

Members Present- Ron Bohannon, PE, Committee Chair
Dr. Walter Gerstle, PE
Karl Tonander, PE
Paul Brasher, PE
Glen Thurow, PS

Members Absent- Julie Samora, PE

Others Present- Perry Valdez, BLPEPS, Executive Director
Miranda Gonzales, BLPEPS, Administrative Manager
Angelica Urioste, Licensing Administrator
Valerie Joe, AAG, Legal Counsel
Earl Burkholder, PEPS
Christopher Lohr, PE (Arizona)
Joe Barela, PE
Frank Guzman, PE

1. Convene, Roll Call and Introduction of Audience

Mr. Bohannon read the meeting script regarding the virtual meeting protocols. Mr. Bohannon convened the meeting at 1:10 p.m. Roll call was taken and a quorum noted. Mr. Valdez informed the Committee that Mr. Tonander would be joining the meeting late.

Audience introductions made at this time. Mr. Burkholder, Mr. Lohr, Mr. Guzman, Ms. Joe, Mrs. Gonzales, Ms. Urioste, and Mr. Barela 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. Brasher to approve the agenda as presented, **SECOND** by Mr. Thurow,

Roll call vote taken:

Voting 'Aye': Mr. Bohannon, Dr. Gerstle, Mr. Brasher, Mr. Thurow

PASSED unanimously.

4. **Approval of Minutes**

a. **Minutes of August 6, 2020**

MOTION by Mr. Brasher to approve the Minutes of August 6, 2020 as presented, **SECOND** by Dr. Gerstle,

Roll call vote taken:

Voting 'Aye': Mr. Bohannon, Dr. Gerstle, Mr. Brasher, Mr. Thurow

PASSED unanimously.

b. **Minutes of September 18, 2020**

MOTION by Mr. Brasher to approve the Minutes of September 18, 2020 as presented, **SECOND** by Dr. Gerstle,

Roll call vote taken:

Voting 'Aye': Mr. Bohannon, Dr. Gerstle, Mr. Brasher, Mr. Thurow

PASSED unanimously.

5. **Requested Public Comment**

a. **Khatri, D.**

Mr. Valdez presented Mr. Khatri's letter of request for an extension on his 2019 license renewal. He explained that Mr. Khatri did not complete his 2019 license renewal and is currently in a lapsed status. Mr. Valdez further explained that Mr. Khatri contacted the Board office requesting an extension on renewal of his license. Mr. Valdez informed the Committee he would provide further details of the request in closed session.

Mr. Bohannon agreed to discuss the matter further in closed session and moved to the next agenda item.

b. **Lohr, C. – Requesting NM Endorsement of the Plumbing option to the NCEES PE Mechanical Exam**

Mr. Bohannon acknowledged Mr. Lohr in the audience. Mr. Lohr addressed the Committee and thanked them for the opportunity to speak. He informed the Committee he is representing the American Society of Plumbing Engineers (ASPE), of which he is a member. Mr. Lohr reported that currently a plumbing option of the NCEES Mechanical exam does not exist. He explained there are younger engineers degreed in the field and there is a little bit of an incongruity, or unfairness, as it relates to their professional development.

Mr. Lohr spoke of the three options available for the NCEES Mechanical exam. He explained none of those options addresses plumbing engineering and when

considering waterborne pathogens and natural gas there are big impacts on public health and safety. Mr. Lohr stated there is no good exam for the younger engineers, which tests them on their credentials. He said there is sometimes maybe one question on the mechanical HVAC PE exam, which is probably the closest to the industry. Mr. Lohr requested the Board to consider sending a letter to NCEES in support of a plumbing option for the mechanical exam. He said seven other states are on board with the request and NCEES is requiring a minimum of ten states in support of the request for a new exam option.

Mr. Bohannon thanked Mr. Lohr for his presentation. He inquired of Mr. Lohr that if he was stating there are a number of mechanical engineers who are not being adequately vetted through the testing process; and if the proposed exam exists then they can be qualified. Mr. Lohr responded by saying in essence yes.

Mr. Bohannon also asked if the other seven states are creating a new plumbing engineer, or are they still under mechanical engineering. Mr. Lohr replied that it is still under mechanical engineering. He clarified ASPE is not looking to create a new discipline of plumbing engineering, just an examination option under the mechanical engineering exam. Mr. Lohr expounded the mechanical exam would have the HVAC and refrigeration, machine design and materials, thermal and fluid systems, and a plumbing option.

Mr. Lohr expressed that plumbing design has become more complex in the last 10 to 20 years. He continued stating there are a number of young engineers who have focused and dedicated their career to plumbing; he himself has dedicated his career to the plumbing aspect of mechanical engineering.

Mr. Bohannon requested Mr. Valdez to determine how many mechanical engineers are on the roster.

Dr. Gerstle thanked Mr. Lohr for his presentation. He expressed that the option would appear to be a very narrow subset of mechanical engineering. Dr. Gerstle asked Mr. Lohr if the exam would focus just on plumbing engineering or if there would be other components. Mr. Lohr answered it his understanding that it would follow the same format as the current options.

