

MINTUES

New Mexico Board of Licensure for
Professional Engineers and Professional Surveyors
Full Board Meeting, Friday, June 12, 2015 9:00 a.m.
Best Western Plus, 97 Camelot Drive,
Ruidoso, New Mexico

Members Present- Glen Thurow, PS, Board Vice-Chair
Augusta Meyers, Public Member
Ronald Bohannan, PE
Dr. Rola Idriss, PE
David Cooper, PS
Clifford Spirock, PS
Karl Tonander, PE

Members Absent- Paul Brasher, PE, Board Chair
Julie Petrocco-Samora, PE
Joshua Skarsgard, Public Member, Board Secretary

Others Present- Perry Valdez, Acting Executive Director, BLPEPS
Naomi Velasquez, Compliance Officer, BLPEPS
David Montoya, Licensing Manager, BLPEPS
Richard Word, Legal Counsel – via telephone

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

Mr. Thurow convened the meeting at 9:07 a.m. Roll call was taken, a quorum is noted.
There is no audience present.

2. **Meeting Notification**

Mr. Valdez informed the Board the meeting was noticed in the Albuquerque Journal and the Board's website.

3. **Approval of Agenda**

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

4. **Approval of Minutes**

a. **Minutes of April 10, 2015**

MOTION by Mr. Spirock to approve the minutes of April 10, 2015 as is,
SECOND by Ms. Meyers, **PASSED** unanimously.

5. **Committee Reports**

a. **PS Committee**

Ms. Meyers provides a report for the April 9, 2015 meeting since the committee had to recess and reconvene the following day after the Full Board meeting. Ms. Meyers reports the committee discussed proposed changes to the New Mexico Minimum Standards of Surveying, the legal enforcement committee's charge of disciplinary charges on the website was discussed. The newsletter was also discussed. Ms. Meyers reports that some disciplinary cases were heard, reviewed 4 applications for the PS exam, 6 candidates for endorsements, 1 for reconsideration, 1 for reinstatement and no applicants for retired status.

Dr. Idriss enters the meeting at 9:12 am

Ms. Meyers reports on the activities of yesterday's meeting. The committee elected Mr. Cooper as Chair and Mr. Spirock as Vice-Chair. Mr. Cooper was also elected as the designated hearing officer, with alternate board members as advisors.

Ms. Meyers reports the committee accepted the report on one disciplinary case, Mr. Cooper will review the plats of another case, and one case was closed due to the statute of limitation running out. Ms. Meyers adds that Mr. Thurow will further investigate a case for additional information.

Ms. Meyers states the committee reviewed 1 PS exam application for reconsideration and was approved to sit for the exam. The committee reviewed another application for reconsideration for endorsement but was not approved due to the lack of education requirements. The committee approved one endorsement and did not approve another.

Ms. Meyers informs the Board that the committee will be contracting with Mr. Chuck Cala as the new investigator.

Mr. Word expresses his concern with some of the surveying committee members investigating cases. The committee could lack a quorum when the time comes for a vote. Mr. Bohannon suggests that if a quorum is lacking, a member of the engineering committee could sit on the panel. Mr. Word agrees with Mr. Bohannon and would recommend this. Mr. Thurow explains that it would be for these two cases until the new investigator is on contract.

Mr. Tonander asks about the case which ran the statute of limitation. Mr. Thurow responds that the case was investigated but the firm failed to respond to letters of response. The committee issued an NCA based on to failure to respond, the firm simply refused to take receipt of the registered letters sent to them. Ms. Jeffers, the Board's prosecuting attorney, refuses to proceed on those cases unless the underlying facts of the complaint itself have been substantiated. Mr. Thurow explains that he attempted to obtain further information but was unsuccessful, so Ms. Jeffers would not prosecute without the information and the time ran on the complaint.

b. PE Committee

Mr. Bohannon reports that the committee elected Mr. Tonander as Chair and he as Vice-Chair. The committee acted on 24 candidates for the PE Exam, 69 PE endorsements; of the requested endorsements 2 were not approved, and 2 were deferred.

The 2 that were deferred, the committee spent a lengthy time discussing them, the applicants were present yesterday, one with his attorney. The committee asked them to prove that their curriculum met the engineering criteria for endorsement; one has a physics degree and the other is a geologist.

The committee had 24 reinstatement applicants, 1 additional discipline for structural. Staff was directed to file 2 complaints against an organization for offering engineering services without a license. Mr. Bohannon informs the Board that Mr. Tonander, Mr. Brasher, and he are appointed as hearing officers for fiscal year 2016.

c. Executive Committee

Mr. Thurow reports the committee has not met.

d. Joint Practice Committee

Mr. Bohannon reports the JPC met May 29th in Las Cruces. Mr. Ray Vigil was elected as the new chair of the JPC. The Board of Examiners for Architects will take over for fiscal year 2016 in hosting the meetings. Mr. Bohannon states the JPC was initially set-up to resolve conflicts between the architects, engineers, surveyors and landscape architects. The JPC has morphed into areas of mutual concern, Mr. Bohannon explains that staff was directed to file two complaints that came out of this committee, so the JPC rules will be looked at and re-worked to bring them up-to-date.

