

DRAFT MINUTES OF

Meeting of the Board of Licensure for Professional
Engineers and Professional Surveyors held 1:30 p.m.
October 27, 2011 at Middle Rio Grande Conservancy
District Office, 1931 Second Street SW, Albuquerque, NM

Members Present Julie Samora, PE, Chair
Gilbert Chavez, PS, Vic-Chair (via teleconference)
Subhas Shah, PE
Salvador Vigil, PS
John T. Romero, PE
Fred Sanchez, PS
Paul Brasher, PE
Augusta Meyers, Public Member
Joshua Skarsgard, Public Member
Rola Idriss, PE

Others Present Eva Baca, Acting Executive Director, BLPEPS
Ericca Lopez, Executive Secretary, BLPEPS
Perry Valdez, Compliance
Mark Reynolds, Acting Board Attorney
Allen Grace
Kathy Grace
Glen Thurow
Raymond Hensley
Vadra Baca
Dee Dennis

1. CONVENE/ROLL CALL

Ms. Samora convened the meeting at 1:30 p.m. Roll call was taken and it was noted that a quorum of the board was present.

1.1 Introduction of Guests

1.1A Introduction of New Board Member- Joshua Skarsgard, Public Member- Mr. Skarsgard introduced himself and apologized for not making the earlier meeting.

Mr. Allen Grace, Mrs. Kathy Grace, Mr. Glen Thurow, Mr. Raymond Hensley, Mrs. Vadra Baca and Mr. Dee Dennis introduced themselves as guests to the Board.

Mr. Mark Reynolds introduced himself as the acting attorney for the Board.

2. **APPROVAL OF THE AGENDA**

Mr. Hensley requested to be able to voice some concerns regarding the MOU to the Board.

MOTION by Mr. Vigil, **SECOND** by Dr. Idriss, and **PASSED** unanimously
VOTED: To approve the agenda as presented.

3. **APPROVAL OF MINUTES**

3.1 September 15, 2011 Meeting Minutes- Mr. Sanchez stated he had called in one correction to Ms. Lopez prior to the meeting.

MOTION by Mr. Sanchez, **SECONDED** by Dr. Idriss and **PASSED** unanimously
VOTED: To approve the September 15, 2011 meeting minutes.

4. **COMMITTEE REPORTS**

4.1 Professional Surveyors Committee- F. Sanchez, PS Chair- Mr. Sanchez reported the committee had not held a meeting but would schedule one when a quorum of his committee would be available if it was necessary.

4.2 Professional Engineers Committee- S. Shah, PE Chair- Mr. Shah made a report to the full board as follows:

The committee had three cases that had to be heard.

The committee received a couple of questions that were asked of them via email.

The committee reviewed approximately 136 applications and made decisions on them.

5. **EXECUTIVE SESSION**

MOTION by Mr. Vigil, **SECONDED** by Mr. Romero and unanimously
VOTED: To convene in closed session pursuant to NMSA 1978, Section 10-15-1 (H) (1) and (H) (2) to discuss, as listed on the agenda, the licensing complaints and the personnel status of individual Board employees. A roll call vote was taken:

Voting Yes: Mr. Romero, Mr. Vigil, Mr. Chavez, Mr. Schoen, Mr. Sanchez, Mr. Brasher, Ms. Samora, Mr. Skarsgard and Mr. Shah.

Ms. Meyers joined the meeting at this time.

Ms. Samora declared that the Committee was now in closed session.

5.1 Complaint Status

5.2 Personnel Issues

Ms. Samora brought the committee back in to open session by stating that only the items stated in the closing statement were discussed.

5A. OPEN SESSION

5A.1 Decision on Board Matters from Closed Session (if required)- No action was required at this time.

6. NEW BUSINESS

6.1 Acting Executive Director Assignment-Ms. Baca presented a letter from the governor's office appointing Ms. Baca as the temporary CFO of the agency.

The Board members expressed a concern because they had never seen a letter appointing Ms. Baca as the Acting Executive Director for the board.

Mr. Dennis stated Ms. Baca had been appointed as Acting Executive Director in a letter that had previously been issued.

Mr. Reynolds informed the Board it was the Attorney General's Office opinion that the board could choose to accept or not accept a person who is appointed by another agency and it was at their discretion.

Mr. Sanchez stated he felt that it was the Board's duty to appoint a permanent executive director.

MOTION by Mr. Romero, **SECONDED** by Mr. Sanchez, to accept Ms. Baca as the Acting Executive Director, under the Board's direction, until such time that the board decides to move forward to advertise for and hire an Executive Director.

Under discussion:

Mr. Skarsgard stated according to Section 61.23.10 in the law it clearly states that the executive director works for the board and there should be no question on that matter.

Mr. Romero stated he would like that to remain in the motion because Ms. Baca had previously stated to them that she does not work under the direction of the Board, but under the direction of SPO and RLD.

Ms. Samora called for the vote.

MOTION by Mr. Romero, **SECONDED** by Mr. Sanchez, **PASSED** unanimously **VOTED:** To accept Ms. Baca as the Acting Executive Director, under the Board's direction, until such time that the board decides to move forward to advertise for and hire an Executive Director.

Mr. Hensley expressed a concern with the appointment of this position, but stated that NMSPE would support the Board's motion.