Dr. Gerstle said the request sounds reasonable; however, his concern is when mechanical engineers who design cars or other mechanical items decide they also want specialty areas, is there a limit to the number of specialties we would need to test. Mr. Bohannon expanded on Dr. Gerstle's concerns by explaining this is an issue the Board struggles with, for example when someone is licensed in general civil engineering discipline, then it opens up to the other categories under the general civil discipline. He continued explaining the Board looks at

the individual's area of expertise when approving for licensure. He said he thinks what Dr. Gerstle was saying was once the Board licenses a person who may have a very narrow background in a portion of mechanical engineering; he or she is able to practice in those other options. He finished by stating if you modify the exam does it make a good engineer, so when they are licensed we know they practice in the areas of expertise, which is uniform through all other jurisdictions.

Mr. Lohr acknowledged the concern and said there is not an avenue for those who have focused on plumbing. He stated the engineer knowledge has increased for the plumbing discipline, and it is becoming more and more difficult for a mechanical engineer to know both HVAC and plumbing. Mr. Lohr sees the need for plumbing to have the avenue available for the safety of the general population. He finished by saying there are mechanical HVAC engineers that know less about the plumbing system and signing off on gas systems without a true understanding of the system, and this is why he is a strong advocate for the exam option for the safety of the public.

Mr. Bohannon said Mr. Valdez provided the number of licensed mechanical engineers and it is approximately 1,476 mechanical engineers licensed in New Mexico.

Mr. Bohannon requested to add the item on the agenda for the next scheduled meeting. He asked if Mr. Lohr could provide the justification of the other seven state boards for endorsing the exam option. Mr. Bohannon stated on the surface he supports the exam option but it is just the plumbing portion he has a reservation.

Mr. Brasher expressed he shares the same concern as Mr. Bohannon and Dr. Gerstle. Mr. Bohannon addressed Mr. Lohr and asked for additional information on how he knows if it is not such a narrow field that it does not degrade the overall discipline of mechanical engineering license. He further stated the Board wants to ensure the exam is broad enough and in depth enough that when someone is licensed they are good in the mechanical discipline. Mr. Lohr will provide the requested information.

Mr. Bohannon thanked Mr. Lohr for his attendance and information.

6. Old Business

a. 2020 License Renewal PDH Waiver/Reduction Request

1) NMSPE

Mr. Valdez informed the Committee about the request. He reported that he spoke to Mr. Hanks and informed him of what the decision of the

Board was from previous meetings. Mr. Valdez said Mr. Hanks understood and said NMSPE would work on providing something for their members.

7. New Business

a. Advisory Opinion – Stamping of Construction Plans

Mr. Bohannon informed the Committee members he placed this item on the agenda for discussion because it is on the Full Board meeting agenda.

Mr. Bohannon said the advisory opinion was well done and had no issues with the drafted opinion. He gave his support for the advisory opinion.

Dr. Gerstle agreed and said it was well done. Mr. Brasher also agreed with the draft.

b. Proposed Rule Changes

1) 16.39.3.7 – Definitions

Dr. Gerstle presented the proposed rule change. He reported this item was on the agenda of the Rules Committee. Dr. Gerstle stated the idea behind the definition was to inform faculty members on what is adequate engineering experience.

He continued stating the current language, “Board approved, four year curriculum in engineering is defined as:” was stricken because it did not make sense based on the definitions. Dr. Gerstle said item G was added, which defines engineering experience. He read the proposed language, ““Engineering experience”, for the purpose of reviewing professional engineering examination applicants in The Engineering and Surveying Practice Act (NMSA Sec. 61-23-14.1), is defined as work (or teaching) experience. This work (or teaching) experience shall be directly related to the applicant’s branch of engineering and of a character satisfactory to the Board.”

Dr. Gerstle explained the definition is allowing teaching as work experience.

Mr. Bohannon reminded the members of the rule change process; he said approval at this meeting would be the beginning of the process. Mr. Valdez reported that he also presented this proposed language to the Surveying Committee, since at times the Committees like to mirror each other’s rules. He said it was well received and it was charged to the Rules Committee to edit it to for the surveying rules. Mr. Thurow agreed with Mr. Valdez’ report.

Mr. Bohannon stated that many times the Board reviews applications from exam candidates who have research or teaching experience. He asked Dr. Gerstle how he quantified teaching. Dr. Gerstle responded that teaching is valuable experience. He said perhaps it should be said, not just teaching because it is one thing to teach a statics course, or a course over and over again, and another to teach a more advanced course, such as steel or concrete design, or of that nature. Dr. Gerstle expressed his concern for substituting teaching for actual design experience. He stated the problem would be for academic professors to seek licensure who do not have the qualifications to do design work and for the universities to hire those individuals. Mr. Bohannon agreed with Dr. Gerstle's response.

Mr. Bohannon expressed his unease of the "(or teaching)." He said it is opening a door to just academics and no design experience.

Mr. Brasher asked Dr. Gerstle if he contemplated graduate assistants would be included with "teaching". Dr. Gerstle answered he did not think so, and it would be up to the judgement of the Board to ensure the experience is acceptable.

