

DRAFT MINUTES

**SPECIAL MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held
9:00 a.m., Friday, February 18, 2022,
Virtual/Telephonic Meeting**

Members Present- Dr. Walter Gerstle, PE, Committee Chair
Karl Tonander, PE
Dr. Ahmed Elaksher, PEPS
Karen Nichols, Public Member
Ron Bohannon, PE

Members Absent- Stephen Ney, PE

Others Present- Perry Valdez, BLPEPS, Executive Director
Miranda Gonzales, Administrative Manager
Angelica Urioste, Compliance Officer
Dominique Trujillo, Licensing Administrator
Isaac Maes, Executive Assistant
Valerie Joe, Legal Counsel
Joe Barela, PE, Board Investigator
Gary Horner

1. Convene, Roll Call and Introduction of Audience

Dr. Gerstle read the meeting script regarding the virtual meeting protocols. He convened the meeting at 9:00 a.m. Roll call was taken and a quorum was noted. Audience introductions made at this time.

2. Meeting Notification

Mr. Valdez informed the Committee the meeting was noticed on the Board's website, as well as, outside the Board office.

3. Approval of Agenda

MOTION by Ms. Nichols to approve the agenda as presented, **SECONDED** by Mr. Bohannon,

Roll Call Vote

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

The motion **PASSED unanimously.**

4. **Approval of Minutes**

a. **Minutes of January 13, 2022**

Dr. Gerstle tabled this item as these minutes were not provided in the Committee members meeting packet.

5. **Requested Public Comment/Correspondence**

a. **Horner, G. – Medical Exemption Request**

Mr. Horner informed the Committee that he received two letters dated February 3rd 2022 that stated his PE license was expired and in order to renew, he would need to pay a penalty fee. He stated he was not aware his license had expired because he was in the hospital due to suffering a stroke. Mr. Horner said that he had 15 PDH hours of carry over, but that he was currently unable to complete the other required 15 PDH hours for his renewal due to computer hardware issues.

Mr. Horner requested, that due to his circumstances, the Committee waive the renewal penalty fee and allow him to pay the normal renewal fee. In addition, Mr. Horner requested that the required 15 PDH hours be waived as well.

Dr. Gerstle thanked Mr. Horner for informing the Committee of his situation and stated this matter would be discussed in more detail in executive session as it was on the agenda.

b. **Reiser, W. - Public comment on 16.39.1.17 F**

Mr. Valdez shared an email from Mr. Reiser. He explained the email was submitted after the rules hearing. Mr. Valdez said Mr. Reiser also provided his engineering background.

Dr. Gerstle said that Mr. Reiser stated the engineering profession has changed over the span of six years. He added that Mr. Reiser is questioning the removal of the requirement for someone who has been on inactive status for six or more years be required to re-take the principles and practice of engineering (PE) exam.

Mr. Valdez added that Mr. Reiser is asking the Board to consider a middle ground for those in practicing structural engineering, since structural codes change and those changes may be lost on someone coming out of inactive or retired status.

Mr. Valdez said that although the rules hearing and voting already occurred, this is something the Committee could look into for the next rule changes. Dr. Gerstle said the rules committee should take this into consideration.

6. **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. Bohannan,

Roll call vote taken, voting 'Yes': Dr. Gerstle, Dr. Ahmed Elaksher, Mr. Tonander, Ms. Nichols, Mr. Bohannan

7. **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) **Case 1-PE-05-18-2020 – Complaint Manager’s Report**

Dr. Gerstle tabled this item to allow for more information to be gathered.

2) **Case 7-PE-02-27-2020**

MOTION by Mr. Tonander to acknowledge receipt and take no further action, **SECONDED** by Dr. Elaksher,

Roll Call Vote:

Voting 'Aye': Dr. Gerstle, Mr. Tonander, Dr. Elaksher, Ms. Nichols

The motion **PASSED unanimously.**

Mr. Bohannan exited the meeting at 11:00 A.M.

Mr. Bohannan rejoined the meeting at 11:36 A.M.

b. **Application for Review**

1) **PE Exam**

a) **Ali, A.**

MOTION by Mr. Bohannan to approve the applicant to bypass the FE Exam and approve for licensure in the Civil discipline, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b) Arauz Perez, R. – Reconsideration.

MOTION by Mr. Bohannon to approve the applicant to take the PE exam, **SECONDED** by Dr. Elaksher,

Roll Call Vote:

Voting ‘Aye’: Dr. Gerstle, Mr. Bohannon, Dr. Elaksher, Ms. Nichols

Voting ‘Nay’: Mr. Tonander,

The motion **PASSED**.

c) Ganesan, S. – Reconsideration

MOTION by Mr. Bohannon to approve the applicant to take the PE exam, **SECONDED** by Mr. Tonander,

Roll Call Vote:

Voting ‘Aye’: Dr. Gerstle, Mr. Tonander, Mr. Bohannon, Dr. Elaksher, Ms. Nichols

The motion **PASSED unanimously**.

d) Jenkins, S. – Reconsideration

MOTION by Ms. Nichols to approve the applicant to take the PE exam, **SECONDED** by Mr. Bohannon,

Roll Call Vote:

Voting ‘Aye’: Dr. Gerstle, Mr. Tonander, Mr. Bohannon, Dr. Elaksher, Ms. Nichols

The motion **PASSED unanimously**.

e) Lujan, R.

MOTION by Mr. Bohannon to not approve the applicant to take the PE exam due to a lack of experience, **SECONDED** by Mr. Tonander,

Roll Call Vote:

Voting ‘Aye’: Dr. Gerstle, Mr. Tonander, Mr. Bohannon, Dr. Elaksher, Ms. Nichols

The motion **PASSED unanimously**.

f) **Tagaban, D.**

Dr. Gerstle tabled this item and requested additional documentation of design experience.

2) **PE Endorsement**

a) **Fierro-Stevens, R.**

MOTION by Dr. Elaksher to approve the applicant for PE endorsement in Structural engineering, **SECONDED** by Mr. Bohannan,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b) **Gould, A.**

MOTION by Dr. Elaksher to approve applicant to bypass the FE Exam and approve for licensure in Electrical engineering, **SECONDED** by Mr. Bohannan,

Roll Call Vote:

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

The motion **PASSED unanimously.**

c) **Zaidi, F. - Reconsideration**

MOTION by Dr. Elaksher to approve the applicant for PE endorsement in Electrical engineering, **SECONDED** by Mr. Bohannan,

Roll Call Vote:

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

The motion **PASSED unanimously.**

3) **Renewal Requests**

a) **Horner, G.**

MOTION by Mr. Tonander to grant inactive status, **SECONDED** by Ms. Nichols,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b) **Medcalf, B.**

Dr. Gerstle tabled this item to request additional information.

c) **Palau, J.**

MOTION by Ms. Nichols to not approve the request for waiver of the penalty renewal fee, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

d) **Potter, F.**

MOTION by Ms. Nichols to not approve the request for waiver of the penalty renewal fee, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

8. **Next Scheduled Meeting Date:**

- a. April 7, 2022 – Ruidoso/Virtual

9. **Adjourn**

Meeting adjourned at 11:46a.m.

Submitted by:

Isaac Maes, Executive Assistant