

**MEETING OF THE PROFESSIONAL ENGINEERING  
COMMITTEE of the Board Licensure of Professional  
Engineers and Professional Surveyors held  
1:00 p.m., Thursday, August 6, 2020,  
Virtual/Telephonic Meeting**

**Members Present-** Ron Bohannon, PE, Committee Chair  
Dr. Walter Gerstle, PE  
Karl Tonander, PE  
Paul Brasher, PE  
Julie Samora, PE

**Members Absent-**

**Others Present-** Perry Valdez, BLPEPS, Executive Director  
Miranda Gonzales, BLPEPS, Administrative Manager  
Maria Ruiz, BLPEPS, Licensing Administrator  
Miguel Lozano, Legal Counsel  
Joe Barela, PE, Board Investigator  
Martin Romero, RLD/CID General Construction Bureau Chief  
Refugio Rochin-Bernal  
Geoffrey Walker  
Michael Sullaway  
Bruce McWilliams  
John Bevz

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

Mr. Bohannon convened the meeting at 1:02 p.m.; he read the meeting script regarding the virtual meeting protocols. Roll call was taken and a quorum noted.

Audience introductions made at this time. Mr. Sullaway, Mr. McWilliams, Mr. Walker, and Mr. Rochin-Bernal introduced themselves.

**2. Meeting Notification**

Mr. Valdez informed the Committee 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. Brasher,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Bohannon, Dr. Gerstle, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of June 3, 2020**

**MOTION** by Dr. Gerstle to approve the Minutes of June 3, 2020 as presented,  
**SECOND** by Mr. Brasher,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Bohannon, Dr. Gerstle, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

5. **Requested Public Comment**

a. **Walker, G. – Reconsideration for Licensure by Endorsement**

Mr. Bohannon acknowledged Mr. Walker in the audience. Mr. Walker addressed the Committee stating he is requesting reconsideration for licensure by endorsement. He stated he is currently licensed in the states of Washington and Oregon.

Mr. Walker informed the Committee he applied for licensure by endorsement and received a letter from the Board office informing him that his education did not meet the New Mexico statutory requirements. He researched and found the following, first, there are a number of engineering technology programs that are ABET accredited, however his bachelor's degree program Construction Engineering Management, from Oregon State University, is accredited by a different accreditation body and not ABET accredited. Mr. Walker explained he reviewed and compared other ABET accredited engineering technology programs to his program from Oregon State University, and they are very similar. Second, he researched on the NCEES website if they would provide credentials evaluation of his transcripts. He said their website indicated an evaluation for a non-ABET program is conducted only when coupled with a master's degree or doctorate in engineering, which he is not pursuing.

Mr. Walker is requesting a reconsideration of his education based on the similarities of his program from Oregon State University to ABET accredited programs.

Mr. Bohannon pointed out he was not aware of the limitation of just masters and doctorate programs from NCEES. He understood they would review any degree. He asked Mr. Valdez if he had knowledge of this. Mr. Valdez responded, if a member Board requests from NCEES an evaluation of a bachelor's degree they would evaluate it. He iterated the request must be made from the member Board for NCEES to perform the credentials evaluation.

Mr. Bohannon asked Mr. Walker if his application packet included all his courses. Mr. Walker was unsure what was included in the packet NCEES transmitted; he thought his transcripts were included.

Mr. Bohannon informed Mr. Walker the Committee will review his information in closed session and make a decision.

**b. Sullaway, M.**

Mr. Bohannon acknowledged Mr. Sullaway in the audience. Mr. Sullaway addressed the Committee explaining he did some work in South Carolina, where he is licensed, but he did the work before receiving the Certificate of Authorization from the South Carolina Board of Professional Engineers. He continued explaining; because of this violation, he was fined. Mr. Sullaway reported he now has a current Certificate of Authorization that expires in March 2021.

Mr. Sullaway stated he notified the New Mexico Board per the rules; however, he did not notify the Board within the required 90 days. He is requesting the New Mexico Board to take no further action and he remains in good standing with South Carolina and New Mexico.

Mr. Bohannon inquired of Mr. Sullaway if he was actively doing any work in New Mexico. Mr. Sullaway answered that he is not, but he may have some coming up.

Mr. Bohannon queried Mr. Sullaway on how much time passed before he reported the South Carolina fine to the New Mexico Board. Mr. Sullaway was unsure, he said about six months or so. Mr. Bohannon asked Mr. Sullaway if he reported to other states where he licensed of the disciplinary action. Mr. Sullaway responded that he did. Mr. Bohannon asked if any other state took action against Mr. Sullaway because of what happened in South Carolina. Mr. Sullaway replied no, he reported in time with most of the states. He admitted his mistake.