Mr. Brasher suggested have a design component in the definition may be a good idea.

Mr. Bohannon asked Mr. Thurow how the Surveying Committee would address this issue of someone having academic experience but no actual surveying experience. Mr. Thurow replied if we look strictly at a graduate student teaching a course it is going to be seldom and not a big impact. He added that there would be some editing to express the same sentiment, which is being expressed at this meeting.

Dr. Gerstle proposed changing "or teaching" to "engineering design teaching" or "teaching of engineering design courses".

Mr. Bohannon and Mr. Brasher were in agreement with the proposed change.

Mr. Bohannon said he would like to have Ms. Samora and Mr. Tonander to give their comments on the definition. He directed Mr. Valdez to place this on the agenda under 'Old Business' for the next scheduled meeting. Mr. Bohannon also requested Mr. Valdez bring one or two applications from professors for the Committee to review in light of the proposed definition, to ensure the definition does not create future problems.

8. **Application Review – Recommended Approval**

a. **Confirmation of Staff-Reviewed Applications**

Mr. Bohannon reminded the members these are the applicants, which staff reviewed, met the criteria, the requirements of the Act, and approved by the Executive Director.

MOTION by Dr. Gerstle to approve the Confirmation of Staff-Reviewed Application List dated November 5, 2020, **SECOND** by Mr. Brasher,

Roll call vote taken:

Voting ‘Aye’: Mr. Bohannon, Dr. Gerstle, Mr. Brasher, Mr. Thurow

PASSED unanimously.

Mr. Tonander joined the meeting at 2:02 p.m.

b. **Retired Application(s)**

MOTION by Dr. Gerstle to approve the retired application list, **SECOND** by Mr. Brasher,

Roll call vote taken:

Voting ‘Aye’: Mr. Bohannon, Dr. Gerstle, Mr. Tonander, Mr. Brasher, Mr. Thurow

PASSED unanimously.

c. **Inactive Application(s)**

MOTION by Dr. Gerstle to approve the inactive application list, **SECOND** by Mr. Brasher,

Roll call vote taken:

Voting ‘Aye’: Mr. Bohannon, Dr. Gerstle, Mr. Tonander, Mr. Brasher, Mr. Thurow

PASSED unanimously.

9. **Executive Session**

MOTION by Mr. Brasher 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. Tonander, Mr.
Brasher, Mr. Thurow

Mr. Bohannon left the meeting at 2:50 p.m.

10. Action on Items Discussed During Executive Session

Dr. Gerstle 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).

a. Disciplinary Cases

1) 2-PE-05-15-2019(A) – Complaint Manager’s Report

2) 2-PE-05-15-2019(B) – Complaint Manager’s Report

MOTION by Mr. Brasher to acknowledge receipt of the complaints, the investigation showed no violation of the Act was found, and the matter is considered closed, **SECOND** by Mr. Tonander,

Roll call vote taken:

Voting ‘Aye’: Dr. Gerstle, Mr. Tonander, Mr. Brasher, Mr. Thurow

PASSED unanimously.

3) 7-PE-11-07-2018

Dr. Gerstle stated the Board received a report from the Executive Director and the respondent did not accept the settlement agreement. He continued stating following the investigation the Board decided to enforce the NCA and refer it to the Attorney General’s Office for administrative prosecution.

b. Status Review of Complaints and NCA Referrals

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) Fluke, J. – Reconsideration

MOTION by Mr. Tonander to defer action on the application and request a letter verifying the full time employment from UNM, during the period from 8/1/2018 to 7/31/2019, **SECOND** by Mr. Brasher,

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Mr. Brasher, Mr. Thurow

PASSED unanimously.

b) Sornkhampan, N. – Reconsideration

MOTION by Mr. Brasher to take no action and instruct the Executive Director to request the applicant provide additional details regarding his analysis and design experience, **SECOND** by Mr. Tonander,

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Mr. Brasher, Mr. Thurow

PASSED unanimously.

2) PE Endorsement

a) Braun, L.

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

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Mr. Brasher, Mr. Thurow

PASSED unanimously.

b) Hansman, K.

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

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Mr. Brasher, Mr. Thurow

PASSED unanimously.

c) Luo, W.

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

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Mr. Brasher, Mr. Thurow

PASSED unanimously.

3) PE Additional Discipline

a) Phattarak, T.

MOTION by Mr. Tonander to approve for the additional discipline of Structural, **SECOND** by Mr. Brasher,

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Mr. Brasher, Mr. Thurow

PASSED unanimously.

4) PE Renewal

a) Khatri, D.

MOTION by Mr. Brasher to take no action, **SECOND** by Mr. Tonander,

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Mr. Brasher, Mr. Thurow

PASSED unanimously.

11. Next Scheduled Meeting Date: December 11, 2020 – Albuquerque or Virtual
January 14, 2021 –Santa Fe or Virtual

12. Adjourn

Mr. Brasher and Dr. Gerstle thanked Mr. Thurow for participating in the meeting.

Meeting adjourned at 3:48 p.m.