

**MEETING OF THE NEW MEXICO BOARD OF
LICENSURE FOR PROFESSIONAL ENGINEERS
AND PROFESSIONAL SURVEYORS held at
9:00 a.m., Friday, January 14, 2022,
Virtual/Telephonic Meeting**

Members Present – Karl Tonander, PE, Vice Chair
Ron R. Bohannon, PE
Dr. Walter Gerstle, PE
David Cooper, PS
Dr. Ahmed Elaksher, PEPS
Stephen Ney, PE
Karen Nichols, Public Member
Maxine McReynolds, Esq., Public Member

Others Present – Perry Valdez, BLPEPS, Executive Director
Crystal Herrera, BLPEPS Administrative Operations Manager
Isaac Maes, BLPEPS, Executive Assistant
Valerie Joe, Legal Counsel
Clifford Spirock, PS

1. Convene, Roll Call and Introduction of Audience

Prior to convening the meeting Mr. Tonander read the meeting script regarding the virtual meeting protocols. He convened the meeting at 9:03 a.m., roll call was taken and a quorum was noted. Audience introductions were made at this time.

2. Meeting Notification

Mr. Valdez informed the Committee the meeting was noticed on the Board's website and at the Board's Office.

3. Approval of Agenda

MOTION by Dr. Gerstle to approve the agenda as presented, **SECONDED** by Ms. McReynolds,

Roll Call Vote:

Voting 'Aye': Mr. Tonander, Mr. Bohannon, Dr. Gerstle, Mr. Cooper, Ms. McReynolds, Dr. Elaksher, Ms. Nichols, Mr. Ney

The motion **PASSED unanimously.**

4. **Approval of Minutes**

a. **Minutes of December 3, 2021**

Mr. Tonander tabled this item until the next Full Board meeting due to the December 3, 2021 minutes not being available to the Board Members.

5. **Requested Public Comment/Correspondence**

Mr. Valdez informed the Board that there was no request for public comment or correspondence.

6. **Director's Report**

a. **Board Member Vacancies**

Mr. Valdez said he contacted the Governor's Office to check the status of any Board appointments, especially for the PSC. He was informed that they may have an appointment, but it may be another engineer appointment and they would contact him. He would follow-up the following week.

Mr. Tonander asked if an engineer would need to be on the PSC anytime they meet to have a quorum. Mr. Valdez said yes unless the Governor's Office appoints another surveyor member, this will need to be done, and added that Mr. Tonander sat in on the last PSC meeting.

Mr. Bohannon said he can volunteer for this task, along with other members as well.

Mr. Tonander stated that Mr. Valdez mentioned the appointment of another engineer and followed this by asking Mr. Valdez if there was a vacancy, or if Mr. Bohannon was being replaced.

Mr. Valdez informed the members of the Board that unfortunately one of them is going to be replaced, but he was unsure of who. From what we understood, they wanted to appoint a woman engineer

Mr. Bohannon stated that it was even more critical to have that working meeting if that was going to happen.

Mr. Valdez said he would send out a poll to set the meeting date.

Mr. Tonander agreed and said it may be prudent if they are 100% committed to appointing another engineer, that we ask they at least push that appointment out by some distance so we can have another meeting they can attend as a non-member to get some training out of it.

b. Financial Report

Ms. Herrera informed the Board that she prepared two financial reports, the budget projections report and a simplified budget summary report.

She reported for the Fiscal Year 2022, as of January 7th, the Board collected \$848,788.50 in revenue.

Ms. Herrera said, the FY22 budget amount in the salaries and benefits category was \$630,000.00 and expensed \$245,893.38, leaving a remaining balance of \$384,406.62.

She continued reporting, the contractual category budget amount was \$239,400.00, the expenditures are \$37,038.82, requisitions are \$134,999.94 and the purchase orders are \$67,031.43, which left a remaining balance of \$329.81.

Ms. Herrera reported, the other category budget amount was \$278,800.00, the expenditures are \$32,676.79, requisitions are \$110.00 and the purchase orders are \$30,919.91, which left a remaining balance of \$215,093.30.

She concluded by stating, the total budget amount was \$1,148,500.00, the expenditures are \$315,608.99, requisitions are \$135,207.85, and purchase orders are \$97,951.34, which leaves a total remaining balance of \$599,731.82.

Mr. Bohannon stated that the fund balance was increasing and suggested to Mr. Tonander that he assign a new committee to analyze the fee structures and to possibly reduce the fees. He also suggested to get two new Board members be a part of that committee so they can work with staff and understand the budget better.