Another original intent of this committee is to provide members of the various boards to selection committees for RFPs. The Architect Board has come up with a list of names of architects that are available for assisting in reviewing the RFPs. Mr. Bohannon requests the Board members to provide names of professionals that could be on a list for the Engineers and Surveyors Board.

Mr. Valdez adds that Mr. Martin Romero, from Construction Industries, was appointed by the JPC to be their new public member.

e. Public Information, Exam and Licensure Promotion Committee.

Ms. Meyers reports the committee has not met.

Mr. Valdez presented a draft of the newsletter to the Board. Mr. Valdez informed the Board that Ms. Sami Romero and Mr. David Montoya, of the staff, are working to finalize the newsletter. Mr. Tonander would like for the newsletter to be published as soon as possible without further delay.

Mr. Thurow expressed the desire of the Board to publish at least two newsletters a year. Mr. Tonander responded it would be a good idea to request articles from the licensees and provide PDHs for their articles.

Mr. Valdez also informed the Board that he and Mr. Montoya met with the Department of Information Technology on finding out if they could create a computer based testing system for the NM 2 Hour State Specific Surveying Exam.

Mr. Valdez said further meetings are necessary, but it looks like they should be able to create the testing system.

f. Rules and Regulations Committee

Mr. Bohannon reports that the committee has had one meeting but is planning on having more to go over other proposed changes to the rules.

Mr. Thruow asks Mr. Valdez if the office has received any comments regarding any proposed changes to the New Mexico Minimum Standards of Surveying. Mr. Valdez reports that there haven't been any so far; he would find out if any have been received once he returns to the office.

g. Legal Enforcement Committee

Dr. Idriss reports that Mr. Valdez was charged with asking other member board administrators from other state boards about how they publish their disciplinary actions. Dr. Idriss summarized this information into a spreadsheet.

There were 18 responses, 15 out of 18 publish in their newsletter, one actually also publishes to a newspaper, 18 out of 18 publish on their website, 17 out of 18 publish full detail, California only provides the names, 13 out of 18 publish indefinitely, another question that was asked was the amount of the fine, the maximum fine was 10,000 dollars per violation, and the last question asked was if administrative costs were recuperated, 12 out of 18 answered 'no'.

Mr. Thurow requests that a recommendation be ready for the August meeting for the Board to vote on how to proceed with publishing disciplinary actions.

Mr. Valdez reports that the Board directed staff to provide a summary of how the Board has issued disciplinary actions and fines based on violations. He reports that Ms. Velasquez prepared two separate spreadsheets showing how each committee has acted on disciplinary cases.

Mr. Thurow would like these as an agenda item for each committee to review these reports and possibly create a rubric and have it as a minimum standard, to have some consistency in our actions. Mr. Thurow thanks Ms. Velasquez for the reports.

h. NCEES Committee Members

1) NCEES WZ Meeting

Mr. Valdez reports on the Member Board Administrator break out meetings. Mr. Valdez informs the Board that there will be changes to the NCEES Enforcement Exchange disciplinary reporting site to make it more user friendly, NCEES is creating one portal for applicants so they have one site to access everything, such as to register for exams and request verifications. He also informed the Board of the progress of the new continuing education site that NCEES is developing to assist the Boards with license renewals. The site will allow licensees to enter their continuing education hours for the Boards to have a central area to audit. NCEES is attempting to provide as much information as possible without overloading the site.

Mr. Valdez reports that future meetings were discussed. The dates and locations were provided as to future meetings.

Mr. Valdez reports that the topic of decoupling experience from the PE exam was discussed. There are some Boards that feel experience shouldn't be tied to the PE exam, because the exam is testing knowledge and not experience. Those Boards felt the experience, for licensure, could be gained after passing the exam.

Mr. Thurow reports that NCEES is requesting for a written report from each Board of their activities. This would enable NCEES to have additional agenda items for the Western Zone meetings, based on what the Boards are dealing with.

Mr. Thurow also reports that April 2016 will be the last paper and pencil exam of the PS exam. The subsequent exams will be given as computer based exams. Beginning October 2016 candidates will have the opportunity to register for the exam and reserve a space. The exam will be provided through Pearson VUE testing centers. We have one in Albuquerque. Mr. Thurow informs that the PE exam will follow the same route to computer based testing.

Mr. Valdez adds that the testing windows for the FE and FS exams will be extended. NCEES has realized that they are missing the opportunity to have students take the exam while on their winter and summer breaks.

