does qualify for licensure. Mr. Bohannon requests Mr. Ficken provide a brief background as to his experience and licensure, Mr. Ficken does so. Mr. Ficken sites 16.39.7 of the New Mexico Administrative Code, since his degree is from a non-ABET accredited program, he is seeking licensure under that provision. The vast majority of the courses from the University of Colorado were actually engineering/physics classes; you either enrolled under an engineering number or a physics number. Following the January letter, Mr. Ficken sent a letter, along with a character reference, to the Board office explaining his findings showing that he meets the State's standards. Mr. Ficken respectfully requests the Board consider the letter he submitted and reconsider his application for licensure by endorsement, to be licensed and practice in the State. Mr. Tonander asks Mr. Ficken, if the citation 16.39.7 is correct, Mr. Ficken responds that one speaks of an engineering curriculum, citing the New Mexico Engineering and Surveying Practice Act section 61-23-14. 1.a. 2.e., these were that statutes at the time I received my degree, in 2005. Another section, 16.39.3.7, sites what an engineering curriculum should at a minimum contain.

2) **J. Ezzell – Reconsideration of Licensure by Endorsement**

Mr. Folk addresses the Board on behalf of Mr. Ezzell. Mr. Folk elaborates on Mr. Ezzell's qualifications, he has a degree in geology and registrations in other states. Mr. Ezzell has worked for his present employer for the past 14 years, conducting material inspection and testing. He is registered in other states and has had to satisfy their requirements for licensure and has no disciplinary actions against him. In the State of New Mexico, under the rules of 'Applications for Endorsement by Comity' of applicants that have a

degree in a related science curriculum, section 16.39.3.13 b. This rule allows an endorsement for someone who has graduated from either an ABET accredited engineering technology program or from an engineering/related science curriculum approved by the Committee. We are here today asking the Board's reconsideration and approval of Mr. Ezzell's application to carry on his life's work here in New Mexico. Mr. Ezzell has been working here for the past year under a PE in his field. He is not asking to work in any other branch of engineering, since New Mexico, like many other states, doesn't have a specific branch for materials inspection and testing, or geotechnical; he has applied as a civil engineer which we respectfully submit is the appropriate branch of engineering and the credentials he has submitted satisfy the rule. Mr. Folk lastly adds that if in the event the Board staff, or legal counsel, have not reviewed the North Carolina statutes and rules, where Mr. Ezzell was first licensed, to please do so because they have the same standards as you do. Mr. Bohannon informs Mr. Folk and Mr. Ezzell that the Board has taken Mr. Ezzell's application under careful consideration in two board meetings. Mr. Bohannon explains that one of the issues the Board has are the various branches under civil engineering that once you're licensed you can practice in and whether or not you felt competent in that. Once you're licensed as a civil engineer, your designing structures, roadways, and a lot of other items; under the rules you're only supposed to practice in what you're competent in. Mr. Bohannon asks Mr. Ezzell, if we license you as a civil engineer how do we protect the general public? Mr. Ezzell responds to Mr. Bohannon's question by stating he believes very highly in ethics, as a Professional Engineer he would not violate them, he is unaware if New Mexico has any type of conditional licensure, but if the Board is willing to issue, or consider issuing, a conditional licensure. Mr. Bohannon responds that's the issue, we don't have the ability to issue a conditional license; it's either all or none. That was the issue the Board was wrestling with. Mr. Folk addresses the issue of the branches of engineering, the New Mexico statute is the same as many other jurisdictions, you only issue licensure to any applicant as a professional engineer and it is their obligation to present proof that they have competence in a particular field in which they wish to practice, Mr. Ezzell has. Mr. Ezzell doesn't want to do anything else, this is what he was brought to New Mexico to do for Terracon. Dr. Idriss asks Mr. Ezzell if his degree is in geology, Mr. Ezzell affirms his degree in geology. Dr. Idriss further asks what the license as a PE would

allow you to do as you are not allowed to do as a licensed geologist. Mr. Ezzell responds that New Mexico doesn't have a professional geologist's license. He further elaborates on his work responsibilities for Terracon. As a PE he would be able to go to the site to remediate any situation, currently he has to contact a company engineer to do so. On the geotechnical side, Mr. Ezzell sometimes helps out with some field work and helps draft up some reports; a PE has to stamp those reports. Mr. Bohannon summarizes that Mr. Ezzell is primarily in managing and not designing, Mr. Ezzell affirms.

## **6. New Business**

### **a. Election of Officers**

Mr. Bohannon moved to nominate Mr. Tonander as chair of the Professional Engineering Committee for the next fiscal year. Mr. Tonander accepts the nomination. Dr. Idriss seconded the nomination for Mr. Tonander.

**VOTED** to elect Mr. Tonander as Chair of the Professional Engineering Committee by acclamation.

Dr. Idriss moved to nominate Mr. Bohannon as vice chair of the Professional Engineering Committee. Mr. Bohannon accepts the nomination. Mr. Tonander seconded the nomination for Mr. Bohannon.

**VOTED** to elect Mr. Bohannon as Vice Chair of the Professional Engineering Committee by acclamation.

## **7. Old Business**

None to report.

