

MINUTES

MEETING OF THE NEW MEXICO BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS held 9:00 a.m., Friday, September 18, 2015, in Hearing Room 2, Toney Anaya Bldg., 2550 Cerrillos Rd., Santa Fe, NM

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

Members Absent- Karl Tonander, PE
Dr. Rola Idriss, PE
Josh Skarsgard, Public Member

Others Present- Perry Valdez, NMBLPEPS Acting Executive Director
Naomi Velasquez, NMBLPEPS Compliance Officer
Sami Romero, NMBLPEPS Executive Assistant
David Murphy, Assistant Attorney General

1. Convene, Roll Call and Introduction of Audience

Mr. Thurow convened the meeting at 9:00 am, roll call was taken and a quorum was noted. Audience introductions were made at this time.

2. Meeting Notification

The meeting was noticed in the Albuquerque Journal as well as the Board's website.

3. **Approval of Agenda**

MOTION to approve the agenda by Mr. Bohannan, **SECOND** by Ms. Meyers, **PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of June 12, 2015**

b. **Minutes of July 14, 2015**

MOTION to approve the minutes of June 12, 2015 and July 14, 2015 by Mr. Bohannan, **SECOND** by Mr. Spirock, **PASSED** unanimously.

Enter Mr. Word.

5. **Public Comment/Correspondence**

a. David Murphy, AAG

Mr. Valdez introduces Mr. Murphy, Mr. Murphy states that NMBLPEPS is one of 7 boards that he is assigned to. Mr. Murphy asks for a narrative on the violation so he can better understand the case since he does not have an engineering background and states that he will be present at other NMBLPEPS meetings. Ms. Velasquez introduces herself and informs Mr. Murphy on the compliance and process that the board has in place for each complaint stating that a case manager's report is made, she believes that is the narrative that Mr. Murphy is asking for. Mr. Bohannan asks that the next Santa Fe Board meeting the Board allocate an hour to further introduce and explain the function of the board and Mr. Valdez states that maybe a separate meeting between the Committee chairs and Mr. Murphy would be more effective. Mr. Thurow states that the executive committee would work best for this matter.

Exit Mr. Murphy

6. **Committee Reports**

a. **PS Committee**

Mr. Cooper reports that the PSC committee discussed the NCEES motions, closed some cases, reviewed applications and discussed standard of care in surveying. Mr. Cooper states that he has some concerns regarding standard of care in surveying. Mr. Spirock states that he believes that the board should exercise caution when

stating "Standards of Care". Mr. Cooper continues his report stating that he did a quick review of the practice act and that in his review he began with inserting that a form be created to have a responsible party noted on file for firms. Mr. Cooper reports that there were 2 requests for closure, no NCA's issued, no action taken. There were 3 applications for review, 4 by endorsement, and 1 by reinstatement. Mr. Spirock states that one of the applicants for comity had further review due to his education ending in approval stating "In this instance the applicant is approved with a surveying related curriculum" Mr. Thurow states that he later spoke with the professor to ensure that the engineering technology degree was surveying related. The new PS investigator is on board as well, Mr. Chuck Cala.

b. PE Committee

Mr. Bohannon reports that a meeting was held, there was further talk on education requirements; more specifically on how can you further verify the education when the applicant's education is not under the NCEES umbrella. Mr. Valdez reports that the education evaluation process through NCEES is if it is a foreign education, please note that if it is an American education it's only for a master's degree or higher. Unfortunately the applicant did not meet those requirements so the PEC committee will have to forgo the education review. Mr. Valdez reports that there were:

24 PE exam recommended approval applicants

91 PE endorsement recommended approval

22 reinstatement recommended approval applicants

1 additional discipline applicant

6 PE retake applicants

7 Endorsement applicants for review

6 Compliance cases with request for closure

Mr. Word informs the Board that he used the PEPS board as an example on tracking compliance cases.

c. Executive Committee

No report, committee has not met

d. Joint Practice Committee

Mr. Bohannon reports that the JPC has just adopted some changes that he will bring before the board on the next meeting. He states that the JPC reviewed their purpose to further evaluate what they believe would be more effective and assist the public.

Mr. Valdez reports that the board was approached to have the RFP Selection Committee listing for a RFP from the NM Energy and Minerals division. Mr. Thurow suggests to look into PTAB for this RFP selection due to an overlap. Mr. Thurow asks if they have further reviewed the purchasing from people with disabilities. Mr. Bohannon reports that they are voluntarily removing architects, engineers as well as other professionals.

e. Public Information, Exam and Licensure Promotion Committee

Mrs. Meyers reports that the committee has not met. Mrs. Samora states that she spoke with Mrs. Tibbetts and has had movement with the Newsletter. Ms. Meyers also spoke with Real Time Solutions about hosting the site. She further spoke about the newsletter. Mr. Valdez states that a contract has been initiated to acquire their services, \$6600 to host and maintain the website.

f. Rules and Regulations Committee

Mr. Bohannon states that he will set up a series of “Go-To” meetings to arrange and have regarding publishing disciplinary actions. There is no formal policy as of yet. Mr. Thurow asks that it is added to the next agenda so it may further be addressed during the November meeting. Mr. Valdez reports that currently no violations are listed on the website. Mr. Spirock reports that while he will elaborate when specified on the agenda, a disciplinary fines table was created and that he would use and adopt as a policy for an administrative tool.

