

## MINUTES

**MEETING OF THE NEW MEXICO BOARD OF  
LICENSURE FOR PROFESSIONAL ENGINEERS  
AND PROFESSIONAL SURVEYORS held at 9:00 a.m.,  
Friday, November 6, 2015, Room 114M,  
Dona Ana Community College, Espina Campus  
Las Cruces, NM**

**Members Present-** Glen Thurow, PS, Board Chair  
Ronald Bohannon, PE  
Karl Tonander, PE  
Paul Brasher, PE,  
David Cooper, PS  
Julie Petrocco-Samora, PE  
Clifford Spirock, PS  
Augusta Meyers, Public Member

**Members Absent-** Dr. Rola Idriss, PE  
Joshua Skarsgard, Public Member

**Others Present-** Perry Valdez, Executive Director, 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 9:00 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. Bohannon, **PASSED** unanimously.

### **4. Approval of Minutes**

#### **a. Minutes of September 18, 2015**

Mr. Thurow has one correction, item 6. j. change from 'absolves' to 'dissolves'.

**MOTION** by Mr. Bohannon to approve the minutes of September 18, 2015 as amended, **SECOND** by Ms. Tonander, **PASSED** unanimously.

**5. Public Comment/Correspondence**

No public comment or correspondence to report.

**6. Director's Report**

**a. Status Reports**

**1) Corrected Rules – Parts 2 and 5**

Mr. Valdez informs the Board the corrected rules, parts 2 and 5, are at State Archives and Records. We should have them effective soon.

**2) Website**

Mr. Valdez informs the Board that a contract has been started to have Real Time Solutions host the site. They were the company who created the site.

**b. Financial Report(s)**

Mr. Valdez provides a financial report of Fiscal Year 2015. The report covers revenues, expenditures, and the fund balance.

**1) LFC Budget Hearing Report**

Mr. Valdez provides a report of the LFC hearing. The LFC hearing went late into the afternoon, general questions were asked by most. The Agency's fund balance was also brought up. Mr. Thurow added that it is necessary for the Board to decide how to lower the fund balance, possibly looking at lowering fees.

**c. Application Affidavit Question**

Mr. Valdez informs the Board he was directed to find out how many licensing boards in other jurisdictions have this type of question on their applications. The affidavit asks if the applicant has practiced or offered to practice in New Mexico prior to licensure. Some boards have this type of affidavit on their applications and others don't. Those jurisdictions that have this type of affidavit don't pursue action against those applicants that answer 'Yes', they simply issue a letter of caution.

Ms. Samora and Mr. Thurow agree that the wording of these affidavits should be carefully reviewed to ensure it is clear and succinct.

**MOTION** by Mr. Spirock to include the language of these affidavits to both the surveying and engineering applications, **SECOND** by Mr. Tonander, **PASSED** unanimously.

**d. National Exam data**

Mr. Valdez provides a spreadsheet to the Board regarding the national exam pass rates for the past 3 years. Mr. Bohannon suggests that this report be provided to each of the Deans of Engineering for the three universities.

**e. Licensing Status**

Mr. Valdez reports approximately 86 licenses were issued since September 18, 2015 meeting, of those 2 Surveyors and 84 Engineers. Approximately 5 Intern Certifications, of those no surveyors and 5 engineers. Mr. Valdez adds that 4,504 Licenses were generated on November 3, 2015 for renewal, of those, 4,252 engineers, 248 surveyors, and 5 dual licensees. The renewal audit includes 10 engineers, 10 surveyors, and 1 dual licensee.

**7. Old Business**

**a. Review of Fees**

Mr. Bohannon presents a fee reduction spreadsheet he and Mr. Tonander worked on. He states that this is a rough attempt to identify where the Board could reduce fees. Mr. Bohannon informs the Board of the spreadsheet that Mr. Valdez obtained from the Texas Board of Engineers, which works with a standard deviation to identify areas to reduce fees. Mr. Tonander was concerned with lowering application by comity fees too much, that would have licensure at a very low cost that may burden staff with an increased submittal of applications. Mr. Bohannon states that this would be by fiscal year in order to track it. He suggests approving the reduced fees that are being presented and reviewing this data in 5 to 6 months after everyone has had time to look at this and go over the Texas Board spreadsheet.