Mr. Bohannon asked if anyone else wanted to provide public comment. Mr. Rochin-Bernal addressed the Committee and requested to reinstate his license. He informed the Committee that he was initially licensed in 2004 and was in the Caribbean working for an engineer, and then he moved to California. He stated that at that time his New Mexico license lapsed.

Mr. Bohannon inquired of Mr. Rochin-Bernal what he had done in continuing education to bring his education up to standards for the reinstatement of his

license. Mr. Rochin-Bernal replied that he worked in Phoenix, Arizona, where he independently read books and the code language. He continued to explain that in 2017 returned to New Mexico and he independently completed some projects, some larger projects, as a sole engineer. Mr. Bohannon asked Mr. Rochin-Bernal whom he was working for and if he was working under an engineer. Mr. Rochin-Bernal answered that his family is in the Caribbean and he attempted to gain licensure in Puerto Rico, however he not granted licensure due to child custody laws.

Mr. Bohannon informed Mr. Rochin-Bernal the Committee will review his information in closed session and make a decision.

## 6. New Business

### a. **811 Support of Design Projects - Incomplete and/or Inaccurate Marking that Occurs for Design Locates.**

Mr. Bohannon asked Mr. Tonander to brief the Committee regarding this item of the 811 Support of Design Projects and the issues. Mr. Tonander reported this item stems from issues he has heard from other engineers in his firm and other firms. He explained that utilities are either not being located correctly within the 18-inch tolerance allowed under 811 or not being located at all during design tickets, particularly. He continued explaining, under construction the locates tend to be better but there are still problems.

Mr. Tonander stated that when projects are going into construction more and more the utilities are found causing conflicts. Some are minor issues such as raising a different sub-surface utility up or down to clear the unmarked utility or the unidentified utility. He said, in some cases these issues cause project delays and additional costs, for the engineer, the owner of the project, and the contactor. Mr. Tonander informed the Committee he spoke with the Director of the 811 to find ways to address this issue, however there is not a lot the Director is able to do at this time. Mr. Tonander stated there are dangers to human beings involved in this issue and not just monetary issues. He proposed the Professional Engineering Committee potentially create a working group to explore the 811 and possible changes to the 811 Act, which would be prudent and in line with the mission of the Board protecting life and property.

Mr. Bohannon requested Mr. Tonander to explain the 811, regarding how it locates utilities, for those members who may not be knowledgeable of the Act. Mr. Tonander explained that a subsurface utility owner is known in New Mexico as an underground facility owner or UFO, for short. He continued, a UFO has to register with the State and if a request for locate through either design or construction, or bidding, is submitted in an area where you are identified as a UFO, you are notified and are given a very specific amount of time to locate the

utility. Mr. Tonander added that design tickets are apparently taken very tacitly because the underground facilities are not going to be interfered with during design, but there is a legal obligation for the UFO to locate the utilities within a very specific amount of time.

Mr. Tonander iterated he thinks this falls within the mission and charter of the Board to protect life and property, and this affects engineers and surveyors, who locate the utilities. Mr. Bohannon asked Mr. Tonander if this would be a Full Board issue. Mr. Tonander responded that it could be; that it seems to be more for engineers, but not opposed to the surveyors being included.

Mr. Tonander added the 811 law has language that states if an excavator who is putting in a new utility comes across a utility that the owner of the utility (UFO) did not correctly locate, the UFO is financially liable to the contractor, but this does not extend to the owner nor the engineer.

Mr. Bohannon queried Mr. Tonander how this would affect the Board, would the Board issue an advisory opinion or supplement the rules or the Act. Mr. Tonander responded a work group, similar to the Joint Practice Committee, could work with the 811-pipeline safety bureau to review their regulations to make improvements, which would be in line with the mission of the Board and the safety bureau.

Mr. Bohannon summed up Mr. Tonander's proposal stating this would be the creation of a task force. He asked if anyone volunteered to assist Mr. Tonander with the task force.

Mr. Bohannon appointed Mr. Tonander as the chair of the sub-committee. Dr. Gerstle volunteered to be on the sub-committee, so Mr. Bohannon indicated the sub-committee would be Mr. Tonander, Dr. Gerstle, and Mr. Brasher.

Mr. Valdez asked Mr. Bohannon if Mr. Romero had any comments or suggestions. Mr. Romero responded that he did not have any comments or suggestions. He supported the path the Professional Engineering Committee was taking to address the issue.

