

Minutes

**MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held
1:00 p.m., Thursday, January 14, 2021,
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
Maria Ruiz, BLPEPS, Licensing Administrator
Valerie Joe, AAG, Legal Counsel
Joe Barela, PE, Board Investigator
Nicholas McDonald, AAG
Earl Burkholder, PEPS
Christoph Lohr, PE (AZ)
David Dexter, PE (OH)
Adam Roberts

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 1:09 p.m. Roll call was taken and a quorum noted.

Audience introductions made at this time. Mr. Lohr, Mr. Dexter, Mr. Burkholder, and Mr. McDonald 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 Dr. Gerstle,

Discussion: Mr. Tonander indicated he had an item for discussion under 'New Business.

Roll call vote taken:

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

PASSED unanimously.

4. **Approval of Minutes**

- a. **Minutes of November 5, 2020**
- b. **Minutes of December 18, 2020**

MOTION by Dr. Gerstle to approve the Minutes of November 5, 2020 and December 18, 2020 as presented, **SECOND** by Mr. Tonander,

Roll call vote taken:

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

PASSED unanimously.

5. **Requested Public Comment**

Mr. Valdez informed the Committee he had not received any requests.

6. **Old Business**

- a. **Lohr, C. – Additional Information Regarding the Request for Endorsement of the Plumbing option to the NCEES PE Mechanical Exam**

Mr. Bohannon introduced Mr. Lohr and the agenda item. Mr. Lohr reminded the members that after the last meeting, he was tasked with providing copies of the letters of support and to further explain why the plumbing option would not be too narrow of an area within the mechanical field.

Mr. Lohr said he provided the letters to Mr. Valdez. Mr. Valdez indicated copies of the letters were provided within the meeting packets. Mr. Lohr explained that once NCEES received the number of required letters of support it would discuss the creation of the option. He continued by explaining how the exam would be structured if the plumbing option were created and offered. Mr. Lohr said some of the letters of support gave a rough estimate of the percentage of potential test takers interested in the plumbing option. He mentioned that based on the number of American Society of Plumbing Engineers (ASPE) members in New Mexico, and nationwide, the estimation is around five to ten percent of all mechanical test takers would likely be taking the plumbing exam option, if it were available.

Mr. Bohannon indicated that approximately 25% of engineers in New Mexico practice mechanical engineering; he asked if those would be the five to ten percent of test takers primarily taking the exam option. Mr. Lohr responded this exam option would not affect those already licensed; he explained the option would be for new test takers.

Mr. Dexter introduced himself as being a member of ASPE. He indicated it is the Society's belief that 25% of those that would take the HVAC option of the mechanical exam would take the plumbing option if it were offered. Mr. Bohannon asked if NCEES approved and created the exam option, would those who are not currently licensed try to seek licensure. Mr. Dexter answered he thought so.

Mr. Bohannon asked Mr. Lohr what the deadline was for a letter of support. Mr. Lohr explained they have a four-year window to receive ten letters of support. He said this is their first year and they have seven letters of support, so sooner rather than later would be appreciated.

*** Mr. Brasher joined the meeting at 1:24 p.m. ***

Mr. Bohannon asked the members of the Committee if they had any questions.

Dr. Gerstle said it seemed to make sense to offer this option.

Mr. Tonander said he would support it; it would be similar to the civil exam and their option specialties.

Mr. Bohannon expressed his favor for the exam option as well.

Mr. Lohr thanked the Board for their support.

Mr. Bohannon directed Mr. Valdez to run a report and extrapolate a rough number of test takers.

MOTION by Mr. Tonander to modify the letter to include the number of potential exam takers and to approve the amended letter in support of the need for a plumbing exam option of the NCEES Mechanical Engineering exam,
SECOND by Dr. Gerstle,

Roll call vote taken:

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

PASSED unanimously.

b. Proposed Rule Changes

1) 16.39.3.7 – Definitions

Mr. Valdez introduced the item explaining that Mr. Bohannon requested further discussion on the proposed change. He explained Mr. Bohannon asked him to solicit comments or suggestions from Mr. Tonander and Ms. Samora, since they were not in attendance at the last meeting when the item was discussed. Mr. Valdez reported Mr. Tonander provided suggested language and Ms. Samora would provide her comments during the meeting.

Ms. Samora indicated she read the draft language but requested an explanation behind the proposed change.

Mr. Bohannon explained the idea was to try to get more professors licensed in engineering and at the same time to address their work experience within the academia realm. He said the proposed definition would help provide some criteria when reviewing their experience.

Dr. Gerstle presented and discussed how Mr. Tonander suggested using language from the NCEES Model Law and Model Rule regarding engineering experience. Dr. Gerstle asked Mr. Tonander if he took the language directly from NCEES or if he modified any of it.