**MOTION** by Mr. Bohannon to modify the fee schedule as follows: the PE by examination fee from \$150 to \$75, the PE by reinstatement fee from \$200 to \$100, the PS by examination from \$150 to \$75, the PS by reinstatement from \$200 to \$100, the biannual PE license renewal fee from \$180 to \$75, the biannual PS

license renewal fee from \$180 to \$75, the biannual dual license renewal fee from \$360 to \$150, eliminate the Inactive and Retired status fee, reducing the 2 year initial license fee of \$180 to \$75 and the one year initial license fee of \$90 to \$37.50, and suggest that after the initial establishment of those fees, after the legislative session of January and upon further research by staff on fee reductions by other states that we revisit these fees next year. That these fee reductions go into effect in Fiscal Year 2017 and Fiscal Year 2018. **SECOND** by Mr. Tonander, **PASSED** unanimously.

Mr. Bohannon further requests that this item be placed on the January meeting agenda, to provide a more detailed analysis of the Texas Board spreadsheet. Also, to place the item on April 2016 meeting agenda.

**b. Proposed Statute and Rule Changes**

Mr. Bohannon provides an update as to the progress of further Statute and Rule changes.

**8. New Business**

**a. Professional Affidavits of Responsible Charge/Registration of Firms**

Mr. Thurow explains that registration of firms needs to be added to the Engineering and Surveying Practice Act under 61-23-27.9 Practice of Surveying and 61-23-21 Practice of Engineering. This may also have to involve the New Mexico Secretary of State's Office since they require corporations to register with that Office. The professional affidavits also need to be looked at, it is a problem that keeps occurring, where non-surveying firms having a surveyor in responsible charge. The requirement of these forms should be placed in the Administrative Code. Mr. Bohannon feels that these are necessary but expresses concern that holding one engineer in responsible charge for the entire project may put the engineer practicing outside his field. Mr. Cooper has concerns with companies bidding on projects where they don't have a complete team to provide engineering and/or surveying until they have the contract, which is a violation of the Practice Act. There was further discussion about being aware and being careful of not over regulating the professions. It was decided to assign this to the Regulations and Rules Committee to further research this.

**b. PDH Ethic Course – Status and Future Offerings**

Mr. Valdez reports to the Board of the overwhelming response to the first offering of the Las Cruces ethics courses. Some people are asking if there will be more courses

in other locations, also if they'll be offered through video or webcast. Mr. Valdez has spoken to Mr. Tonander regarding this. Mr. Tonander is happy to provide more courses in other locations as long as the Board office could set up the venues for the courses. It would be his plan to offer the additional courses where his company has offices. Mr. Tonander explains his course is about leading a discussion and getting the audience to participate. Mr. Spirock would like other Board members to participate in the courses, being careful not to have a quorum present. Mr. Thurow cautions expanding beyond offering ethic courses, it would be wise to remain with only offering ethic courses. Mr. Tonander will work with Ms. Sami Romero to set up additional courses.

**MOTION** by Mr. Bohannan to amend the agenda to move item 10 before item 9 "Committee Reports", **SECOND** by Ms. Meyers, **PASSED** unanimously.

**10. Executive Session**

**MOTION** by Mrs. Samora 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. Bohannan.

**Roll Call was taken, voting 'Yes':** Mr. Thurow, Mr. Bohannan, Mr. Tonander, Mrs. Samora, Mr. Brasher, Ms. Meyers, Mr. Spirock, and Mr. Cooper.

**11. 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).

- a. Staffing and Executive Director Position.

