

MINUTES

MEETING OF THE NEW MEXICO BOARD OF  
LICENSURE FOR PROFESSIONAL ENGINEERS  
AND PROFESSIONAL SURVEYORS held 10:00 a.m.,  
Thursday, January 27, 2017, Hearing Room1,  
Toney Anaya Building, 2550 Cerrillos Rd.,  
Santa Fe, NM. 87505

**Members Present –** Ron Bohannon, PE, Board Chair  
Karl Tonander, PE  
Julie Samora, PE  
Glen Thurow, PS  
David Cooper, PS  
Cliff Spirock, PS  
Augusta Meyers, Public Member  
Josh Skarsgard, Public Member  
Paul Brasher, PE

**Members Absent –** Dr. Nadir Yilmaz, PE

**Others Present –** Perry Valdez, BLPEPS, Executive Director  
Annette Thompson-Martinez, BLPEPS, Deputy Director  
Brian McBain, BLPEPS, Team Leader  
Sami Romero, BLPEPS Executive Assistant  
Kara Szkotak, Legal Counsel

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

Mr. Bohannon convened the meeting at 9:01 am, roll call was taken and a quorum noted.

2. **Meeting Notification**

Mr. Valdez informed the Board 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 as presented, **SECOND** by Mr. Thurow, **PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of December 14, 2016**

**MOTION** by Mr. Tonander to approve the minutes of December 14, 2016 as presented, **SECOND** by Mr. Spirock, **PASSED** unanimously.

**5. Public Comment/Correspondence**

There was no public comment or correspondence.

**6. Director's Report**

**a. Staff Vacancies**

Mr. Valdez stated there is currently one vacancy for a licensing manager position. Ms. Naomi Velasquez was awarded the financial position. The vacancy was advertised and a list of candidates has been received, interviews are planned for the week of the 13th.

**b. Staff Space Update**

Mr. Valdez informed the Board he received new quotes totaling \$16,000; a secondary issue being resolved is that there is no power going to the outlets in the existing cubicles. Mr. Pat Mc Murray is looking into finding an electrician to have this secondary issue corrected. The Regulation and Licensing Department (RLD) is inquiring when we will be moving upstairs. Mr. Bohannon asked how much money is allotted in the budget for the remodeling. Mr. Valdez stated that depending on if a contract is needed it would come out of the contract category, \$46,000 more or less is readily available. Some juggling within the operating budget categories will need to be done when all is completed and figured out. Mr. Bohannon asked if the funds have been swept from the fund balance. Mr. Valdez responded yes, the money was swept and the additional funds to be swept beyond the current balance were taken from this year's revenue. Mr. Valdez stated a move may not be made soon because purchase orders, possibly contracts need to be drawn up, and the modifications completed. Mrs. Thompson-Martinez informed the Board there is a freeze on any budget adjustment requests until after the Legislative session. Mr. Bohannon suggested that a review of the funds be made to ensure that everything will be prepared once the time comes.

Mrs. Thompson-Martinez dispersed a handout of the FY18 budget request. Mrs. Thompson-Martinez informed the Board of the recommendations from the Legislative Finance Committee (LFC) and the Department of Finance and Administration (DFA). She reiterated to the Board the reclassification was not included when the FY 18 budget was requested, which will reflect a significant deficit in the personnel and employee benefits. Mr. Bohannon asked if a request for additional budget can be made after the Legislative session. Mrs. Thompson-Martinez stated she and Mr. Valdez were proactive and spoke to the DFA budget

analyst inquiring about a budget increase in the personnel and employee benefits sections. The analyst expressed since the budgets have already been submitted, a discussion can take place at the budget hearings. The analyst also informed Mr. Valdez and Mrs. Thompson-Martinez of the ability to request a Budget Adjustment Request (BAR) from a category transfer or the fund balance if necessary. Mr. Valdez reported he informed the LFC budget analyst that their recommendation, which reported two vacancies, was inaccurate. The LFC budget recommendation was significantly lower due to the inaccuracy of the report. Mr. Spirock reported there is talk in the media of agency consolidations. Mr. Bohannon stated that it would be best for the Board to review the cash flow in order to understand when exactly the funds will run out. Mr. Brasher asked if RLD's Human Resource has discussed the consolidation with the State Personnel Office (SPO) with staff. Mr. Valdez stated that nothing has been said. His understanding of the issue is the HR staff would move to SPO and a ticket would need to be submitted. Mr. Bohannon requested this item be added to future agendas to keep on top of the cash flow.

