

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

Others Present- Perry Valdez, BLPEPS, Executive Director

Miranda Gonzales, Administrative Manager
Angelica Urioste, Compliance Officer
Valerie Joe, Legal Counsel
Kevin Do
John Mumm
Robert Davis

1. Convene, Roll Call and Introduction of Audience

Mr. Bohannon read the meeting script regarding the virtual meeting protocols. He convened the meeting at 1:06 p.m. Roll call was taken, and a quorum noted.

Audience introductions made at this time. Mr. Do, Mr. Mumm, and Mr. Davis 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, **SECONDED** by Dr. Gerstle,

Roll Call Vote:

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

The motion **PASSED unanimously.**

4. Approval of Minutes

a. **Minutes of April 15, 2021**

MOTION by Dr. Gerstle to approve the Minutes of April 15, 2021 as presented, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b. **Minutes of May 21, 2021**

MOTION by Dr. Gerstle to approve the Minutes of May 21, 2021 as presented, **SECONDED** by Mr. Brasher,

Discussion: Mr. Valdez informed the Committee about the motion for the proposed rule change of 16.39.3.13. He noted after reviewing the endorsement requirements, he was not able to add "licensure prior to July 1, 2017" for part 'C', the engineering technology requirement, as he was directed to, because the requirement was still in effect.

Roll Call Vote:

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

The motion **PASSED unanimously.**

5. Requested Public Comment

a. **Booth, C.**

Mr. Bohannon introduced the letter from Ms. Booth petitioning an extension for licensure renewal due to the pandemic and teleworking. Mr. Valdez reported he verified that an email notice was sent to Ms. Booth, however, he said he noticed the email on the letter was different than the email address on file. He stated he was unaware if the email address had changed and not updated with the Board office.

b. **Mumm, J.**

Mr. Bohannon recognized Mr. Mumm in the audience. Mr. Mumm introduced himself and the reason he requested to speak before the Board. He said there was an issue with his transcripts, the degree earned, and the classes he took. Mr. Mumm said the letter he submitted goes into

further explanation on why his degree was not ABET (Accreditation Board for Engineering and Technology) accredited.

Mr. Mumm said the name of the program for his graduate degree was 'Engineering Interdisciplinary'. He explained the program was under the civil engineering program, but it was focused on water resources engineering and the graduate committee requested he take a replacement course, so the program designation changed to 'Engineering Interdisciplinary'.

The Committee members asked Mr. Mumm questions regarding the program and courses.

6. Old Business

a. **Advisory Opinion – The Use of Standard “As Built” Drawings in Design Sets**

This item was tabled.

b. **Arizona Senate Bills 1062 and 1304**

Mr. Valdez briefed the Committee members about Arizona Senate Bills 1062 and 1304. He reported that Arizona Senate Bill 1062 passed legislation and was signed into law by Arizona's Governor.

Mr. Valdez reported that Arizona Senate Bill 1304 died in committee. He said the bill would have effectively eliminated their engineering board through removing the engineer member from the make up of their licensing board. Mr. Valdez added there were several other changes to the Arizona statute removing many requirements for licensure.

Mr. Tonander said Arizona Senate Bill 1304 was concerning and licensed engineers should be aware of the legislation and its impact.

7. New Business

a. **Election of Officers**

1) **Committee Chair**

MOTION by Mr. Bohannon to nominate Dr. Gerstle as Committee Chair, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

2) Vice Chair

MOTION by Mr. Bohannon to nominate Mr. Tonander as Committee Vice Chair, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b. Proposed Industrial Exemption Language – 16.39.3.11 NMAC

Mr. Bohannon asked for Mr. Tonander, who authored the proposed language, to provide an explanation.

Mr. Tonander read the proposed language, which was essential to the language, he read, "...limited to only the legal boundaries of the property owned or leased by that business, not including off-premises easements." He explained the language was broadly worded to explain industrial exemption. Mr. Tonander said if an individual can claim they are working for their company they can provide services, the exception being where there would be a likelihood of nexus with the public where they could be endangering the public if the individual is not licensed. He stated another reason for the proposed language was to address the concerns of the NTSB (National Transportation Safety Board) regarding the safety of gas lines.

Mr. Bohannon mentioned the proposed language appeared to work for the utilities who work on their facilities within their easements and not be licensed. Mr. Brasher added they are not providing engineering services to the public. Mr. Bohannon agreed.

Mr. Bohannon said the national labs need to be considered. He noted a contract operator of the lab, a private company contracting with the United States Government, to work on the facility which has both public and private facilities. Mr. Bohannon indicated the proposed language appeared to also work for those working at the national labs.

Mr. Tonander said the national labs would not be affected by the proposed language and they would continue operating as they have. He addressed the issue of utilities. Mr. Tonander said it was correct if the utilities were performing only the engineering services involved in the operations of the entity's business. Mr. Tonander clarified by stating the extent to which the engineering services that can be completed without

licensure is limited to only the legal boundaries of the property owned or leased by the entity not including off-premises easements. He explained if the utility leased the property for a sub-station, for example, then it would be acceptable. Mr. Tonander continued explaining, if the utility owned the property, it would be acceptable, however, if the utility had an easement on someone's property, then the utility would need a licensed engineer.