## **8. Application Review – Recommended Approval**

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

**PE Exam Applications-** 21 applicants

**PE Endorsement Applications** - 69 applicants

**PE Reinstatement Applications** – 24 applicants

**PE Additional Discipline** – 1 applicant

**MOTION** by Dr. Idriss to approve 21 applicants for PE exam, 69 applicants for PE endorsement, 24 applicants for PE reinstatement, and 1

applicant for PE additional discipline on the June 11, 2015 list, Exhibit A,  
**SECOND** by Mr. Tonander **PASSED** unanimously

b. **PE Retirement Requests - 2**

**MOTION** by Dr. Idriss to approve the two applicants for retirement.  
(Gregory P. Robertson, Charles N. Hatcher), **SECOND** by Mr. Tonander,  
**PASSED** unanimously

9. **Executive Session** -

**MOTION** by Mr. Tonander 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, 2, and 3). **SECOND** by Dr. Idriss.

Roll Call was taken, voting 'Yes': Mr. Bohannon, Mr. Tonander, Dr. Idriss, and Mr. Skarsgard.

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

Mr. Bohannon 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).

2) **PE Endorsement**

Mr. Bohannon provides a narrative to Mr. Ficken and Mr. Ezzell. He said the Board considered both applications, the issue boils down to the time both received your licenses and we looked at those rules, we have new rules coming into effect July 1<sup>st</sup> that actually clarifies both of these situations, just so you are aware, you both fall under the current rules. It boils down to graduation from an ABET accredited engineering technology program or from an engineering and/or a related science curriculum approved by the committee, both fall under that criteria. The committee had a lot of discussion, previously with both of your applications. We are giving each of you an opportunity to go back and prove to us that the curriculum that you have meets the engineering criteria. Mr. Bohannon addresses Mr. Ficken, we are asking that you go back to the University of Colorado to show how your courses meet the engineering criteria. We need some additional facts that show how your courses meet our engineering criteria for the sake of the public. Mr. Bohannon then addresses Mr. Ezzell, it is the same issue, if you could go

back to the University of North Carolina to show how your courses meet the engineering criteria. We will defer action until the next meeting. Mr. Bohannon explains that the Board is looking at the curriculum, to see that it meets the engineering criteria. Dr. Idriss adds that looking at an ABET accredited program would help to see if both curriculums fit within the engineering curriculum.

- 2) **PE Endorsement**
  - a) **Reconsideration Request(s)**
    - i. **Ficken, T.**

**MOTION** by Mr. Tonander to defer action on T. Ficken until information is provided from the applicant, **SECOND** by Dr. Idriss, **PASSED** unanimously.

- ii. **Ezzell, J.**

**MOTION** by Mr. Tonander to defer action on J. Ezzell until information is provided from the applicant, **SECOND** by Dr. Idriss, **PASSED** unanimously.

#### **EXECUTIVE SESSION cont.**

**MOTION** by Mr. Tonander 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, 2, and 3). **SECOND** by Dr. Idriss.

Roll Call was taken, voting 'Yes': Mr. Bohannon, Mr. Tonander, Dr. Idriss, and Mr. Skarsgard.

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

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- a. **Disciplinary Cases**
  - 1) **Unlicensed Individuals Advertising Services – Follow up**

Mr. Bohannan directs staff to issuing a complaint against those individuals that were being investigated.

2) Designate Hearing Officer for FY16

Mr. Bohannan, Mr. Tonander, and Mr. Brasher are designated as hearing officers for FY16.

**b. Status Review of Complaints and NCAs**

**c. Applications for Review**

1) PE Exam

a) Diaz-Fulgencio, F.

**MOTION** by Mr. Tonander to approve F. Diaz-Fulgencio to take the PE Exam, **SECOND** by Dr. Idirss, **PASSED** with three votes and one abstention.

b) DuBois, S.

**MOTION** by Mr. Tonander to approve S. Dubois to take the PE Exam, **SECOND** by Dr. Idirss, **PASSED** with three votes and one abstention.

c) Miskarov, A.

**MOTION** by Mr. Tonander to approve A. Miskarov to take the PE Exam, **SECOND** by Dr. Idirss, **PASSED** with three votes and one abstention.

2) PE Endorsement

b) Abernathy, C.

**MOTION** by Mr. Tonander to approve C. Abernathy for PE endorsement in the categories they requested, **SECOND** by Dr. Idirss, **PASSED** with three votes and one abstention.

c) Farahmand, F.

**MOTION** by Mr. Tonander to approve F. Farahmand for PE endorsement in the categories they requested, **SECOND** by Dr. Idirss, **PASSED** with three votes and one abstention.

d) Meier, D.

**MOTION** by Mr. Tonander to approve D. Meier for PE endorsement for civil and environmental but not structural, that he provide additional qualifications and references in structural, **SECOND** by Dr. Idirss, **PASSED** with three votes and one abstention.

e) Petrak, G.

**MOTION** by Dr. Idriss to not approve the application from G. Petrak for PE endorsement because he did not meet the educational requirements, **SECOND** by Mr. Tonander, **PASSED** with three votes and one abstention.

f) Preddy, M.

**MOTION** by Mr. Tonander to approve M. Preddy for PE endorsement in electrical, **SECOND** by Dr. Idirss, **PASSED** with three votes and one abstention.

g) Sharabi, S.

**MOTION** by Mr. Tonander to approve M. Preddy for PE endorsement in civil, **SECOND** by Dr. Idirss, **PASSED** with three votes and one abstention.

h) Yevoli, W.

**MOTION** by Dr. Idriss to not approve W. Yevoli for PE endorsement, **SECOND** by Dr. Idirss, **PASSED** with three votes and one abstention.



10. **Next Scheduled Meeting Date:** August 2015

11. **Adjourn**

**MOTION** by Mr. Tonander to adjourn the meeting, **SECOND** by Dr. Idriss, **PASSED** unanimously. Meeting adjourned at 4:47 pm.

Submitted by:

Approved by:

s/Sami Romero  
Ms. Sami Romero, Executive Assistant

s/Ronald Bohannan  
Mr. Ronald Bohannan, Committee Chair

August 13, 2015 Approved Date