**c. Legislative Report**

**1) Engineering and Surveying Practice Act**

Mr. Valdez reported House Bill 188 and Senate Bill 87 are regarding the changes to the Engineering and Surveying Practice Act. House Bill 189 is solely for the agency's sunset date. Mr. Valdez reported on the status of House Bill 188, it is currently scheduled for the House Transportation Committee and Senate Bill 87 is in the Senate Corporations Committee. Mr. Bohannon would like to have designated Board members in case there is anything happening during Legislature where members would need to be present.

Mr. Skarsgard entered the meeting at 9:26 am.

**2) Legislative Bills**

Mr. Valdez stated there is a Bill tracker on the Legislative website which he will share the login information with each Board member to assist in the monitoring the Legislative Bills. Mr. Bohannon asked who would be available to be on call to attend any of the Legislative Committees. Mrs. Samora, Mr. Spirock, Ms. Meyers, Mr. Cooper, and Mr. Brasher volunteered to be on the Legislative call list. Mr. Valdez stated that he will inform them if any changes are made.

Mr. Thurow informed the Board that Senate Bill 14 was introduced regarding repose for construction industry of 10 years, State statute 37, which deals with construction defects.

Mr. Valdez advised there may be a forthcoming Bill affecting two RLD Boards specifying that any fines or forfeitures that are collected must go into the state's educational fund. He further elaborated that in the state constitution all fines and forfeitures are required to go into the state educational fund. If this Bill is adopted all fines collected by those Boards will go back to the state and not to the Board's accounts. Mr. Brasher asked if fines that are issued are returning revenue. Mr. Valdez responded with an affirmative.

Mr. Valdez reported RLD asked him if we would be opposed to the Landscape Architect Board merging with the Engineering and Surveying Board. The response to RLD, by Mr. Valdez, was the Board would not oppose the merger. He was not aware of or been informed of any Legislative Bills regarding this.

The Board discussed amending House Bill 188 and Senate Bill 87 to modify language in 61-23-27.3 E. changing the certification experience requirement for those with a related science degree from four years to two years.

**MOTION** by Mr. Thurow to amend the Engineering and Surveying Practice Act, section 61-23-27.3 Certification of Surveyor Intern, paragraph E. so the language be changed from four years to two years, to read as follows: if otherwise qualified, a graduate of a board-approved but related curriculum of at least four years, to be considered for certification as a surveyor intern, shall have a specific record of two years of combined office and field board-approved surveying experience obtained under the direction of a licensed professional surveyor. Class time will not be counted in the two years of required experience, but work prior to or while attending school may be counted towards the two years of required experience at the discretion of the board, **SECOND** by Mr. Spirock, **PASSED** unanimously.

**d. Licensing Status Report**

Mr. Valdez stated the statistical sheets show how many active surveyors there are. The PS active license count sheet shows a slow decrease, then in Fiscal Year 2015 a substantial increase in active licenses, then the numbers decrease again in Fiscal

Year 2016, Mr. Valdez reported that the decrease was contributed to several factors such as surveyors not renewing their license, requests for inactive and retired status, and some who passed away. Mr. Valdez reported that the engineers see increases throughout the years.

Mr. Spirock stated he requested Mr. Valdez to include information showing what surveyors are in-state as opposed to out-of-state. Mr. Valdez reported there are more out-of-state surveyors than there are in-state surveyors.

Mr. Bohannon asked for information regarding the status of license renewals. Mr. Valdez reported there are 520 licenses still pending renewal, of those 21 are surveyors, one dual licensee, and 498 are engineers. Mr. Valdez stated this is the lowest number of licensees that have not renewed in years. Mr. Bohannon stated the website, online renewals and staff's proactive approach with email notifications and informing the licensees worked.