Mr. Tonander responded that he did make some minor modifications to fit the Board's rules.

Dr. Gerstle expressed his support for Mr. Tonander's proposed language.

Ms. Samora was in support of referring to the NCEES Model Law to come up with draft language.

Dr. Gerstle thought it would be helpful for the Committee to have it on record that it formally approved the proposed language.

MOTION by Dr. Gerstle to approve the revised definition language of engineering experience, **SECOND** by Mr. Brasher,

Roll call vote taken:

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

PASSED unanimously.

7. **New Business**

Mr. Tonander informed the Committee of a bill which was introduced in the Arizona Legislature. He asked Mr. Valdez if it would be appropriate for another State Board to provide a written response to the bill.

Mr. Tonander briefly explained the intent of the Arizona legislative bill. He stated the bill would allow an individual to perform certain engineering without a license. He said there was no explanation or rationale for the intended language. Mr. Tonander expressed his concern that if it were to pass in Arizona it could come to New Mexico.

Mr. Bohannon responded that it might not be appropriate for the Board to provide a response. He added, however, as individuals who are Arizona registrants it would be appropriate. Mr. Bohannon directed Mr. Valdez to place this issue be on the next meeting agenda as an 'Old Business' item. He asked Mr. Tonander to draft a letter to Arizona in response to the bill, for review at the next meeting, in the event the Board would need to express their concerns.

8. **Application Review – Recommended Approval**

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

MOTION by Mr. Brasher to approve Confirmation of Staff-Reviewed Application List dated January 8, 2021, **SECOND** by Dr. Gerstle,

Roll call vote taken:

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

PASSED unanimously.

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, Ms. Samora, Mr. Brasher

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, Ms. Samora, Mr. Brasher

PASSED unanimously.

MOTION by Mr. Tonander to add to new business, **SECOND** by Mr. Brasher,

Roll call vote taken:

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

PASSED unanimously.

Ms. Joe informed the Committee they could add the 'New Business' item to the agenda by motion, as a discussion item but not as an action item. Mr. Bohannon asked for a motion to make it an official action. He explained the motion should be about adding to the 'New Business' agenda item a discussion about a review of the Arizona proposed legislation to their Engineering Act.

MOTION by Mr. Tonander to add to the 'New Business' agenda item a discussion about the Arizona proposed legislation to their Engineering Act, **SECOND** by Mr. Brasher,

Roll call vote taken:

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

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. Brasher, Ms. Samora, Mr. Tonander

Mr. Bohannon left the meeting at 2:27 p.m. during closed session.

*** Mr. Brasher left the meeting at 3:00 p.m. and rejoined at 3:27 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) GRV-12-21-2018

Dr. Gerstle acknowledged receipt of the letter from the Office of the Attorney General and closed the case.

b. Status Review of Complaints and NCA Referrals

Dr. Gerstle reported that Mr. Valdez, 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

b) Han, F.

c) Sornkhampan, N. – Reconsideration

MOTION by Mr. Tonander to approve all for the PE exam,
SECOND by Mr. Brasher,

Roll call vote taken:

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

PASSED unanimously.

2) PE Endorsement

a) Davidson, K.

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

Roll call vote taken:

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

PASSED unanimously.

b) Rutherford, R.

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

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Ms. Samora, Mr. Brasher

PASSED unanimously.

3) PE Reinstatement

a) Elder, B.

MOTION by Mr. Brasher to approve for reinstatement, **SECOND** by Mr. Tonander,

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Ms. Samora, Mr. Brasher

PASSED unanimously.

b) Rochin-Bernal, R. - Reconsideration

MOTION by Mr. Tonander to table pending receipt of requested information without extraneous documents, **SECOND** by Mr. Brasher,

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Ms. Samora, Mr. Brasher

PASSED unanimously.

4) PE Retired Status Requests

a) Anderson, J.

b) Campo, J.

MOTION by Mr. Tonander to not approve for retired status based on not meeting the requirements for the status, **SECOND** by Mr. Brasher,

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Ms. Samora, Mr. Brasher

PASSED unanimously.

- c) **Repetz, T.**
MOTION by Mr. Tonander to approve for retired status,
SECOND by Ms. Samora,

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Ms. Samora, Mr. Brasher

PASSED unanimously.

11. Next Scheduled Meeting Date:

- a. February 26, 2021, Special Meeting – Albuquerque or Virtual (*if needed*)
- b. April 15, 2021 –Ruidoso or Virtual

12. Adjourn

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

Roll call vote taken:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Ms. Samora, Mr. Brasher

PASSED unanimously.

Meeting adjourned at 3:38 p.m.

Submitted by:

s/Perry Valdez
Perry Valdez, Executive Director

Approved by:

s/ Ronald Bohannon
Ronald Bohannon, Committee Chair

April 15, 2021 **Approved Date**