Mr. Tonander was in agreement of assigning a new committee to review the budget and be trained but doesn't want to emphasize on changing the fees.

Mr. Ney and Mr. Bohannon have volunteered to be on the committee.

c. Licensing Status

Mr. Valdez gave the following licensing status report:

Renewals Generated on November 2, 2021 – Total Number: 5,057

Licenses placed on Expired Status on January 3, 2022 – Total Number: 781

Percentage renewed: 85% Total (PE: 84% ~ PS: 90% ~ PEPS: 100%)

In-State PE – 89.06%

In-State PS – 90.16%

In-State PEPS – 100%

Out-of-State PE – 82.95%
Out-of-state PS – 89.81%
Out-of-State PEPS – 100%

Monthly License Status

January 2022:

Number of Active Licenses: **9,342** as of January 7, 2022

Professional Engineers

- Number of active PEs: 8,826
 - In State: 1,929
 - Out of State: 6,897

Professional Surveyors:

- Number of active PSs: 503
 - In State: 213
 - Out of State: 290

Professional Engineers/Professional Surveyors

- Number of active PEPS: 13
 - In State: 11
 - Out of State: 2

**Of the number of engineers and surveyors listed above, these are individuals licensed as both engineers and surveyors with two separate license numbers (dual licensees).*

Licensing Status Report – January 14, 2022

- Licensees with two numbers = 44*
 - In State: 26
 - Out of State: 18

Mr. Valdez informed the Board that a reminder renewal notice was sent on January 4th and another one would be sent on February 1st to inform the licensees they can still renew with a penalty fee.

Mr. Valdez added that there has been good feedback from the Constant Contact notices, and it seems that the licensees are paying more attention to that than the emails the Board used to send out before.

Mr. Bohannon stated that he thought there was a 90-94% renewal range for PS licensees last year. Mr. Valdez believed this drop was due to the 781 licenses that were expired because in the November report there was 10,000 active licensees.

Mr. Bohannon asked how difficult it would be to send a specific email to the 781 expired licensees. Mr. Valdez stated that the Board office sends notices to those with expired licenses.

Dr. Gerstle suggested that Mr. Valdez create a chronological comparison of these numbers from year to year.

Mr. Valdez added that the amount of email bounces was contributed to factors such as licensees being out of the office, or the email address was undeliverable.

Mr. Valdez said the next option to ensure licensees receive their notice, would be to send a letter to notify them to renew their license.

7. Old Business

a. **NCEES Resolution of Cooperation**

Mr. Tonander reminded the members of the Board that the resolution of cooperation is a non-binding document. He said the resolution is merely asking the board to do what it already does, which is to review New Mexico's law and rules with respect to the NCEES Model Law and Model Rules for mobility. Mr. Tonander opened the floor for discussion.

Ms. McReynolds expressed that she is in favor of the document.

Mr. Ney also expressed that he was in favor of the document.

MOTION by Mr. Ney to approve the NCEES Resolution of Cooperation non-binding, **SECONDED** by Ms. Nichols,

Discussion: Mr. Bohannon expressed his support for the resolution and stated that the Board is bound by the Practice Act and changes would have to be done legislatively.

Roll Call Vote:

Voting 'Aye': Mr. Tonander, Mr. Bohannon, Dr. Gerstle, Mr. Cooper, Ms. McReynolds, Dr. Elaksher, Ms. Nichols, Mr. Ney

The motion **PASSED unanimously.**

b. **Emeritus Status Request**

Mr. Ney requested information regarding the emeritus status. Mr. Bohannon provided a brief description of the emeritus status and what it means.

- 1) **Chuck Cala, PS**
- 2) **Gilbert Chavez, PS**
- 3) **Glen Thurow, PS**

MOTION by Mr. Bohannon to grant Emeritus Status, **SECONDED** by Ms. McReynolds,

Roll Call Vote

Voting 'Aye': Mr. Tonander, Mr. Bohannon, Dr. Gerstle, Mr. Cooper, Ms. McReynolds, Dr. Elaksher, Ms. Nichols, Mr. Ney

The motion **PASSED unanimously**.