Mr. Tonander asked if there is an expected revenue in penalties on the fee analysis/budget projections. Ms. Thompson-Martinez responded the actual amount received last fiscal year was \$49,500 and what was budgeted was \$35,300. Mr. Tonander stated those must not be including the renewal numbers reported here. Mr. Valdez reported the fee analysis spreadsheet had 2,221 licenses renewing in the penalty phase, which is \$39,000.

Mr. Valdez reported the other spreadsheet provides the exam statistics. He also informed the Board he and Ms. Miranda Baca compiled this data; that Ms. Baca helped with quite a bit of work on this.

## **7. New Business**

### **a. NCEES**

#### **1) Western Zone**

Mr. Valdez stated he placed this on the agenda to find out who would be attending and who would be funded members. He informed the Board there are two funded member slots and the meeting is being held May 18th through 20th.

Mr. Bohannon expressed to the Board he would like for Mr. Valdez and Mrs. Thompson-Martinez to attend the Western Zone meeting in Denver, Colorado as funded members. He stated this is a great opportunity for staff to enhance their knowledge in the profession.

Mrs. Samora, Mr. Brasher, Mr. Tonander, and Ms. Meyers expressed their interest in attending the Western Zone meeting.

Mr. Bohannon said it would be in the best interest to submit the travel requests to the Annual meeting as well.

## **2) Presidents Board Assembly**

Mr. Bohannon informed the Board that he and Mr. Valdez will be attending the meeting in Atlanta, Georgia. They will both provide a report of the meeting to the Board in April, at the next board meeting.

## **3) 2017 Call for Awards Nominations**

Mr. Valdez stated he received an email from NCEES and would like the Board members to nominate someone. The deadline for the nomination is February 27<sup>th</sup>.

## **8. Old Business**

### **a. NMSU Surveying Program Status and NM Surveying Degree Requirements**

Mr. Spirock reported Mrs. Ballard and Mr. Forstbauer attended yesterday's Surveying Committee meeting and reported they met with NMSU; it was confirmed the surveying program is changing its name to geomatics. Mr. Pappas did not have any official letter from NMSU and stated one will not ready until after the senate faculty meeting has met. An official notice is to be expected in May or June. Mr. Thurow stated he was informed NMSU is admitting freshmen students into the program, as well as transfer students. CNM will continue to maintain their articulation agreements with NMSU. Mr. Bohannon asked how many students are enrolled in the program, Mr. Thurow responded the last count received was 28. The amount of enrolled students needed to maintain funding for the program is around 50. NMPS in the meantime will be donating to assist with the program restructuring. Mr. Thurow stated he understood the program would need financial assistance for a three-year time period. Mr. Bohannon asked if there was any discussion held to help with the funding of this program. Mr. Spirock responded there was nothing planned at this time, especially since the sweep of the Board's fund balance.

Mr. Thurow reported Mr. Forstbauer gave a presentation at the Surveying Committee yesterday, requesting to reduce the experience requirement for those applicants with a related science degree from a four-year requirement to a two-year requirement. The issue right now would be amending both bills before they proceed further into legislation, without causing any problems to the existing bills. Mr. Bohannon stated it would be best to address the experience requirement at the next legislative session instead of this one. Mr. Spirock indicated he supports the amendment but is concerned with making the amendment to the current bills. Mr. Tonander reported he spoke with the Oklahoma Licensing Board, their licensing

difference is worse than NM, even with their two-year requirement; they have 600 surveyors and 11,00 engineers. Mr. Spirock indicated he would like something to clarify the language regarding future applications to allow the Board to have more flexibility when reviewing applications. Mr. Bohannon stated a proactive approach would be best to preserve the surveying community.

**b. Website- Disciplinary Actions**

Mr. Valdez provided several examples of how the disciplinary cases may be publicized on the Board's website. He informed the Board this matter was discussed previously during the November 2016 meeting. Mr. Tonander requested information from other state boards and discovered the New Mexico Board is the most conservative with respect to protection of registrant privacy; NCEES will be providing guidance to the state boards to go by.

Mr. Skarsgard asked if the public would be able to discover any disciplinary actions taken from a licensee's number. Mr. Tonander suggested the disciplinary action page have a note informing the public that under the RLD licensee look up page they would be able to research specific licensees. Mr. Cooper stated that a three-step approach to look up the disciplinary actions would be the best to protect the public.

