

Licensure PEPS, BLPEPS

From: Mayer, Stephen <Stephen.Mayer@dpsgroupglobal.com>
Sent: Wednesday, December 29, 2021 6:44 AM
To: Licensure PEPS, BLPEPS
Subject: [EXTERNAL] NM BLPEPS February 4, 2022 - Rule Hearing/Full Board Meeting Notice
Attachments: NM BLPEPS February 4, 2022 - Rule Hearing/Full Board Meeting Notice

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Hello,

Thank you for reminding me of the proposed rule changes, reminder email attached, and letting me provide comments.

I reviewed the proposed changes applicable to engineering and did have one comment.

In regard to 16.39.7 NMAC found at the link below:

<https://www.sblpes.state.nm.us/wp-content/uploads/2021/12/16.039.0007.pdf>

My comment:

Please consider amending Paragraph (1) of Subsection F of 16.39.7 NMAC by removing the listing of several felony convictions that may disqualify an applicant. Just leaving section F1 stating something similar to: "Felony convictions, or equivalents in any other jurisdiction, may disqualify an applicant from receiving licensure, or disciplinary action including but not limited to suspension or revocation."

I feel the list is not applicable since it implies that some felonies are not applicable/relevant and therefore allowed. Additionally, when new Acts are passed, the NMAC would need to be updated accordingly. As a professional engineer of several states, including New Mexico, I feel ALL felonies warrant a review by the licensing board with the board then evaluating if the felony warrants discipline or not. If you feel you need to give some guidance regarding which felonies warrant further review/action, maybe do something that relates to the *nature* of the offence and/or how it relates to engineering rather than listing specific offences and/or specific acts/laws. For reference, see how Missouri states felony offenses regarding "fraud, dishonesty, or an act of violence, or for any felony offense involving moral turpitude" or how Texas in 133.99 section g states crimes involving "honesty, integrity, fidelity and the exercise of good judgment and character".

If agreed with my comment Paragraph 2, 3, 4, and 5 part d may need to be updated accordingly.

A few applicable links to how other states deal with the issue regarding 'felony':

1. Illinois, 225 ILCS 325/20.10 subpart E and 225 ILCS 325/24 subpart A6:
 - a. <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1344&ChapterID=24>
2. Missouri, section 327.442
 - a. <https://revisor.mo.gov/main/OneSection.aspx?section=327.442>
3. Texas, several sections including figure 22 TAC 139.35(b)
 - a. <https://pels.texas.gov/downloads/lawrules.pdf>

Kind Regards,

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