Mr. Dennis stated Ms. Baca would only be assigned to this board.

Mr. Grace stated NMPS would also support the board's motion.

7. OLD BUSINESS

7.1 Memorandum of Understanding- Ms. Samora stated that she would take comments from all and would allow the audience members to begin.

Mr. Hensley stated that he would like to see no changes to the statute and he would like for the board to keep their own director.

Mr. Grace stated in order for the board to accept the MOU it would be necessary for the board to take it to the membership and see if it is done through legislative action in January.

Mr. Sanchez stated he felt the board was acting on this item too quickly. He felt the board should allow public comment and hear what they have to say. Mr. Sanchez felt that these were not negotiations but more like bullying. He would like to have a public meeting of the full board to allow the membership to come in and comment.

Mr. Brasher stated there are many items that still need to be flushed out; dollar amounts that will be paid out such as rent and other administrative costs. He felt the board still had a way to go. He would also like to see what role the board will play. He stated there are a lot of details to iron out.

Ms. Meyers stated it was a good starting point that needs to be looked at carefully and she hoped it would be an open process.

Mr. Shah stated this was only the first cut and he has many comments that he could provide. His main concern was that the board keeps its autonomy.

Mr. Chavez expressed a concern that there is no recourse if violations are made by RLD. He stated he did not like it and felt the board needed to take a closer look at it.

Dr. Idriss stated she felt this was a good starting place. Her main concern is maintaining and preserving the autonomy of the board. Dr. Idriss feels there are things such as personnel matters and specific money matters that need to be addressed. She stated she felt that paragraph eight of the MOU was a very general blanket statement.

Mr. Vigil expressed a concern that the previous administration had asked the board to stay out of the personnel issues that were happening with the board staff and now the current administration was telling them to be involved. Mr. Vigil felt the MOU needs to be looked over by the legal

counsel and would like to have the opportunity to sit with the governor and the board's legal counsel to discuss this issue further.

Ms. Samora stated she felt that the concerns needed to be flushed out. She stated she would like to move forward in a good faith effort. Ms. Samora expressed that she was concerned over some things that were happening but she wanted to continue moving forward with the negotiations.

Mr. Romero stated this was not a good working document for the citizens of New Mexico or for the Licensed Engineers.

Mr. Skarsgard asked the board's attorney to look for MOU's from similar boards and find out about the rent, salaries and websites. Mr. Skarsgard felt there was a possibility of some money savings but felt the MOU needed to address specific financial matters and employment matters. Mr. Skarsgard would like to see some final tweaks be brought to the January board meeting.

Mr. Dennis stated this MOU was sent out as a draft. It was drafted up by the general counsel of the RLD. The specifics were not included in the draft but he will make sure that they are sent out. Mr. Dennis stated that RLD would be there strictly for support.

Mr. Shah stated there needed to be some fine tuning done to the MOU.

Mr. Sanchez cautioned that the board needed to be careful that they do not lose its autonomy slowly. He would like for Mr. Reynolds to make comparisons with similar boards. Mr. Sanchez also stated if the board had problematic employees, they needed to get rid of them. Mr. Sanchez would still like to have more public comment before they reach a final decision.

Mr. Thurow asked if the board created a working group, he would like to have a liaison between the board and the societies.

MOTION by Mr. Skarsgard, **SECONDED** by Mr. Brasher, unanimously

VOTED: To ask Mr. Dennis to work more on the MOU and present it again to the board at a meeting set for November 16th.

Mr. Dennis asked that any comments or ideas the board that would be submitted to the board chair, also be submitted to him so they could be incorporated or addressed in the MOU.

Mr. Skarsgard asked, when the comments are being submitted, that they are very specific.

Appointed to the committee that would meet on November 16, 2011 were Ms. Samora, Mr. Skarsgard, Mr. Shah, Mr. Sanchez and Mr. Vigil. It was decided if someone could not make the meeting they would be replaced by an alternate. Also to be present at the meeting would be the board's attorney and a few public members from the societies.

8. CHAIR'S REPORT

8.1 Committees/ Assignments- Ms. Samora stated she realized the board had a lot going on but she would like for the committees to meet and bring their goals to be presented at the next meeting. Ms. Samora stated since committees did not have to advertise they could even be done over the phone.

9. DIRECTOR'S REPORT

- 9.1 Goals**
- 9.2 Visa/ MasterCard Payments**
- 9.3 Streamlining**
- 9.4 Phone**
- 9.5 Centralizing/ Reorganization**
 - a. Application/ Filing/ Examination**
 - b. Compliance Oversight**

Ms. Baca informed the board a credit card machine was ordered for the board and would be able to accept credit card payments starting with this year's renewals.

Ms. Baca stated she was beginning to have all of the staff answer calls and be able to answer the questions that are being asked.

Ms. Baca stated the applications were all being worked now by Melissa and Candis.

Ms. Baca stated Perry, Roman, Ericca and herself were working very diligently at bringing the compliance matters up to date and bring some kind of order to them.

10. ADJOURNMENT

Ms. Samora adjourned the meeting at 5:00 p.m.

Submitted by:

Approved by:

Ms. Ericca Lopez, Executive Secretary

Mrs. Julie Samora, Board Chair

_____ Approved Date