**MOTION** by Mr. Brasher to adopt and to put into effect on the Board's website the RLD model sample number 2 that includes the license number and the final action, **SECOND** by Mrs. Samora, **PASSED** unanimously.

**MOTION** by Mr. Tonander to have the disciplinary action appear for 2 years after the final action, **SECOND** by Mr. Cooper, **PASSED** unanimously.

Mrs. Samora exits the meeting at 10:35 am.

**9. Committee Reports**

**a. PS Committee**

Mr. Spirock stated there were several members in the audience. There was discussion regarding the status of the surveyor investigator along with the extension of the RFP process. Two cases are pending investigation and are not in threat of reaching their statute of limitation deadline. Mr. Bohannon informed the members that if an investigator is not contracted in time, it would be wise to assign a Board member to investigate those cases. Mr. Spirock reported there is draft language to initiate a rule hearing after any changes to the Practice Act, and

submittal to the Rules Committee. Mr. Bohannon stated it would be best to have a rule hearing after legislation in order to incorporate all changes to the rules. Also reported, NMPS President, Chris Pappas, offered to be an editor of the State Surveying Exam questions. August would be a good time to begin the mail out exam.

Mr. Pappas extended an offer to the members to provide a presentation at the NMPS conference. Mr. Spirock reported on the applications reviewed, there was one disciplinary case in which a cease and desist order was issued and two cases were closed.

**b. PE Committee**

Mr. Tonander reported the issue of fire protection was discussed once more about whom should stamp the plans either an NICET or Fire Protection Engineers. Ideally at the next meeting an advisory opinion will be created. There were 52 inactive status requests and 45 retired status requests approved at the meeting. Disciplinary cases took a substantial amount of time due to 13 cases on the agenda with six being grouped together generating several of NCA's. Mr. Tonander informed the Board there was a case where a non-engineer forged an engineering document; an NCA was issued along with a cease and desist letter and a \$5,000 fine. Mr. Tonander informed the Board it was learned a letter could be sent informing the licensee they are late in their self-reporting. The Committee deferred a portion of the applications for review due to a lack of time for a special meeting being held on February 23, 2017.

**c. Executive Committee**

Mr. Bohannon informed the Board he has yet to meet with Trevor Crombie.

**d. Joint Practice Committee**

Mr. Cooper informed the Board that there hasn't been a meeting, therefore there is no report at this time.

**e. Public Information, Exam and Licensure Promotion Committee**

Mr. Tonander reported there was a meeting. There were seven topics for discussion. The ethics training was successful this year. PSAs need to be considered for the future to educate the public. The Committee is still looking at doing two newsletters a year first being in March/April this year. Tentatively it would be Mr. Valdez and Mr. McBain to begin the newsletter and request articles. There is an NMSPE certificate ceremony on February 14<sup>th</sup>. Mr. Spirock likewise



reported there is an NMPS conference coming up in March and asked for an informational pamphlet. Mr. Bohannan responded the Board has not had one and it may not be necessary for the conference. Mr. Valdez informed the Board that NCEES regularly sends news releases. Mr. Bohannan stated the newsletters have been well received and the licensees look forward to them.

**f. Rules and Regulations Committee**

The Committee provided no report at this meeting.

**g. Legal Enforcement Committee**

The Committee did not provide a report at this meeting.

**h. NCEES Committee Members**

Mr. Thurow stated he will be attending an educational conference later on. Nothing has been codified for recommendation regarding education for engineering, along the lines of BS +30. A motion should be finalized and amendments made at the NCEES Annual meeting.

**10. Executive Session**

- a. Compliance Officer and Staff Communication.
- b. Review of the MOU with RLD.

**11. Action on Items Discussed During Executive Session**

The Board did not go into executive session.

**12. Next Scheduled Meeting Date: April 21, 2017 – Rio Rancho, NM**

**13. Adjourn**

**MOTION** by Augusta to adjourn the meeting, **SECOND** by Mr. Spirock, **PASSED** unanimously.

Meeting adjourned at 11:50 am

Submitted by:

Approved by:

s/ Brian McBain

s/ Ron Bohannan

Mr. Brian McBain, Team Leader

Mr. Ron Bohannan, Committee Chair

April 21, 2017 Approved Date