

Members Present – Paul Brasher, PE, Board Chair
Augusta Meyers, Public Member
Dr. Walter Gerstle, PE
Ron Bohannon, PE
Julie Samora, PE
Karl Tonander, PE

Members Absent – Cliff Spirock, PS, Vice Chair
David Cooper, PS

Others Present – Perry Valdez, BLPEPS, Executive Director
Valerie Joe, AAG, Legal Counsel

1. Convene, Roll Call and Introduction of Audience

Prior to convening the meeting Mr. Brasher read the meeting script regarding the virtual meeting protocols. He convened the meeting at 9:11 a.m., roll call was taken and a quorum noted. It was noted there was no audience in attendance.

2. Meeting Notification

Mr. Valdez informed the Board the meeting was noticed in the Albuquerque Journal as well as the Board's website.

3. Approval of Agenda

MOTION by Dr. Gerstle to approve the agenda as presented, **SECONDED** by Mr. Bohannon,

Roll Call Vote:

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

The motion **PASSED unanimously.**

4. Approval of Minutes

a. Minutes of April 16, 2021

Tabled until the next scheduled meeting.

b. Minutes of May 28, 2021

MOTION by Mr. Bohannon to approve the Minutes of May 28, 2021 as presented, **SECONDED** by Dr. Gerstle,

Roll Call Vote:

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

The motion **PASSED unanimously.**

5. Requested Public Comment

a. B. Entrekin – Proposed Seal Design

Mr. Valdez presented the proposed design submitted by Mr. Entrekin. There was discussion on the design of the proposed seal and the size requirements. Mr. Tonander stated he received other design proposals from individuals who attended the ethics roundtable. The item was tabled until the next scheduled meeting to view the various design proposals.

6. Director's Report

a. Financial Report

Mr. Valdez informed the Board there was not a financial report at this time. He asked the members what type of financial report they would prefer to see going forward. Mr. Valdez asked if the members wanted a simple report, for example like a financial statement, or detailed as they have been receiving.

Dr. Gerstle requested a simpler financial report. Mr. Bohannon agreed with Dr. Gerstle. He suggested the report could be a one-page summary but have the detailed report on hand in the event the Board wished to see the detailed information. Mr. Brasher agreed with Mr. Bohannon's suggestion.

Mr. Valdez informed the Board the tablets used for in person meetings were reaching their life expectancy. He asked for their input on what they would prefer to use in upcoming meetings. The consensus of the Board was to have very simple laptops, with the minimal of programs on them since they are only being used for the meetings. Mr. Valdez asked if there was a limit to screen size. Mr. Bohannon recommended large screens.

b. Licensing Report

Mr. Valdez presented the licensing report of the number of active licenses from the April 2021 meeting to July 7, 2021. During the presentation Mr. Valdez noticed the figures were incorrect and informed the Board. He said he would provide an updated report following the meeting.

Mr. Valdez preceded to present the second half of the licensing report. He provided the Board members with a breakdown on the number of applications received from 2019, 2020, and 2021.

Mr. Valdez reported the following numbers:

- 2019 Total Number of Applications
 - 39 PS applications
 - 970 PE applications
- 2020 Total Number of Applications
 - 32 PS applications
 - 780 PE applications
- 2021 Total Number of Applications (for six months)
 - 12 PS applications
 - 498 PE applications

7. Old Business

a. NCEES Resolution of Cooperation

Mr. Valdez presented the final version of the NCEES Resolution of Cooperation. He provided a brief summary of the resolution, he said the NCEES Committee on Member Board Administrators developed a resolution of cooperation for member boards to facilitating mobility and promoting uniformity of the licensure process to find ways to reduce barriers to licensure and expedite comity licensure. Mr. Valdez informed the Board the document was meant as a nonbinding agreement and was designed to serve as guide for member boards.

Mr. Bohannan requested the item be tabled until the next meeting to provide Ms. Joe sufficient time to review the document. He was concerned it may commit the Board into something further rather than an intent. Mr. Brasher agreed with Mr. Bohannan.

Ms. Joe pointed out language in the document which indicated it was nonbinding and the resolution was in recognition of the 100th anniversary of NCEES.

Mr. Tonander commented having a document such as the Resolution of Cooperation signed by multiple other jurisdictional boards allowed the New Mexico Board to go the State Legislature and demonstrate that the Board is working with other boards to remove hurdles to licensure. He noted the document may be an advantage and it expressly states it is nonbinding.

Mr. Brasher expressed his concern on the document and agreed to table the document to allow Ms. Joe time to review the document and provide her opinion.

Ms. Samora was in favor of the document.

Tabled until the next scheduled meeting to allow Ms. Joe to review the document and provide her legal opinion.

b. Proposed Industrial Exemption Language

1) 16.39.3.11

2) 16.39.5.10

Mr. Tonander noted that Mr. Spirock was involved in the editing of the language and assisted with the language regarding easements.

Mr. Brasher provided Ms. Meyers a brief summary of the discussion from the PEC meeting regarding the language. Ms. Meyers was confident in Mr. Spirock's contribution and agreed with the proposed language.

Mr. Bohannon reminded the members that there would still be an opportunity to make any changes during the rule hearing.