## **7. Application Review – Recommended Approval**

### **a. Recommended for Approval List (Exhibit A)**

**MOTION** by Mr. Brasher to approve Exhibit A, dated August 6, 2020, the recommended for approval applications, **SECOND** by Dr. Gerstle,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Bohannon, Dr. Gerstle, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

**b. Retired Application(s)**

**MOTION** by Mr. Brasher to approve the requests for retired status, **SECOND** by Dr. Gerstle,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Bohannon, Dr. Gerstle, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

**8. Executive Session**

**MOTION** by Mr. Bohannon that the Committee enter into closed Executive Session to discuss the items listed on the agenda pursuant to NMSA 1978, Section 10-15-1 (H) (1) and (3) to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license and to deliberate on pending cases. **SECOND** by Dr. Gerstle,

**Roll call vote taken, voting 'Yes':** Mr. Bohannon, Dr. Gerstle, Mr. Brasher, Mrs. Samora, Mr. Tonander

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

Mr. Bohannon brought the Committee back into open session and affirmed 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) (1) and (3).

*\*\*\*Dr. Gerstle left the meeting just before coming out of closed session\*\*\**

Mr. Bohannon directed Mr. Valdez to conduct a roll call, ensuring there was a quorum. Mr. Valdez took roll of the members present and there was a quorum.

**a. Disciplinary Cases**

**1) Case 1-PE-04-02-2019 – Complaint Manager's Report**

**MOTION** by Mr. Tonander to refer for a Notice of Contemplated Action, **SECOND** by Mr. Brasher,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Bohannon, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

**2) Case MFS-12-04-2018**

**MOTION** by Mr. Brasher to extend the existing Pre-NCA settlement agreement for an additional 30-days, if no agreement is entered it will be referred for a NCA to the Attorney General's office, **SECOND** by Mr. Tonander,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Bohannon, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

**3) Case ZBU-12-31-2018**

**MOTION** by Mrs. Samora to close the case, **SECOND** by Mr. Brasher,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Bohannon, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

**b. Status Review of Complaints and NCA Referrals**

Mr. Bohannon reported that Mrs. Gonzales, in closed session, provided a report to the Committee on the Status of pending cases and referrals for Notice of Contemplated Actions.

**c. Applications for Review**

**1) PE Exam**

**a) Abudu, S.**

**MOTION** by Mr. Brasher to approve to take the PE exam,  
**SECOND** by Mr. Tonander,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Bohannon, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

**b) Bevz, J.**

**MOTION** by Mr. Brasher to approve to take the PE exam,  
**SECOND** by Mr. Tonander,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Bohannon, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

**c) McWilliams, B. – Reconsideration**

**MOTION** by Mr. Tonander to approve to take the PE exam,  
**SECOND** by Mr. Brasher,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Bohannon, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

**d) Quintana, H.**

**MOTION** by Mr. Brasher to approve to take the PE exam,  
**SECOND** by Mr. Tonander,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Bohannon, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

**e) Roberts, M.**

**MOTION** by Mr. Brasher to approve to take the PE exam,  
**SECOND** by Mr. Tonander,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Bohannon, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.



## 2) PE Endorsement

### a) ElDorado, W. – Reconsideration

**MOTION** by Mr. Brasher to approve for endorsement in Civil engineering, **SECOND** by Mr. Tonander,

**Roll call vote taken:**

**Voting ‘Aye’:** Mr. Bohannon, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

### b) Granson, V. – Reconsideration

**MOTION** by Mr. Brasher to not approve for endorsement, **SECOND** by Mr. Tonander,

**Discussion:** Mr. Brasher stated Mr. Granson does not meet the six years of engineering experience. He explained the applicant is lacking one-year U.S. experience to be eligible to request a bypass of the FE exam.

**Roll call vote taken:**

**Voting ‘Aye’:** Mr. Bohannon, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

### c) Marvin, A.

**MOTION** by Mr. Brasher to approve for endorsement in Mechanical engineering, **SECOND** by Mr. Tonander,

**Roll call vote taken:**

**Voting ‘Aye’:** Mr. Bohannon, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

### d) Walker, G. - Reconsideration

Mr. Bohannon stated the application was tabled, pending a request from Mr. Valdez to NCEES to evaluate Mr. Walker’s education. Then to present the evaluation to the Committee at their next meeting.

**3) PE Reinstatement**

**a) Rochin-Bernal, R. – Reconsideration**

Mr. Bohannon stated the application was tabled and directed staff to work with the applicant for additional details in his record.

Dr. Gerstle recused himself during closed session.

**10. Next Scheduled Meeting Date:** September 18, 2020 – Albuquerque or Virtual  
November 5, 2020 – Las Cruces or Virtual

**11. Adjourn**

**MOTION** by Mr. Brasher to adjourn the meeting, **SECOND** by Mr. Tonander,

**Roll call vote taken:**

**Voting ‘Aye’:** Mr. Bohannon, Dr. Gerstle, Mr. Tonander, Mrs. Samora, Mr. Brasher

**PASSED** unanimously.

Meeting adjourned at 5:16 p.m.