8. New Business

a. House Bill 18 - House Bill 18 – Professional Engineer Licensure Requirements

Mr. Valdez informed the Board House Bill 18 was introduced by Representative Miguel Garcia and it was initiated by an individual, Mr. Baros, who applied to take the PE exam, who was approved and passed the PE exam. He said, the individual has both a bachelor's and master's degree in engineering. Mr. Valdez explained that once Mr. Baros passed the exam he asked for licensure, but he was informed by staff that he did not have the years of experience as of yet. He reported that the staff informed Mr. Baros that if they went off his bachelor's degree he needed a few more months of experience until September, 2022, and if they went off his master's degree, he would not be eligible for licensure until 2023. Mr. Valdez informed the members that on page 3 of the bill allowed experience to be earned concurrent with the master's degree.

Mr. Tonander explained that Mr. Baros, was present at the PEC meeting, that Mr. Baros acknowledged the difference in the proposed language versus what he was trying to achieve. Mr. Tonander continued stating, while Mr. Baros believed this change was advantageous to the engineering community, he understood there are questions and concerns with the proposed language. Mr. Valdez said that Mr. Baros informed Representative Miguel Garcia that the Board will likely recommend tabling the bill until next year's legislative session. Mr. Valdez stated that Mr. Baros advised the PEC that he would like to work with the Board and other interested parties to draft proposed language that will better accomplish the intent he is trying to convey.

Dr. Gerstle commented that if you have a master's degree, three years' experience is required, rather than four. He added the problem is that the working experience clock stops during the time a master's degree is being acquired, which is quite a penalty for getting a master's degree. Dr. Gerstle said Mr. Baros has a good point.

Mr. Bohannon agreed and believed this should go to the rules committee to see what the position of the Board should be. Dr. Gerstle agreed and added that the committee should review the language and to clearly define what valid work experience is, in the Rules and the Act.

Mr. Tonander stated that this is a clear indication that active engagement in NCEES is important for the Board. He said if the Board were to make a change that is not recognized nationally, and with an increase in distance education, New Mexico licensees won't have mobility to other states because our rules and laws are slightly different than the NCEES Model Law and Model Rules. Mr. Tonander intends to ask the Board to propose something to NCEES Western Zone to work up some language pertaining to this issue. He added the Board could then take a second motion to NCEES to move forward as a Zone to make the change nationally.

Mr. Ney suggested further defining what is meant by engineering experience to ensure the applicants are earning real world engineering experience.

Mr. Bohannon stated that this is opening the Act, and if the Board intends on doing this by next year, this needs to be done by July in order to get through the legislative committees so it can be heard at the Legislature in January 2023.

b. Election of Officers

1) Board Chair

MOTION by Mr. Bohannon to nominate Mr. Tonander for Board Chair for the interim, **SECONDED** by Ms. Nichols,

Roll Call Vote:

Voting 'Aye': Mr. Tonander, Mr. Bohannon, Dr. Gerstle, Mr. Cooper, Ms. McReynolds, Dr. Elaksher, Ms. Nichols, Mr. Ney,

The motion **PASSED unanimously**.

2) Vice Chair (if necessary)

MOTION by Mr. Bohannon to nominate Ms. McReynolds for Vice Chair, **SECONDED** by Ms. Nichols,

Roll Call Vote:

Voting 'Aye': Mr. Tonander, Mr. Bohannon, Dr. Gerstle, Mr. Cooper, Ms. McReynolds, Dr. Elaksher, Ms. Nichols, Mr. Ney

The motion **PASSED unanimously**.

3) **Secretary (if necessary)**

MOTION by Mr. Bohannan to nominate Dr. Elaksher for Secretary,
SECONDED by Ms. Nichols,

Roll Call Vote:

Voting 'Aye': Mr. Tonander, Mr. Bohannan, Dr. Gerstle, Mr. Cooper,
Ms. McReynolds, Dr. Elaksher, Ms. Nichols, Mr. Ney

The motion **PASSED unanimously**.

9. **Committee Reports**

a. **PS Committee**

Mr. Cooper informed the Board that at the PSC meeting there was an Order to Show Cause on a case. He said the hearing was held to determine why the individual had failed to comply with the stipulated agreement. Mr. Cooper reported it was decided that the PSC Committee would review the facts and testimony before making a decision.

Mr. Cooper reported that the Committee discussed the CFEDs and the FAA Drone course as PDHs hours and the requirement to pass the exams. He said that after some discussion it was decided to table that permanently.

Mr. Cooper reported the Committee approved three applicants for reinstatement and five requests for retirement status (four were out-of-state and one was in-state). He reported two cases were closed.