g. Computer Based Testing – State Specific Exam for Surveyors

Mr. Spirock reports that there is concern with NCEES on states with state specific exams. He notes that South Dakota has a mail out state specific exam. NCEES is considering administering state specific exams. Other states administer their own exams, some utilizing CBT, for example Washington and Wyoming. He asks for further guidance on what the board decides is most important in regards to the exam. The last paper and pencil national exam is in April of 2016 the October exam will be CBT. Mr. Thurow states a position needs to be established before that time frame to ensure we have the best possible process for our applicants. Mr. Cooper feels that if the questions are further evaluated they would be have better decision on the path for the board to follow. Mr. Thurow and Mr. Cooper feel that a mail out exam may be an avenue to consider. Mr. Valdez informs the board that at the NCEES meeting a spreadsheet was created to see what states would be okay with

having NM state specific exam proctored out to other states and if this board would feel comfortable proctoring other states exams. Mr. Spirock states that first the board needs to decide how the exam will be administered first to see if any proctoring will be necessary. Mr. Thurow asks that this be taken before the surveying committee in November for further evaluation. Mr. Bohannon asks that then what level of competency is expected of the applicants, it will help further the decision of the exam. Mr. Thurow asks for action on this in the November meeting.

h. Legal Enforcement Committee

Mr. Thurow asked for a disciplinary fines table, it discusses the classification of the fines. Mrs. Samora and Mr. Brasher, and Mr. Cooper volunteer to be on this committee. Mr. Thurow places Mr. Spirock as the chair of the legal enforcement committee. Removing Dr. Idriss from the committee.

Exit Ms. Meyers

i. NCEES Committee Members

Mrs. Samora has been reappointed to the MBA committee, there were MBA meetings at the NCEES annual Meeting. Mrs. Samora reports that there are 10 charges that both she and Mr. Valdez are a part of, one of which is mobility for licensees and promoting the uniform model laws. The committee is planning to meet in December. NCEES wanted to make known that it is coming up on the 5 year exam deadline for structural engineering, "a candidate may sit for either component in separate exam administrations but must receive acceptable results on both components within a five-year period". Mr. Valdez informs the board that he has been asked to attend a board of directors meeting as a representative for the MBA committee.

j. Ad Hoc Committee – Personnel and Relations with the RLD

No report, committee has not met. Mr. Thurow dissolves this committee and passes the responsibility to the Executive Committee.

7. Director's Report

Mr. Valdez asks the board if the question "Have you performed or solicited engineering or surveying services prior to obtaining licensure in the state of New Mexico?" should be placed on the application. He states that there is a similar question on the renewal form, this would differ because this is the initial application. Mrs. Samora suggests to look at

other Engineering licensing boards to see if they have similar questions. Mr. Thurow asks that this be placed on the next meeting agenda.

a. Financials

Mr. Valdez informs the board the FY17 budget was turned into DFA, the portion of obtaining a new vehicle was removed by the request of the DFA budget analyst. The PS investigator is now on board, the RFP process for the PE investigator is underway.

b. RFP Status – PE Investigator

The RFP process for the PE investigator is underway.

c. Licensing Status

Mr. Valdez reports that approximately 239 licenses have been issued since the June 11, 2015 Meetings, of that total - 11 Surveyors, 228 Engineers. There were approximately 17 intern certifications issued, all engineer interns.

8. Old Business

a. Execution of Travel Policy

Mr. Thurow discussed the adopted travel policy in light of recent travel requests. Mr. Thurow states that the board should be executing their travel policy as permitted by the Practice Act. Mr. Word recommends the Board should address their concerns with Mr. Knell and ask for justification in the delay of the NCEES Travel requests.

b. July Working Meeting Report

Mr. Thurow reports that he plans on addressing the need to build an education requirement in the 2016 strategic plan. He states that this will have more momentum come the November meeting.

c. Rules Hearing

Mr. Thurow reports that some of the rules were pulled (16.39.2, 16.39.5) because it did not correlate with what was stated at the meeting. The board will not have to go through another rule hearing due to the fact that the items were already adopted.

d. License Fees

Mr. Bohannon states that for the next two years cut the fee rate in half to help diminish the surplus in the budget. Mr. Valdez states that he will provide a fee schedule, the surplus fund balance at this point is \$2,996,724.00

9. New Business

a. 2015 PDH Guide

Mr. Thurow states that as long as the changes comply with the administrative code he believes this will be adopted. This item will remain tabled until the November meeting.

b. Meeting with new DFA Analyst

Mr. Thurow reports that he and Mr. Valdez met with the new DFA Analyst Mrs. Ellen Veseth.

c. Registration of Firms

Mr. Thurow reports that this is an item he believes should be clarified in the Engineering and Surveying Practice act. He believes that a firm registration would be good, along with a responsible party to bind the work. This item has been tabled for further discussion.

d. Sunset 2017 Preparation – Engineering and Surveying Practice Act

Mr. Thurow states that Mr. Cooper has started a first pass on revisions, he would like to note that if any member would like to see any specific changes to send them through the Rules Committee.

e. Newsletter – Next Issue

Mr. Thurow states that he would like to have another newsletter out before or by Spring of 2016.

10. Executive Session

MOTION by Mr. Brasher 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, **PASSED** unanimously.

10a. Action on Items Discussed During Executive Session

Mr. Thurow states that 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.
No action taken

11. **Next Scheduled Meeting Date:** November 6, 2015 – Las Cruces, NM

12. **Adjourn**

The meeting was adjourned at 12:19.

Submitted by:

s/ Sami Romero

Ms. Sami Romero, Executive Assistant

Approved by:

s/ Glen Thurow

Mr. Glen Thurow, Committee Chair

November 6, 2015 Approved Date