2) NCEES Committee Appointments

Mr. Thurow reports that he has been re-appointed to the education committee.

Mr. Valdez reports that he and Ms. Samora have been re-appointed to the Member Board Administrator committee.

i. **Ad Hoc Committee** – Personnel and Relations with the RLD

Mr. Valdez reports that RLD has a new Director of Boards and Commissions, his name is Enrique Knell. Mr. Valdez provides a brief background of Mr. Knell.

6. **Director's Report**

a. **Financials**

Mr. Valdez reports the fiscal year 2016 operational budget has been prepared and submitted. Mr. Valdez adds that the process will begin to prepare the fiscal year 2017 budget request.

Mr. Valdez reports on the status of contracts. He submitted two contracts, one for the PE investigator and the other for the agency's independent auditor.

b. **Proposed Rule Changes Status**

Mr. Valdez informs the Board that the adopted rules were submitted to the State Records and Archives and will be effective July 1, 2015. The new rules will be posted on the website.

c. **Licensing Status**

Mr. Valdez reports 137 licenses issued since April 9, 2015, of those there were 4 surveyors and 133 engineers. There were approximately 13 intern certifications issued since April 9, 2015, those were all engineer interns.

d. National Exam Statistics

Mr. Valdez provides the Board with a national exam statistics spreadsheet obtained from NCEES. Dr. Idriss asks Mr. Valdez if the Universities receive this report. Mr. Valdez responds that he is unaware if the Universities receive this report. He will send the report to each University; he will also generate another report specific to each University.

7. Public Comment/Correspondence

No public comment or correspondence to report.

8. Old Business

a. FY16 Meeting Calendar

Mr. Thurow states that he would like to see that the societies or associations are made aware of our meetings in other locations, other than Santa Fe and Albuquerque. He states that there may be issues or topics that these groups may want the Board to consider and they could be added to the agenda.

Mr. Word advises that if an interested party, individual, or group, would like something on the agenda they should go through staff. The director consults with the chair of the committee, or the chair of the board. They make the determination if it is germane or appropriate to be on the agenda.

MOTION by Ms. Meyers to adopt the fiscal year 2016 meeting calendar,
SECOND by Mr. Cooper, **PASSED** unanimously.

9. New Business

a. Procurement of Professional Services

Mr. Bohannon states he requested this item be placed on the agenda. He informs the Board that an email was provided in the meeting packet between Mr. Larry Medrano, Mr. Thurow and himself; concerning procurement services and going through the QBS system. Also included was legislation that the Board of Architects provided. Mr. Bohannon states he feels that the professions take a position on the QBS; he suggests that a position paper be prepared for the next meeting.

b. Election of Officers

Mr. Bohannon moved to nominate Mr. Thurow as chair of the Full Board for the next fiscal year. Mr. Thurow accepts the nomination. Mr. Spirock seconded the nomination for Mr. Thurow.

VOTED to elect Mr. Thurow as Chair of the Full Board by acclamation.

Mr. Thurow moved to nominate Mr. Bohannon as vice chair of the Full Board for the next fiscal year. Mr. Bohannon accepts the nomination. Mr. Tonander seconded the nomination for Mr. Bohannon.

VOTED to elect Mr. Bohannon as Vice Chair of the Full Board by acclamation.

Mr. Thurow moved to nominate Mr. Tonander as secretary of the Full Board for the next fiscal year. Mr. Tonander accepts the nomination. Dr. Idriss seconded the nomination for Mr. Tonander.

VOTED to elect Mr. Tonander as Secretary of the Full Board by acclamation.

c. FY16 Open Meetings Resolution

MOTION by Mr. Bohannon to adopt the Fiscal Year 2016 Open Meetings Resolution, **SECOND** by Ms. Meyers, **PASSED** unanimously.

d. FY16 Strategic Plan

Mr. Thurow requests that a working meeting be held in July to go over this item, along with other items that need to be discussed.

10. 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) (2). **SECOND** by Mr. Bohannon.

Roll Call was taken, voting 'Yes': Mr. Thurow, Mr. Bohannon, Ms. Meyers, Mr. Tonander, Dr. Idriss, Mr. Cooper, and Mr. Spirock.

- a. Staffing and Executive Director Position.

10a. Action on Items Discussed During Executive Session

Mr. Thurow 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) (2).

- 11. Next Scheduled Meeting Date: August 2015, Albuquerque**

12. Adjourn

Mr. Thurow adjourned the meeting at 11:57 a.m.

Submitted by:

Approved by:

s/ Perry Valdez

s/ Glen Thurow

Mr. Perry Valdez, Acting Executive Director

Mr. Glen Thurow, Board Vice-Chair

September 18, 2015 Approved Date