Mr. Brasher asked if the proposed language pertained to electrical lines. Mr. Tonander responded it would. Mr. Brasher asked if the proposed language would satisfy if the NTSB concerns. Mr. Tonander replied that it would.

There was further discussion regarding the proposed language. It was decided to amend the proposed language as follows,

"In the case of an employee of a business entity who performs only the engineering services involved in the operation of the business entity's business, the extent to which the engineering services can be provided without licensure is limited to only the legal boundaries of the property owned or leased by that business. Practice beyond this extent or within off-premises easements is considered within public space and is subject to the Engineering and Surveying Practice Act."

MOTION by Mr. Brasher to approve the amended proposed language of 16.39.3.11, adding parts 'F' and 'G', **SECONDED** by Dr. Gerstle,

Roll Call Vote:

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

The motion **PASSED unanimously.**

c. Proposed Criminal Offenses Language

Mr. Bohannon requested Ms. Joe provide a summary of the required change. Ms. Joe explained the reason for the updated language. She stated chaptered Senate Bill 2, from the 2021 special legislative session required all boards to replace the terms 'moral torpitude' and 'good character' with a list of criminal offenses; that list would be a reason for an application not to be approved.

After a lengthy discussion regarding the proposed language and number of criminal offenses, it was decided to table this item until the next meeting.

8. **Application Review – Recommended Approval**

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

MOTION by Dr. Gerstle to approve the Confirmation of Staff-Reviewed applications list, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b. **PE Exam Final Licensure List**

MOTION by Dr. Gerstle to approve the PE exam final licensure list, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

c. **Inactive Status Request(s)**

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

Roll Call Vote:

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

The motion **PASSED unanimously.**

9. **Executive Session**

MOTION by Dr. Gerstle 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, **SECONDED** by Mr. Brasher,

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

10. Action on Items Discussed During Executive Session

Mr. Bohannan 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) 3-PE-10-28-2019 – Complaint Manager’s Report

Mr. Bohannan noted the case was tabled for a special meeting.

b. Status Review of Complaints and NCA Referrals

A report was reviewed on the status of pending cases and referrals for Notice of Contemplated Actions.

c. Applications for Review

1) EI Certification

a) Mumm, J.

MOTION by Dr. Gerstle to approve for Engineer Intern certification, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

2) PE Exam

a) Mumm, J.

MOTION by Dr. Gerstle to approve for the PE exam, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b) Salazar, R.

Mr. Bohannan stated the application was tabled because of work experience.

c) Trejo, B.

MOTION by Mr. Tonander to not approve for lack of engineering experience, having less than two full time years of work experience following the MS degree, or less than three full time years following the BS degree, **SECONDED** by Dr. Gerstle,

Roll Call Vote:

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

The motion **PASSED unanimously.**

3) PE Endorsement

a) Babic, R.

MOTION by Dr. Gerstle to approve for PE endorsement in Mechanical engineering, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b) Cavanaugh, L.

Mr. Bohannon stated the application was tabled to request additional information.

c) Do, K.

MOTION by Dr. Gerstle to approve for PE endorsement in Civil engineering, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

d) Galvez, M.

MOTION by Dr. Gerstle to approve for PE endorsement in Mechanical engineering, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

e) Hosseinzadeh, M.

MOTION by Dr. Gerstle to approve for PE endorsement in Electrical engineering, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

f) Lee, A. – Reconsideration

MOTION by Dr. Gerstle to approve for PE endorsement in Mechanical engineering, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

g) Levin, M.

MOTION by Dr. Gerstle to approve for PE endorsement in Mining engineering, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

h) Mubaraki, A.

Mr. Bohannon stated the application was tabled to request additional information on the applicant's experience.

i) Nakkash, R.

Mr. Bohannon stated the application was tabled to request additional information on the applicant's experience.

j) Stewart, D.

MOTION by Dr. Gerstle to approve for PE endorsement in Civil engineering, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

k) Sykes, J.

Mr. Bohannon stated the application was tabled to request additional information on the applicant's experience.

l) Zuendt, A.

MOTION by Dr. Gerstle to approve for PE endorsement in Civil engineering, **SECONDED** by Mr. Brasher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

4) PE Reinstatement

a) Keys, T.

MOTION by Mr. Brasher to approve for PE reinstatement, **SECONDED** by Dr. Gerstle,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b) Tompos, E.

MOTION by Mr. Brasher to approve for PE reinstatement,
SECONDED by Dr. Gerstle,

Roll Call Vote:

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

The motion **PASSED unanimously.**

5) PE Retired Status Request

a) Filas, F.

Mr. Bohannon stated the retired request was tabled to submit a renewal form. He said the Committee would act on the renewal form and waive the renewal fees, then act on the retired request.

6) PE Renewal

a) Booth, C.

MOTION by Mr. Tonander to approve renewal of license without a penalty fee by July 31, 2021; pending full update of contact information, submittal of a completed renewal form, an affidavit of practice, and a PDH log, **SECONDED** by Dr. Gerstle,

Roll Call Vote:

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

The motion **PASSED unanimously.**

11. Next Scheduled Meeting Date:

- a.** August 12, 2021 – Albuquerque or Virtual

There was discussion on when to hold a special meeting, it was decided to hold a special meeting on Thursday, July 29, 2021 at 1 pm.

12. Adjourn

Meeting adjourned at 5:20 p.m.