Mr. Thurow reports that there were no actions to be taken at this time.

**9. Committee Reports**

**a. PS Committee**

Mr. Cooper reports that the Committee closed a case with a settlement agreement, which is in accordance with what the Board previously discussed about the affidavits of a Surveyor of Record. Mr. Spirock has been working very diligently on proposed changes to the Minimum Standards, as well as, CBT exams. Mr. Spirock informs the Board of the amount of research and work he has completed regarding offering the New Mexico State Specific Surveying exam. In conjunction

with Mr. Valdez, the options that the committee is looking at is either offering a computer based test, take home exam, or remaining with the paper and pencil format. Mr. Cooper presents the violation table that he and Mr. Spirock have been working on, the majority of the work has been on the surveying side. Mr. Thurow would like the table to be a document for the whole, but if the engineers wish to do a table of their own then that's fine too. This table would only be a policy and not a rule or statute. Ms. Samora indicates that her legal enforcement committee would take a look at it and make any recommendations. Mr. Cooper informs the Board that the Surveying Committee will meet in December to fine tune the Minimum Standards of Surveying and possible set up a rules hearing. Mr. Cooper reports on the applications that were reviewed and approved.

**b. PE Committee**

Mr. Tonander reports that the Committee received a letter of request from an applicant they've been dealing with. Mr. Bohannon explains that the individual has proposed to make up the course work he needs to meet the equivalency of an engineering degree. Mr. Bohannon would work with staff to provide a response to the request. Mr. Valdez presented the RFP status and schedule for the PE Investigator, there are about 23 pending cases for investigation. Mr. Tonander informs the Board that they reviewed 3 exam applications, 45 endorsement applications, 9 reinstatement applications, 5 retired status applications, 2 inactive status applications. The retired status requests were from New Mexico residents. Mr. Tonander reports that there was some lengthy discussions regarding some self-reporting cases. There is an NCA reaching its statute of limitation in December, staff has been asked to reach out to the AG's office regarding this.

**c. Executive Committee**

Mr. Thurow reports the Committee met via phone regarding some of the issues that were discussed in Executive Session.

**d. Joint Practice Committee**

Mr. Bohannon reports the JPC has not met.

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

Ms. Meyers reports the committee has not met.

**f. Rules and Regulations Committee**

Mr. Thurow reports that the Board heard from the Rules and Regulations Committee earlier in the meeting. Mr. Bohannan reports that there is nothing more to report.

**g. Computer Based Testing – State Specific Exam for Surveyors**

Mr. Spirock reports of the progress of trying to come up with additional questions for the State Specific Exam.

Mr. Valdez reports on his research with GL Solutions for a CBT exam. He reports on the proposed costs, the benefits, and the product that is being proposed. Mr. Spirock informs the Board that he and Mr. Valdez spoke of this and Mr. Spirock feels the amount of time and manpower of staff to administer the exam is more cost effective than what the CBT module would cost.

**h. Legal Enforcement Committee**

1) Disciplinary Fines Table

Mr. Thurow states that this topic had already been discussed earlier in the agenda under another item.

**i. Registrant Renewal Fees Committee**

Mr. Thurow states that this topic had already been discussed earlier in the agenda under another item.

**j. NCEES Committee Members**

Mr. Thurow informs the Board that he has nothing to report for the Educational Committee. Mr. Valdez reports that he and Ms. Samora have an MBA Committee meeting in December, that they have been assigned to different sub-committees to handle the charges assigned to the MBA Committee.

**12. Next Scheduled Meeting Date:** January 15, 2016, Santa Fe

**13. Adjourn**

**MOTION** by Mr. Tonander to adjourn, **SECOND** by Mr. Bohannan, **PASSED** unanimously.

Submitted by:

Approved by:

s/ Perry Valdez  
Mr. Perry Valdez, Executive Director

s/ Glen Thurow  
Mr. Glen Thurow, Board Chair

January 15, 2016 Approved Date