Mr. Cooper concluded by saying there were two applications, one was approved but the other wasn't approved because the applicant didn't have enough experience in order for the PSC to approve his application.

b. **PE Committee**

Dr. Gerstle informed the Board that at the PEC meeting there were three guests, two of them talked about the rule changes to requirements for Professional Engineers 61-23-14.1. One of the guests, Adam Baros, discussed House Bill 18 – Professional Engineer Licensure Requirements.

Dr. Gerstle reported the Committee discussed petroleum and gas pipeline safety and which drawings need to be stamped. He suggested the item should be referred to the rules committee if there are still some lingering questions and how it relates to the industrial exemption.

Dr. Gerstle informed the Board that the PEC acknowledged the applications for recommended approval. He stated there were seven applicants for the PE Exam,

224 for PE endorsements, 50 of those were expedited, one additional discipline request, and 14 PE reinstatements.

Dr. Gerstle stated that the PEC reviewed disciplinary cases, closed six cases and some self-reporting cases.

Dr. Gerstle concluded reporting with a summary of the applications reviewed. He said there were the following applications one EI Certification, six PE Exams, one application for licensure, five PE endorsement, and one additional discipline. Dr. Gerstle noted there were three retirement requests and one inactive request.

Dr. Gerstle expressed his concern that the retirement rule should be reviewed by the rules committee regarding the requirement of being licensed for 10-years.

c. Executive Committee

Mr. Tonander stated there has not been an Executive Committee Meeting. However, being that an executive committee was decided on during this meeting, Mr. Tonander said he would reach out to Mr. Valdez and other members to schedule the meeting.

d. Joint Practice Committee

Mr. Bohannon informed the Board that there has not been a meeting of the committee.

e. Public Information, Exam and Licensure Promotion Committee

1) Newsletter

2) Presentations

Mr. Tonander asked if anyone would be interested in leading this committee and would like staff to work on this especially now that we are working with Constant Contact.

Mr. Tonander said that licensure promotion is in the form of presentations to outside organizations, and it isn't required to be a committee member.

Dr. Gerstle said he would like to lead this committee but would like staff support for the newsletter. Mr. Valdez informed the Board that Ms. Herrera will be the individual point of contact for the newsletter. Mr. Bohannon added that the newsletter should be the highest priority and what it takes to get to licensure should be in the newsletter and on the Boards website.

Dr. Gerstle agreed that promotion of licensure is important and suggested networking with the State Branch of NMSPE in recognizing some of the new PE licensees at one of their luncheon meetings.

Mr. Valdez stated that BLPEPS has participated in the ceremony of new licensees and have provided certificates. He will also be reaching out to the Universities to send out honors cords for spring semester graduates.

f. Rules and Regulations Policies, Advisories, and Legal Enforcement Committee

Mr. Tonander said he would stay on this committee, but he will be looking at the membership to ensure that enough new members are on this committee to warrant that information is being passed along.

Mr. Bohannan stressed the importance of this committee and strongly recommends that new members join this committee. He provided a brief background on the committee for the new members.

g. NCEES Committee Members

Mr. Valdez informed the Board that there was supposed to be an MBA meeting on February 4, 2022 in North Carolina. However, due to the rise in cases of the COVID-19 Omicron variant, this is now going to be a virtual meeting.

He reported that the MBA committee is reviewing the NCEES position statements because NCEES President, Brian Robertson has asked each committee to see if anything can be revised, eliminated or incorporated into an NCEES Model Law.

Mr. Tonander said that the UPLG committee is reviewing the position statements as well. The item that is of real interest right now is a surveying issue that was presented last year at NCEES, which is a motion to remove the language 'experience in field and office' to make it more accessible to those with disabilities. This received a lot of push back and ended up back in the national meeting. There is a push to remove it and he has offered some alternative language to satisfy both parties.

Mr. Cooper said he had a great deal of difficulty thinking that anybody can get adequate boundary surveying experience without actually visiting the field. It is a job that requires hands on experience and feels it is mandatory.

h. Penalties and Fees Committee

Mr. Valdez made note that there is a standing Penalties and Fees Committee with its members being Mr. Tonander, Mr. Cooper and Mr. Ney. Staff will be sure to add it to the agenda for the next meeting.

10. Next Scheduled Meeting Date:

- a. February 4, 2022 – Rule Hearing/Full Board Meeting – Virtual
- b. April 8, 2022- Ruidoso or Virtual public meeting

11. Adjourn

Meeting adjourned at 10:58 a.m.

Submitted by:

Isaac Maes, Executive Assistant