MOTION by Mr. Bohannon to approve the proposed language for sections 16.39.11, parts 'F' and 'G', and 16.39.5.10, part 'G',
SECONDED by Dr. Gerstle,

Discussion: Dr. Gerstle expressed concern with the term 'engineering services'. He said a definition for 'engineering services' may be necessary. Mr. Bohannon suggested Dr. Gerstle review 61-23-3 of the Engineering and Surveying Practice Act. He informed Dr. Gerstle the definition of 'engineering' and 'practice of engineering' were provided.

Dr. Gerstle asked when talking about 'engineering services' if it implied there are commercial transaction involved. Mr. Bohannon responded not necessarily. He explained that 'engineering services' could be the design of a transmission line from point A to point B. Dr. Gerstle stated he was thinking of protecting the public.

There was further discussion regarding 'engineering services' and in relation to the industrial exemption.

Roll Call Vote:

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

The motion **PASSED unanimously.**

8. New Business

a. Election of Officers

1) Board Chair

Mr. Bohannon provided a brief history of the elected board chair, stating it tended to rotate from a professional engineer to a professional surveyor.

MOTION by Mr. Bohannon to nominate Mr. Spirock as Board Chair
SECONDED by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

2) Vice Chair

MOTION by Mr. Bohannon to nominate Mr. Tonander as Board Vice-Chair, **SECONDED** by Dr. Gerstle,

Roll Call Vote:

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

The motion **PASSED unanimously.**

3) Secretary

MOTION by Ms. Meyers to nominate Mr. Bohannon as Board Secretary, **SECONDED** by Dr. Gerstle,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b. FY22 Open Meeting Resolution

Mr. Valdez presented the draft FY22 (Fiscal Year 2022) Open Meeting Resolution. He pointed out changes to the resolution, number 7 – Requirements of Legal Notice of Regular Meetings states a broadcast station and newspapers are to provide a written request for notice of public meetings from the Agency. Ms. Joe explained there is no requirement to publish a meeting notice in the general newspaper unless the newspaper requested it, which generally did not happen.

Mr. Valdez informed the Board that number 4 – Virtual/Teleconference Participation was updated in light of recent events.

MOTION by Mr. Bohannon to approve the Open Meetings Resolution for 2021-2022, **SECONDED** by Dr. Gerstle,

Roll Call Vote:

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

The motion **PASSED unanimously**.

c. Proposed Criminal Offenses Language

Mr. Bohannon asked Ms. Joe for a summary of the item. 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 and license renewal not to be approved. She said a list of offenses must be provided in the rules by December 31, 2021.

Mr. Bohannon asked if the list of offenses could be a table list of offenses as an appendix? Ms. Joe replied the list must be in the rules and could be an appendix for the applications. She said the offenses must be listed specifically and may not be generalized.

Mr. Bohannon informed the Board was going through the list of 300 plus offenses which Ms. Joe provided. He was selecting those offenses which would pertain to engineering and surveying.

Ms. Joe stated once a list was done the offenses may be grouped so the Rule Hearing may go more quickly. She noted if an offense was not listed, when adopted in the rule, it must not be considered when reviewing applications and license renewals. Ms. Joe pointed out there was a draft from the Attorney General’s Office which was simple and not as detailed. Mr. Valdez placed the document from the Attorney General’s Office on the screen.

After further discussion it was decided to use the simpler version of the proposed language. The item was tabled until the next scheduled meeting.

9. Committee Reports

a. PS Committee

No report provided.

b. PE Committee

Mr. Bohannon reported Dr. Gerstle was voted in as the new Chair of the PEC and Mr. Tonander as the new Vice-Chair. He stated the PE Committee received an update of Arizona's legislative bills concerning engineering, discussed the industrial exemption proposed language, as well as the criminal offenses proposed language.

Mr. Bohannon reported there were 1 PE exam applicant, 111 PE endorsement applicants, 17 PE reinstatement applicants confirmed as approved. He indicated there were 10 PE endorsement applicants, an EI applicant, and 2 PE exam applicants which were reviewed and approved. Mr. Bohannon said there 5 applicants tabled for further information.

Mr. Bohannon noted there was a disciplinary case which was tabled until the special meeting for further information.

c. Executive Committee

No report provided.

d. Joint Practice Committee

Mr. Bohannon noted the committee has not met and the Board of Examiners for Architects would be responsible for hosting the committee's meetings for the upcoming year, July 2021 through June 2020.

e. Public Information, Exam and Licensure Promotion Committee

1) Newsletter

2) Presentations

Mr. Valdez reported the June 2021 newsletter, which was put together by Ms. Thompson-Martinez, was finalized and posted on the Board's website. He concluded by mentioning Mr. Tonander created a post about the newsletter on the Board's LinkedIn page.

f. Rules and Regulations Committee

g. Policies, Advisories, and Legal Enforcement Committee

Dr. Gerstle reported the two committees have combined into one committee. He said they are working toward a rule hearing.

Mr. Bohannon suggested having the criminal offenses language, the disciplinary case discussed at the Professional Engineering Committee meeting, and a rules update to prepare for the upcoming rule hearing.

h. NCEES Committee Members

Mr. Valdez reported that Mr. Tonander was appointed to the NCEES Uniform Procedures and Legislative Guidelines (UPLG) Committee and that he (Mr.

Valdez) was re-appointed to the NCEES Member Board Administrator (MBA) Committee.

10. **Next Scheduled Meeting Date:** August 13, 2021 – Albuquerque or Virtual

11. **Adjourn**

Meeting adjourned at 11:21 a.m.